

JAPAN – MEASURES AFFECTING THE IMPORTATION OF APPLES

Request for Consultations by the United States

The following communication, dated 1 March 2002, from the Permanent Mission of the United States to the Permanent Mission of Japan and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

My authorities have instructed me to request consultations with the Government of Japan pursuant to Articles 1 and 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 (GATT 1994), Article 11 of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and Article 19 of the Agreement on Agriculture, with respect to restrictions imposed by Japan on imports of apples from the United States.

Since 1994, Japan has imposed quarantine restrictions on US apples imported into Japan to protect against the introduction of fire blight (*Erwinia amylovora*). These restrictions include, *inter alia*, the prohibition of imported apples from orchards in which any fire blight is detected, the requirement that export orchards be inspected three times yearly for the presence of fire blight, the disqualification of any orchard from exporting to Japan should fire blight be detected within a 500 metre buffer zone surrounding such orchard, and a post-harvest treatment of exported apples with chlorine. Japan appears to maintain these restrictions through Ministry of Agriculture, Forestry and Fisheries Notification No. 1184, dated 22 August 1994, and related detailed rules and regulations.

Japan's measures appear to be inconsistent with the obligations of Japan under Article XI of GATT 1994, Articles 2.2, 2.3, 5.1, 5.2, 5.3, 5.6, 6.1, 6.2 and 7 and Annex B of the SPS Agreement, and Article 14 of the Agreement on Agriculture. Japan's measures also appear to nullify or impair the benefits accruing to the United States directly or indirectly under the cited agreements.

We look forward to receiving your reply to the present request and to fixing a mutually convenient date for consultations.
