The following communication, dated 10 March 1994, has been received from the Permanent Mission of Venezuela with the request that the matter be inscribed on the Agenda of the Council meeting on 23 March 1994.

As explained in document DS47/1 and in the meeting of the Council of Representatives on 24 January 1994, the United States Environmental Protection Agency (EPA) adopted on 15 December 1993 a final decision with respect to the "Regulation of Fuels and Fuel Additives - Standards for Reformulated and Conventional Gasoline" (the "Gasoline Regulation"),1 which favours gasoline produced in the United States and certain imported gasoline, to the detriment of Venezuelan gasoline exports.

Taking into account the inconsistency of the Gasoline Regulation with the United States' obligations under the GATT (in particular, but not only, the obligations deriving from Articles III, I, VIII and XI of the General Agreement), the fact that the Gasoline Regulation nullifies or impairs Venezuela's benefits under the General Agreement, and the negative impact of the Gasoline Regulation on Venezuelan exports of this product, on 14 January 1994 the Government of Venezuela requested the formal commencement of consultations with the Government of the United States on this matter under Article XXII:1.

By mutual agreement, these consultations were held on 11 February 1994. In this meeting, Venezuela delivered a statement setting out the principal violations of the General Agreement to which the Gasoline Regulation gives rise, and submitted a number of questions in this respect. The United States also asked Venezuela three questions concerning the statement. Both parties exchanged their respective responses in writing on 1 March 1994. Nevertheless, the result of the consultations was considered unsatisfactory for the resolution of the situation thus raised, particularly since the Government of the United States did not succeed in justifying the measures in question.

It was also agreed at the meeting on 11 February that the parties would consider the possibility of meeting once again following the exchange of responses. Nevertheless, the United States orally requested an indefinite postponement of the following meeting, with a view to pursuing the domestic debate on the matter.

In view of the fact that the deadline for inscribing this item on the Agenda of the meeting of the Council of Representatives is 6 p.m. on 10 March 1994, and since a second consultation meeting is not due to be held until 14 March 1994, the date on which the 60-day period established in paragraph C2 of the Decision of 12 April 1989 relating to Improvements to the GATT Dispute Settlement Rules and Procedures ("1989 Decision") expires, the Government of Venezuela considers it appropriate as a precautionary measure to request the inclusion of this item on the Agenda of the meeting of the Council of Representatives to be held on 23-24 March. In this way it will be able to inform the Council of the result of the consultations and, should they fail to produce a positive result, to request the establishment of a panel on this matter under Article XXIII:2 and in accordance with the procedures established in the 1989 Decision.

The purpose of the panel would be to examine the incompatibility of the Gasoline Regulation with the provisions of Articles III, I, VIII and XI of the General Agreement, the nullification and impairment of the benefits derived by Venezuela under the General Agreement and any other effect that the Gasoline Regulation may have on Venezuela's exports to the United States.