INFORMATION TO BE SUPPLIED BY URUGUAY

AND THE OTHER PARTIES CONCERNED

Note by the Chairman of the Panel

1. The Chairman had an opportunity of consulting Members of the Panel on the manner in which its business should be conducted. In the light of this consultation the Chairman wishes to advise the contracting parties concerned on the following points.

2. At the Council meeting the Uruguayan delegation had indicated that pertinent information would be submitted as might be requested (C/M/9 and C/W/33). In view of the fact that the Panel will find it extremely difficult to sit in prolonged sessions, it would be useful if as much such pertinent information as possible could be supplied in advance in writing.

3. In the light of the CONTRACTING PARTIES' past experience in dealing with cases under Article XXIII, the following information appears to be in any case indispensable:

(a) The Uruguayan statement in C/W/33 contains, in paragraph 10, a list of fifteen countries to which representations have been made under paragraph 1 of Article XXIII, and it is understood that Article XXIII:2 action has been initiated against all of them. In case there has been any change in the list, the Panel should of course be advised by Uruguay.

(b) The Uruguayan delegation has referred to the chart of restrictions in L/1662 which affect Uruguay's exports. It is not clear whether all the measures mentioned therein are the subject of the Uruguayan representations. Uruguay should specify, with respect of each of the contracting parties against which Article XXIII:2 action is maintained, which particular restrictions applying to which particular products constitute the subject of such action.

(c) For purposes of the Panel it is necessary to know in what manner benefits accruing to Uruguay under the Agreement are considered by it as being nullified or impaired. Uruguay may find it useful to substantiate its cases by reference not only to the size of its exports, but also to its production or productive capacity in the products in question.
(d) In regard to each case, Uruguay should indicate whether, in its view, the impairment or nullification resulted from a situation described in (a), (b) or (c) of paragraph 1 of Article XXIII; and in this connection whether the measures in question, in the Uruguayan view, are or are not consistent with the provisions of the Agreement.

(e) Uruguay has stated that in all these cases it has taken action pursuant to paragraph 1 of Article XXIII. Uruguay should be asked to supply the Panel with details of the representations or proposals which it has made to each of the contracting parties concerned, and the result or outcome of such representations or proposals. It would be useful if the Panel could be supplied with an agreed record of such "consultations" under paragraph 1.

4. In view of the large number of cases involved and the desirability of facilitating the Panel's proceedings, the Uruguayan delegation is expected to present its cases in as concrete, definite and clear terms as possible, supported, where appropriate, by meaningful statistical evidence. The Panel can be taken to have fully acquainted itself with the general arguments contained in the existing documents and records of the CONTRACTING PARTIES.

5. All such data, as soon as they are received from Uruguay, will be circulated to members of the Panel and forwarded to the other contracting parties concerned. The latter should be requested to submit any written comments which they may wish the Panel to have and should state whether they are in a position to take any action to meet the representations by Uruguay. Such contracting parties should also be requested to submit comments on the statistical information supplied by Uruguay and to supply any additional statistics which would be helpful to the Panel.

6. The secretariat should assist in clarifying any points of fact which might arise from the written submissions made by the parties concerned.

7. The Panel will be convened to proceed in accordance with the terms of reference, as soon as the Chairman judges that material available is adequate to warrant the commencement of formal meetings. The Panel will meet first with the two parties concerned in each case to hear oral amplification of the material supplied in written form, to ask questions and to discuss the information thus provided. The Panel will subsequently meet alone to consider what findings and suggestions should be made. The latter will be shown to the parties concerned before they are finalized.