

Original: English

EUROPEAN COMMUNITIES - DUTIES ON IMPORTS OF GRAINS

Communication from the European Communities

The following communication, dated 30 November 1996, from the Permanent Delegation of the European Commission to the Dispute Settlement Body is circulated at the request of that delegation.

I am writing in the context of the request submitted by the United States of America for the establishment of a panel on "European Communities - Duties on Imports of Grains" (WT/DS13/2) which is proposed to be included in the agenda of the next meeting of the Dispute Settlement Body on 3 December 1996.

The dispute which was the object of the above-mentioned request for the establishment of a panel (WT/DS13/2 of 29 September 1995) was solved by mutual agreement through an exchange of letters¹ on a settlement for cereals and rice signed by the European Communities on 30 December 1995 and by the United States on 22 July 1996.

Paragraph 4 of the exchange of letters provides the following: "The United States shall withdraw its current request (November 1995) for the establishment of a WTO dispute settlement panel on the European Community's import regime for rice and cereals. The United States shall not reintroduce such request, provided that there is effective implementation of the provisions of this Agreement". This Agreement was notified to the WTO by a joint letter dated 22 July 1996¹ in the framework of the conclusion of negotiations under Article XXIV:6 of GATT 1994. In a further exchange of letters dated 22 July 1996 signed by Messrs. Jeffrey M. Lang of the United States and H.G. Beseler of the European Communities, it was expressly stated: "I further wish to confirm our agreement that the agreement signed today for conclusion of negotiations under Article XXIV:6 as well as the exchange of letters signed on 30 December 1995 and today on a settlement for cereals and rice, both enter into force today with effect from 30 December 1995". This second exchange of letters was also notified to the WTO by the joint letter dated 22 July 1996¹.

The request for the establishment of a panel of 29 September 1995 (WT/DS13/2) has therefore been withdrawn and such withdrawal notified on 22 July 1996 to the WTO.

The European Community considers furthermore that the fundamental elements of the settlement on cereals and rice are working satisfactorily, and that any remaining problems are being addressed and are capable of resolution, in discussion or consultation with the United States as appropriate.

In light of the above, the EC considers that the present request to insert the item on the agenda is neither appropriate nor in conformity with the rules of procedure. The point should not be placed on the agenda of the meeting of 3 December 1996 to allow further discussions and consultations to take place.

I request that this letter and its attachments, which were properly notified to the WTO on 22 July 1996, be circulated to all Members of the World Trade Organization in advance of the meeting on 3 December 1996.

¹These letters may be consulted in Office 2140.