

EEC - MEMBER STATES' IMPORT REGIMES FOR BANANAS

Recourse to Article XXIII:2 by Colombia, Costa Rica
Guatemala, Nicaragua and Venezuela

Note by the Chairman of the Council

1. At its meeting on 9-10 February 1993 the Council established a panel in accordance with paragraph 5 of the 1966 Decision on the Procedures under Article XXIII (BISD 14S/18). The Panel has standard terms of reference as follows:

"To examine, in the light of the relevant GATT provisions, the matter referred to the CONTRACTING PARTIES by Colombia, Costa Rica, Guatemala, Nicaragua and Venezuela in document DS32/9 and to make such findings as will assist the CONTRACTING PARTIES in making the recommendations or in giving the rulings provided for in Article XIII:2."

2. On 2 March 1993 Colombia, Costa Rica, Guatemala, Nicaragua and Venezuela 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 decided on the following composition of the Panel:

Chairman: Mr. Indraprasad G. Patel
Members: Mrs. Naoko Saiki
Mr. Peter Hamilton