

WORLD TRADE
ORGANIZATION

RESTRICTED

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KOREA - MEASURES CONCERNING THE BOTTLED WATER

Request for consultations by Canada

The following communication, dated 8 November 1995, from the Permanent Mission of Canada to the Permanent Mission of the Republic of Korea, is circulated at the request of the Permanent Mission of Canada in accordance with Article 4:4 of the DSU.

The Government of Canada requests consultations with the Government of the Republic of Korea pursuant to Article XXII of the General Agreement on Tariffs and Trade 1994, Article 11 of the Agreement on the Application of Sanitary and Phytosanitary Measures, and Article 14 of the Agreement on Technical Barriers to Trade, regarding certain laws and regulations of the Republic of Korea concerning bottled water. These laws and regulations include, but are not limited to, the Drinking Water Management Law and the Public Notice on Standards, Specifications and Labelling Criteria of Bottled Water (No. 1995-43).

Two provisions of the Public Notice on Standards, Specifications and Labelling Criteria of Bottled Water are of particular concern to Canada. Article 8 establishes that the shelf-life of bottle water is 6 months from its production date. Article 3 provides that physical water treatments, such as precipitation, filtration, aeration and ultraviolet disinfection are permitted, but any use of chemical treatment is prohibited. Officials of the Republic of Korea have informed Canadian officials that disinfection by ozonation is a prohibited chemical treatment.

The Government of Canada is of the view that these laws and regulations are inconsistent with the obligations of the Republic of Korea under the Agreement on the Application of Sanitary and Phytosanitary Measures, the General Agreement on Tariffs and Trade 1994 and the Agreement on Technical Barriers to Trade. The provisions of these agreements with which these laws and regulations are inconsistent include, but are not limited to, the following:

- (i) Agreement on the Application of Sanitary and Phytosanitary Measures, Articles 2 and 5;
- (ii) General Agreement on Tariffs and Trade 1994, Article III and Article XI; and
- (iii) Agreement on Technical Barriers to Trade, Article 2.

The Government of Canada is of the further view that these laws and regulations nullify or impair the benefits accruing to Canada directly or indirectly under the cited agreements.

In accordance with Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes, the Government of Canada requests consultations with the Government of the Republic of Korea to discuss this matter with the intention of reaching a mutually satisfactory result. The Government of Canada welcomes any suggestions the Government of the Republic of Korea may wish to make concerning dates on which the consultations could take place within thirty days from the date of receipt of this request.