

# WORLD TRADE ORGANIZATION

RESTRICTED

**WT/DS4/3**

4 July 1995

(95-1820)

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## UNITED STATES - STANDARDS FOR REFORMULATED AND CONVENTIONAL GASOLINE

### Panel Established at the Request of Brazil

#### Note by the Secretariat

1. On 10 April 1995 (WT/DSB/M/4), the Dispute Settlement Body (DSB) established a panel pursuant to the request made by Venezuela (WT/DS2/2, United States - Standards for Reformulated and Conventional Gasoline, requested by Venezuela).
2. On 19 June 1995 (WT/DSB/M/5), the DSB established a panel pursuant to the request made by Brazil (WT/DS4/2, United States - Standards for Reformulated and Conventional Gasoline, requested by Brazil).
3. On 19 June 1995 (WT/DSB/M/5), pursuant to Article 9 of the DSU in respect of multiple complaints, all parties agreed that for practical reasons the latter dispute be examined by the same Panel already established at the request of Venezuela on 10 April 1995 (WT/DSB/M/4).
4. Parties also agreed that the date of constitution of the panel specified in document WT/DS2/3, namely 28 April 1995, would remain unchanged (WT/DSB/M/5).
5. Due to the additional task given to the initial panel, the DSB decided that the new terms of reference of the panel would be:

"To examine, in the light of the relevant provisions of the covered agreements cited by Venezuela in document WT/DS2/2 and by Brazil in document WT/DS4/2, the matters referred to the DSB by Venezuela and Brazil in those documents and to make such findings as will assist the DSB in making the recommendations or in giving the rulings provided for in those agreements".
6. The Chairman of the DSB also recalled that Article 9.2 of the DSU required, in that context, that "rights which the parties to the dispute would have enjoyed had separate panels examined the complaints are in no way impaired".