

UNITED STATES - RESTRICTIONS ON IMPORTS OF TUNA

Recourse to Article XXIII:2 by the European Communities
and the Kingdom of the Netherlands on behalf of the Netherlands Antilles

Note by the Chairman of the Council

1. At its meeting on 14 July 1992 the Council agreed to establish a panel with standard terms of reference to examine under Article XXIII:2 the complaint by the European Communities (DS29/2) and the Netherlands on behalf of the Netherlands Antilles (DS29/3) against the United States concerning restrictions on imports of tuna.

2. On 6 August 1992 the European Communities requested the Director-General to compose the panel by virtue of paragraph F(c)5 of the Decision of the CONTRACTING PARTIES of 12 April 1989 concerning Improvements to the GATT Dispute Settlement Rules and Procedures (BISD 36S/61). This paragraph provides:

"If there is no agreement on the members within twenty days from the establishment of a panel, at the request of either party, the Director-General, in consultation with the Chairman of the Council, shall form the panel by appointing the panelists whom he considers most appropriate, after consulting both parties. The Director-General shall inform the contracting parties of the composition of the panel thus formed no later than ten days from the date he receives such a request."

The Director-General has accordingly composed the panel as follows:

Chairman: Mr. George A. Maciel
Members: Mr. Winfried Lang
 Mr. Alan Oxley