

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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Committee on Subsidies and
Countervailing Measures

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DEFINITION OF "INDUSTRY" CONCERNING WINE AND GRAPE PRODUCTS CONTAINED IN THE UNITED STATES TRADE AND TARIFF ACT OF 1984

Request for the Establishment of a Panel Pursuant to Article 17:3 of the Agreement

The following communication, dated 23 January 1985, has been received from the European Communities.

On 6 December 1984, the Committee on Subsidies and Countervailing Measures held a special meeting pursuant to Article 16 (1) of the Subsidies Code (hereinafter the "Agreement") in order to consult on the definition of "industry" concerning Wine and Grape products contained in Section 612 (a) (1) of the United States Trade and Tariff Act of 1984. Since these consultations did not result in a mutually agreed solution, the Community, at the end of that meeting, referred the matter to the Committee for conciliation under Article 17 of the Agreement. The Committee met again, therefore, on 7 January 1985 for conciliation of the matter. This conciliation failed to resolve the matter.

The Community requests, therefore, pursuant to Article 17 (3) of the Agreement, that a special meeting of the Committee be convened as soon as possible for the purpose of the establishment of a Panel.

The Community suggests, that the matter to be referred to the Panel should be: "Is it in conformity with Article 6 (5) and other relevant provisions of the Agreement, to apply a definition of the term "industry" which, in the case of a countervailing investigation concerning imports of Wine and Grape products, includes the producers of the principal raw agricultural product which is incorporated in the like domestic product? The Panel shall present to the Committee its findings concerning the rights and obligations of the Signatories party to the dispute under the relevant provisions of the General Agreement as interpreted and applied by this Agreement."

The Community attaches importance to the fact that the Panel be established as soon as possible and that it delivers its findings within 60 days period provided for in Article 18 (2) of the Agreement.