

Original: French

**EUROPEAN COMMUNITIES – MEASURES AFFECTING ASBESTOS
AND PRODUCTS CONTAINING ASBESTOS**

Request for Consultations by Canada

The following request, dated 28 May 1998, from the Permanent Mission of Canada to the Permanent Delegation of the European Commission and to the Dispute Settlement Body is circulated in accordance with Article 4.4 of the DSU.

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, the Government of Canada requests consultations with the European Communities concerning certain measures taken by France for the prohibition of asbestos and products containing asbestos. These measures include, but are not limited to, Decree No. 96-1133 of 24 December 1996 banning asbestos, issued pursuant to the Labour Code and the Consumer Code, as amended.

The Decree prohibits, among other things, the manufacture, processing, import, placing on the domestic market, possession for sale, offering, sale or transfer on any ground all varieties of asbestos fibres and any product containing asbestos fibres. The Government of Canada maintains that these measures are incompatible with France's obligations under the above-mentioned Agreements because they infringe, among other provisions, the following Articles:

- (i) Articles 2, 3 and 5 of the Agreement on the Application of Sanitary and Phytosanitary Measures;
- (ii) Article 2 of the Agreement on Technical Barriers to Trade;
- (iii) Articles III, XI and XXIII of the General Agreement on Tariffs and Trade 1994.

Moreover, the measures nullify or impair the benefits accruing to Canada under these 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 European Communities with the intention of reaching a mutually satisfactory result. The Government of Canada will consider any suggestion from the European Communities concerning the date on which these consultations could take place.
