
COUNCIL

UNITED STATES - CUSTOMS USER FEE

Recourse to Article XXIII:2 by Canada and
by the European Economic Community
Note by the Chairman

1. At its meeting on 4 March 1987, the Council "agreed to establish a panel, and authorized the Council Chairman to draw up the terms of reference and to designate the Chairman and members of the Panel in consultation with the parties and with interested delegations." (C/M/207)

2. The terms of reference for the Panel are:

"To examine, in the light of the relevant GATT provisions, the matters referred to the CONTRACTING PARTIES by

- (a) Canada in document L/6130;
- (b) the European Economic Community in document L/6131;

and to make such findings as will assist the CONTRACTING PARTIES in making the recommendations or in giving the rulings provided for in Article XXIII:2."

3. The following is an understanding among the parties on the organization of the Panel's work:

"(i) The Panel will organize its examination and present its findings to the Council in such a way that the procedural rights which the parties to the dispute would have enjoyed if separate panels had examined the complaints are in no way impaired. If one of the complainants so requests the Panel will submit a separate report on the complaint of that party.

"(ii) The written submissions by each of the complainants will be made available to the other complainant and each complainant will have the right to be present when the other complainant presents its views to the Panel.

"(iii) The Panel will invite contracting parties having expressed an interest in this matter at the Council to present their views to the Panel."

4. The composition of the Panel is as follows:

Chairman: Mr. F.P. Donovan

Members: Mr. R.E. Hudec
Mr. E.O. Rosseli