

AUSTRALIA - MEASURES AFFECTING IMPORTATION OF SALMON

Request for Consultations by Canada

The following communication, dated 5 October 1995, from the Permanent Mission of Canada to the Permanent Mission of Australia, 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 Australia pursuant to Article XXIII:1 of the General Agreement on Tariffs and Trade 1994 and Article 11.1 of the Agreement on the Application of Sanitary and Phytosanitary Measures, regarding the Government of Australia's prohibition on the importation of salmon from Canada.

Australia prohibits the importation of untreated fresh, chilled or frozen salmon from Canada under the Quarantine Proclamation No. 86A, dated 19 February 1975. The Government of Canada is of the view that the application of this import prohibition is inconsistent with the obligations of the Government of Australia under the General Agreement on Tariffs and Trade 1994 and the Agreement on the Application of Sanitary and Phytosanitary Measures. The provisions of these Agreements with which the import prohibition is inconsistent include, but are not limited to:

- (i) Articles XI and XIII of the General Agreement on Tariffs and Trade 1994; and
- (ii) Articles 2 and 5 of the Agreement on the Application of Sanitary and Phytosanitary Measures.

The import prohibition nullifies or impairs benefits accruing to Canada under the Marrakesh Agreement Establishing the World Trade Organization.

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 Australia to discuss this matter with a view to reaching a mutually satisfactory solution. The Government of Canada welcomes any suggestions the Government of Australia may wish to make concerning dates for the consultations.