

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

SCM/77

17 October 1986

Special Distribution

Committee on Subsidies and  
Countervailing Measures

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## REQUEST FOR THE ESTABLISHMENT OF A PANEL PURSUANT TO ARTICLE 17:3 OF THE AGREEMENT

### Communication from the EEC

The following communication, dated 10 October 1986, has been received from the Commission of the European Communities.

At the request of the European Community the Committee on Subsidies and Countervailing Measures held a special meeting on 1 August 1986 for the purposes of conciliation under Article 17 of the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade regarding the standing of the petitioners and the definition of industry in the recently concluded countervailing duty proceeding brought against Community exports of boneless manufacturing beef to Canada.

At the meeting the Community's spokesman stated that he was looking forward to any proposals Canada might want to make in the context of the conciliation procedure. In the course of subsequent bilateral consultations held with the Canadian authorities the Commission requested that such proposals should be advanced before the end of September 1986. No proposals were received by the Commission by this date.

The Community concludes that the conciliation process has failed to resolve the matter in dispute and therefore requests, pursuant to Article 17:3 of the Agreement, that a special meeting of the Committee be convened as soon as possible for the establishment of a Panel.

The Community suggests that the matters to be referred to the Panel should be as follows:

"To review the facts of the matters referred to the Committee by the European Community in SCM/75 relating to the standing of the petitioners and the definition of industry employed by the Canadian authorities in the recently concluded duty case against Community exports of boneless manufacturing beef to Canada and, in the light of such facts, present to the Committee its findings concerning the rights and obligations of the signatories party to the dispute under the

General Agreement as interpreted and applied by the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade."

The Community reiterates that its request for a Panel to address certain specific points of principle is made without prejudice to its view that the Canadian authorities have erred in applying other provisions of the Code in this case. The Community reserves its right to raise these issues on an appropriate occasion before the Committee.