

Original: English

**KOREA – MEASURES AFFECTING THE IMPORTATION OF BOVINE MEAT
AND MEAT PRODUCTS FROM CANADA**

Request for Consultations by Canada

The following communication, dated 9 April 2009, from the delegation of Canada to the delegation of Korea and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

The Government of Canada hereby requests consultations with the Republic of Korea (Korea) pursuant to Articles 1 and 4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*, Article XXII of the *General Agreement on Tariffs and Trade 1994 (GATT 1994)* and Article 11 of the *Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement)*, concerning measures affecting the importation of bovine meat and meat products from Canada.

The measures at issue include, but are not limited to, the following:

- Administrative Order No. 51584-476, which entered into force on 21 May 2003;
- Korean Act No. 9130 amending the *Act on the Prevention of Contagious Animal Diseases* (also known as the *Livestock Epidemic Prevention Act*), which entered into force on 11 September 2008.

For each of the measures referred to above, this request also covers any amendments, replacements, extensions, implementing measures or other related measures.

These measures adversely affect the importation of bovine meat and meat products from Canada. Administrative Order No. 51584-476 prohibits the importation into Korea of bovine meat and meat products from Canada allegedly to protect against risks arising from bovine spongiform encephalopathy (BSE). Korean Act No. 9130 amending the *Act on the Prevention of Contagious Animal Diseases* sets out a number of new stringent conditions for lifting the import ban, including subjecting any import health requirements for the importation of Canadian bovine meat and meat products to the approval of the Korean National Assembly.

Canada is of the view that these measures are inconsistent with the obligations of Korea under the *SPS Agreement* and the *GATT 1994*. The provisions of these Agreements with which the measures appear to be inconsistent include the following:

- Articles 2.2, 2.3, 3.1, 3.3, 5.1, 5.5, 5.6, 5.7, 6.1, 8 and Annex C of the *SPS Agreement*; and
- Articles I:1, III:4 and XI:1 of the *GATT 1994*.

Canada reserves the right to raise additional claims and legal matters regarding the measures at issue during the course of consultations.

Canada looks forward to receiving the reply of Korea to this request and welcomes any suggestions that it might wish to make concerning the date on which these consultations could take place and the location of the consultations.
