

Original: English

UNITED STATES - MEASURES AFFECTING IMPORTS OF
POULTRY PRODUCTS

Request for Consultations by the European Communities

The following communication, dated 18 August 1997, from the Permanent Delegation of the European Commission to the Permanent Mission of the United States and to the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

The European Community requests consultations with the United States of America pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), Article XXIII of the General Agreement on Tariffs and Trade 1994, Article 11 of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS), Article 14 of the Agreement on Technical Barriers to Trade (TBT) concerning the ban on imports of poultry and poultry products from the European Community communicated by Mr. John Prucha of USDA's Food Safety Inspection Service in a letter dated 5 May 1997, as well as any related measures.

The above-mentioned letter states that "poultry and poultry products produced in the EC after April 30 1997 will not be eligible for entry into the United States until the United States is able to obtain additional assurances of product safety". The letter does not indicate the grounds upon which EC poultry and poultry products have suddenly become ineligible for entry into the US market. The ban appears to be inconsistent with the obligations of the United States of America under the GATT 1994, the SPS Agreement and the TBT Agreement, more specifically including but not limited to the obligations envisaged in:

- Articles I, III, X, XI of the GATT 1994;
- Articles 2, 3, 4, 5, 8, Annex C of the SPS Agreement; or
- Article 2 and 5 of the TBT Agreement.

I look forward to receiving your reply to the European Community's request and to setting a mutually convenient date for the consultations.