

**EUROPEAN COMMUNITIES - MEASURES CONCERNING  
MEAT AND MEAT PRODUCTS (HORMONES)**

Recourse by the United States to Article 22.7 of the DSU

The following communication, dated 15 July 1999, from the Permanent Mission of the United States to the Chairman of the Dispute Settlement Body, is circulated pursuant to Article 22.7 of the DSU.

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Pursuant to Article 22.7 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), the United States requests authorization from the Dispute Settlement Body (DSB) to suspend the application to the European Communities (EC), and member States thereof, of tariff concessions and related obligations under the General Agreement on Tariffs and Trade 1994 (GATT 1994), in an amount equivalent to the level of the nullification or impairment, as determined by the arbitrators pursuant to DSU Article 22.7 in *European Communities - Measures Concerning Meat and Meat Products (Hormones)*.

The United States previously circulated in document WT/DS26/19 a request to the DSB for authorization of suspension of concessions pursuant to DSU Article 22.2. That request included the relevant background concerning the EC's failure to implement the DSB's recommendations and rulings concerning the EC's hormones measures, and the measures contemplated by the United States. For purposes of transparency, the United States is attaching a more detailed version of the list of products, first provided in document WT/DS26/19, to be drawn from in selecting the products that will be subject to duties in excess of bound rates. The attached list shows the trade value, in total and for each EC member State, of each product on the list.

On 3 June 1999, at the request of the EC this matter was referred to arbitration pursuant to DSU Article 22.6. On 12 July 1999, the arbitrator issued its decision as follows:

"V. AWARD OF THE ARBITRATORS

83. For the reasons set out above, the arbitrators determine that the level of nullification or impairment suffered by the United States in the matter *European Communities - Measures Concerning Meat and Meat Products (Hormones)* is **US\$116.8 million per year**.

84. Accordingly, the arbitrators decide that the suspension by the United States of the application to the European Communities and its member States of tariff concessions and related obligations under GATT 1994 covering trade in a maximum amount of US\$116.8 million per year would be consistent with Article 22.4 of the DSU."

Article 22.7 of the DSU provides that the DSB shall upon request grant authorization to suspend concessions or other obligations consistent with the decision of the arbitrator. The United States therefore requests that the DSB authorize it to suspend concessions in an amount up to US\$116.8 million per year, which is consistent with the arbitrator's decision.

U.S. Imports From the EU  
VALUES IN THOUSANDS OF DOLLARS

		EU	Austria	Bel-Lux	Denmark	Finland	France	Germany	Greece	Ireland	Italy	Netherl	Portugal	Spain	Sweden	UK
Products	Codes	Aver 96-98	Aver 96-98	Aver 96-98	Aver 96-98	Aver 96-98	Aver 96-98	Aver 96-98	Aver 96-98	Aver 96-98	Aver 96-98	Aver 96-98	Aver 96-98	Aver 96-98	Aver 96-98	Aver 96-98
Beef Fresh, Chilled	201	1,210	0	0	0	0	0	0	0	0	0	1,210	0	0	0	0
Beef Frozen	202	317	9	0	1	0	0	0	0	0	0	292	0	0	0	14
Pork Fresh Chilled Froz	203	119,677	0	115	100,005	1,178	7	375	0	5,444	33	480	0	0	909	11,131
Offals, red meat	206	1,588	0	0	1,476	0	0	32	0	47	0	33	0	0	0	0
Poultry	207	5	0	2	0	0	3	0	0	0	0	0	0	0	0	1
Dried Ham	2101100	2,469	0	0	41	0	1,353	0	0	9	1,010	0	0	57	0	0
Bacon	2101200	546	0	0	180	0	0	0	0	34	332	0	0	0	0	0
M BV;SIB/D/SM KD	2102000	21	0	0	0	0	0	1	0	0	20	0	0	0	0	0
PLTRY/OFL;S LT;DR	2109020	5	0	1	0	0	2	1	0	0	0	0	0	1	0	0
MT&OFL;SLT; DR;SM	2109040	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0
CH;ROQFT;OL	4064020	3,780	0	0	0	0	3,778	0	0	0	0	0	0	1	0	0
CH;ROQFT;OT O LV	4064040	489	0	0	0	0	484	0	0	0	0	0	0	0	0	5
Guts/Bladders	5040000	28,209	0	56	11,040	170	771	10,147	12	0	71	1,962	1,203	0	1,771	1,007
CUT FLOWERS/BU DS	6039000	3,776	0	54	7	0	262	32	0	14	156	3,070	0	91	0	89
Foliage	6049100	3,614	1	0	2	0	294	22	0	3	3,078	190	0	9	0	16
FOLIAGES; BRANCH	6049930	3,038	2	41	3	0	959	8	0	0	899	923	0	48	39	118
Tomato 3/1-7/14 or 9/1-11/14	7020020	38,926	0	3,028	2	0	52	6	0	0	8	33,906	0	1,917	0	7
Tomato 7/15-8/31	7020040	9,597	0	679	6	0	2	0	0	0	0	8,910	0	0	0	1
Tomato 11/15-2/28	7020060	17,374	0	1,215	0	0	0	0	0	0	1	10,532	0	5,617	0	8
ONION/SHAL L;F/CH	7031040	5,505	0	68	0	0	3,924	0	0	0	142	1,313	0	57	0	0
TRUFFLES; FRESH	7095200	3,219	0	0	0	0	798	0	0	0	2,415	0	0	6	0	0
CARROTS; DRIED	7129010	3,010	49	0	0	0	1,394	463	0	103	0	858	0	0	0	143

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TOMATOES; DRIED	07129074/78	5,137	0	24	0	0	0	46	3	0	879	0	263	3,898	0	25
CHSTNTS;FR;DR;SH	8024000	9,098	0	17	0	0	173	23	13	0	8,303	0	247	323	0	0
PAPRIKA.DR;CRS;G	9042020	10,252	0	4	0	0	14	319	0	0	8	0	0	9,905	0	1
Oats	10040000	36,477	0	0	729	14,702	0	0	0	0	0	0	0	0	21,043	3
OATS;RLD;FLKD	11041200	513	0	0	0	0	0	0	0	466	0	0	0	0	0	46
OATS;WORKD	11042200	1,024	0	0	0	0	0	0	0	982	0	0	0	0	0	42
WLGR;XC&FS(IL)	15059000	4,853	0	210	0	0	210	1,425	0	0	107	48	0	0	0	2,852
Meat Preps	1601	5,952	23	0	4,986	0	43	119	0	647	38	15	0	81	0	0
HOMOPOF;MOF/BLD	16021000	2	0	0	0	0	2	0	0	0	0	0	0	0	0	0
GOOSELVR;PR/PR	16022020	1,072	0	0	0	0	1,072	0	0	0	0	0	0	0	0	0
ANLV;XG;PRP/PRS	16022040	347	0	29	0	0	318	1	0	0	0	0	0	0	0	0
Poultry Preps	16023100	4	0	4	0	0	0	0	0	0	0	0	0	0	0	0
Poultry Preps	16023200	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Poultry Preps	16023900	26	0	1	0	0	0	23	0	0	0	0	0	1	0	0
HMCTS;CN C/V;P/P	16024110	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pork Preps	16024120	56,437	22	3,912	45,424	0	59	130	0	38	139	6,713	0	0	0	0
HAM/CUT;NES;P/P	16024190	590	33	0	0	0	0	0	0	0	527	4	0	26	0	0
Pork Preps	16024220	27,101	0	7,951	17,199	0	0	50	0	0	1	1,900	0	0	0	0
SH/CUT;NES;PR/P	16024240	57	0	38	0	0	0	0	0	0	19	0	0	0	0	0
SWN OFF;PRP;PRS	16024910	16	0	0	0	0	16	0	0	0	0	0	0	0	0	0
SW MT BND/CK/CND	16024920	6,437	0	54	2,159	0	3	0	0	23	0	4,198	0	0	0	0
SMT;NES;NC/V;PP	16024940	3,466	0	870	1,924	0	0	0	0	5	512	155	0	0	0	0
MX PK/BF;PRP/PRS	16024960	4,222	0	0	3,403	0	0	2	0	0	0	627	0	1	189	0
MT	16024990	219	0	10	56	0	0	13	0	0	44	90	0	1	5	0

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SW;NES;PR/PRS																
OFF;BOV(XL)PR/PR	16025005	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
M BV;C/P;NC/V	16025009	47	0	0	0	0	0	0	0	0	47	0	0	0	0	0
Beef Preps	16025010	36	0	0	0	0	0	15	0	0	22	0	0	0	0	0
Beef Preps	16025020	118	0	0	80	0	0	0	0	0	22	1	0	8	7	0
MT BV;NES;NCVPP	16025060	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Beef Preps	16025090	12	0	0	0	0	0	0	0	0	6	6	0	0	0	0
CHEWING GUM; WHE	17041000	4,556	20	54	307	52	98	101	5	2,187	242	65	9	1,128	10	279
COUGH DROPS	17049025	56,577	0	5	0	0	0	392	0	2	85	0	12	0	4	56,077
Chocolate	18063100	17,853	115	1,647	105	144	954	11,586	17	114	1,489	76	17	67	42	1,480
RUSKS; TOASTED B	19054000	9,800	0	11	0	65	765	2,432	690	0	2,844	478	24	604	996	891
Tomato preserved	20021000	18,876	0	0	0	0	20	0	0	0	16,765	0	0	2,061	0	30
Tomato puree	20029040/80	11,290	0	0	0	0	6	0	18	0	2,240	0	318	8,695	0	12
LING/RSPBRY S JAM	20079905	3,063	201	35	943	24	743	352	5	7	24	7	0	0	456	266
Psatsum	20083042	18,934	0	0	0	0	2	0	0	0	0	0	0	18,931	0	0
Psatsum	20083046	5,163	0	0	0	0	0	0	0	0	7	0	0	5,154	0	2
Canned Pear	20084000	2,841	4	906	0	0	21	0	50	0	40	0	0	1,809	0	12
Canned Peaches	20087000	10,994	0	0	0	0	151	0	6,998	0	20	0	0	3,805	0	19
Grape Juice	20096000	8,669	0	8	0	0	150	0	0	0	3,054	0	0	5,244	0	212
Fruit Juice	20098060	21,360	6,333	1,812	585	701	142	7,057	26	5	2,373	1,312	5	99	844	66
FRUIT JU MIX UNF	20099040	6,546	2,516	1,535	1	274	34	1,717	10	0	132	166	0	45	90	25
CHICORY ROASTED	21013000	3,935	0	152	0	0	2,040	1,596	0	0	29	70	48	0	0	0
MUSTARD;PREPARED	21033040	5,462	6	18	100	0	4,875	312	0	8	12	27	0	0	20	85
Soups	21041000	5,748	2	101	4	0	630	2,892	1	128	591	166	158	36	14	1,025
Mineral Water	22011000	125,261	5	1,213	0	0	99,180	3,130	35	134	17,977	70	1,245	196	219	1,857
Feed	23099010	44,024	64	178	481	44	500	34,935	0	1,924	1,973	2,490	0	38	0	1,398
GLUE;FOR RETAIL	35061050	26,299	214	132	28	0	2,329	18,493	2	3,363	114	529	8	10	81	995

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Artificial Stable Fibers, rayon	55041000	25,539	8,302	0	0	2,875	49	6,393	0	1	20	65	0	51	7,241	542
Yarn	55101100	30,462	21,151	1,102	0	1,092	1,266	2,883	3	0	2,591	45	7	285	0	36
Hair Clippers	85102000	15,176	14,258	0	0	0	6	663	0	0	0	54	0	16	0	179
Motorcycles 50-250 cc	87112000	7,914	6,332	14	2	0	100	93	0	11	1,124	4	0	34	1	199
Motorcycles 250-500 cc	87113000	10,152	6,771	0	0	0	245	286	0	16	717	21	0	1,025	563	509