

AUSTRALIA - MEASURES AFFECTING IMPORTATION OF SALMON

Surveillance of Implementation of Recommendations and Rulings

Request for Arbitration by Canada

The following communication from the Permanent Mission of Canada to the Chairman of the Dispute Settlement Body, dated 24 December 1998, is circulated at the request of that delegation.

On 6 November 1998, the Dispute Settlement Body adopted the recommendations of the Appellate Body in its report on "Australia - Measures Affecting Importation of Salmon", to request Australia to "bring its measure found in this Report, and in the Panel Report as modified by this Report, to be inconsistent with the SPS Agreement, into conformity with its obligations under that Agreement". At the DSB meeting of 25 November 1998, Australia stated that it would require a "reasonable period of time" to implement these recommendations and rulings, and that it would consult with Canada to determine a mutually agreed period of time. In subsequent discussions, Canada and Australia - the parties to the dispute - were unable to agree on the length of such a period.

As a result, Canada requests that the "reasonable period of time" be determined through binding arbitration pursuant to Article 21.3(c) of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) within 90 days after the date of adoption of the recommendations and rulings (i.e. on or before 4 February 1999).

Canada looks forward to discussing the choice of arbitrator with Australia under the auspices of the Secretariat. Given the holiday season, Canada is willing to extend to 8 January 1999 the ten-day time period established by footnote 12 to the DSU for the parties to seek agreement on an arbitrator, provided that the 90-day time period for the determination of the reasonable period of time by arbitration is observed.
