

WORLD TRADE ORGANIZATION

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UNITED STATES - CERTAIN MEASURES AFFECTING THE IMPORT OF CATTLE, SWINE AND GRAIN FROM CANADA

Request for Consultations from Canada

The following communication, dated 25 September 1998, from the Permanent Mission of Canada to the Permanent Mission of the United States and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

The Government of Canada requests consultations with the Government of the United States pursuant to Article XXIII of the General Agreement on Tariffs and Trade 1994, Article 11 of the Agreement on the Application of Sanitary and Phytosanitary Measures, Article 14 of the Agreement on Technical Barriers to Trade, Article 19 of the Agreement on Agriculture, and Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes, regarding certain measures imposed by South Dakota and other States prohibiting entry or transit to Canadian trucks carrying cattle, swine and grain.

These measures adversely affect the importation into the United States of cattle, swine and grain originating in Canada. The Government of Canada is of the view that these measures are inconsistent with the obligations of the United States under the Agreement on the Application of Sanitary and Phytosanitary Measures, the Agreement on Technical Barriers to Trade and the General Agreement on Tariffs and Trade 1994. The provisions of these agreements with which these measures are inconsistent include, but are not limited to, the following:

- (i) Agreement on the Application of Sanitary and Phytosanitary Measures, Articles 2, 3, 4, 5, 6, 13 and Annexes B and C;
- (ii) Agreement on Technical Barriers to Trade, Articles 2, 3, 5 and 7;
- (iii) Agreement on Agriculture, Article 4;
- (iv) General Agreement on Tariffs and Trade 1994, Articles I, III, V, XI, and XXIV:12.

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The Government of Canada is of the view that these measures nullify or impair the benefits accruing to Canada directly or indirectly under the cited Agreements, regardless of whether violations of these Agreements occurred.

In accordance with Article 4.8 of the Understanding on Rules and Procedures Governing the Settlement of Disputes, the Government of Canada requests consultations with the Government of the United States to discuss this matter with the intention of reaching a satisfactory result. In view of the perishable nature of the goods in question, the Government of Canada welcomes any suggestions the Government of the United States may wish to make concerning dates on which the consultations could take place within ten days from the date of receipt of this request.
