

EUROPEAN COMMUNITIES - MEASURES AFFECTING
LIVESTOCK AND MEAT (HORMONES)

Request for the Establishment of a Panel by Canada

The following communication, dated and received on 16 September 1996, from the Permanent Mission of Canada to the Chairman of the Dispute Settlement Body, is circulated at the request of that delegation.

On 28 June 1996, the Government of Canada requested consultations with the European Communities regarding certain European Communities measures prohibiting the importation of livestock and meat from livestock that have been treated with certain substances having a hormonal action. In accordance with Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes ("DSU") that request was notified to the Dispute Settlement Body ("DSB"), the Council for Trade in Goods, the Committee on Sanitary and Phytosanitary Measures, the Committee on Technical Barriers to Trade, the Committee on Market Access and the Committee on Agriculture. The request was circulated to Members of the World Trade Organization on 8 July 1996 (WT/DS48/1).

The European Communities measures prohibiting the importation of livestock and meat from livestock that have been treated with certain substances having a hormonal action ("EC measures") include the following: Council Directive 88/146/EEC; the directives referenced in that directive (72/462/EEC, 81/602/EEC, 81/851/EEC, 81/852/EEC, and 85/358/EEC); the decisions referred to in Article 6(2) of directive 88/146/EEC; the control programme referred to in Article 6(7) of directive 88/146 EEC; the derogations referred to in Article 7 of directive 88/146/EEC; and any amendments or modifications, including Council Directives 96/22/EC and 96/23/EC. These measures adversely affect the importation of livestock and meat from livestock. The Government of Canada requested consultations with a view to regaining the full benefit of the conditions of competition that have been nullified or impaired by these measures.

Canada and the European Communities held the consultations in Geneva on 25 July 1996 with a view to reaching a satisfactory resolution of the matter. Unfortunately the consultations failed to settle the dispute and there are no indications to suggest that further consultations are likely to be productive.

Pursuant to Article XXIII of the General Agreement on Tariffs and Trade 1994, Article 11 of the Agreement on the Application of Sanitary and Phytosanitary Measures, Article 14 of the Agreement on Technical Barriers to Trade, Article 19 of the Agreement on Agriculture and Articles 4 and 6 of the DSU, Canada hereby requests that a Panel be established at the next meeting of the DSB scheduled for 27 September 1996.

Canada requests that the Panel consider and find that:

- (a) the EC measures are inconsistent with:
 - (i) the Agreement on the Application of Sanitary and Phytosanitary Measures, and in particular Articles 2, 3 and 5 thereof;
 - (ii) the General Agreement on Tariffs and Trade 1994, and in particular Articles III or XI thereof;
 - (iii) the Agreement on Technical Barriers to Trade, and in particular Articles 2 and 5 thereof;
 - (iv) the Agreement on Agriculture, and in particular Article 4 thereof; and
- (b) the application of the EC measures otherwise nullifies or impairs the benefits accruing to Canada pursuant to the Agreement Establishing the World Trade Organization.

Canada requests that the Panel be established with the standard terms of reference as set out in Article 7 of the DSU. Canada further requests that this request for the establishment of a Panel be inscribed on the agenda of the meeting of the DSB to be held on 27 September 1996.