

Original: English

**CZECH REPUBLIC – ADDITIONAL DUTY ON IMPORTS OF PIG-MEAT  
FROM POLAND**

Request for Consultations by Poland

The following communication, dated 16 April 2003, from the Permanent Mission of Poland to the Chairman of the Dispute Settlement Body and to the Permanent Mission of the Czech Republic, is circulated in accordance with Article 4.4 of the DSU.

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Pursuant to Article XXII of the General Agreement on Tariff and Trade 1994 (GATT 1994) and Article 19 of the WTO Agreement on Agriculture, Poland requests consultations in the WTO with the Czech Republic under Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), concerning additional duty levied on imports of pig-meat from Poland.

The factual circumstances on which the present request is based are as follows:

On 25 March 2003 the Government of the Czech Republic published a Decree of 12 March 2003, stipulating that customs duties levied under tariff heading 0203 11 10 on pig-meat imported from Poland into the Czech Republic shall be 50% above those established under the same heading in the bound tariff schedule of the Czech Republic, or 23 CZK/kg, whichever is higher. Moreover, and contrary to Article 4 of the Agreement on Agriculture, this provision appears to be subject to a minimum import price as the aforementioned duty rate does not apply to imports with declared customs value exceeding 36 CZK/kg. No other sources of imports have been mentioned in the Decree, which seems to imply that the restrictions introduced by this action apply exclusively to Poland and, as such, are deemed by Poland to be discriminatory in their purpose, nature and effect.

The Government of Poland therefore concludes that this measure appears to be inconsistent with the obligations of the Czech Republic under Article 4 of the WTO Agreement on Agriculture and constitutes a nullification and impairment of the rights and benefits, within the meaning of Article XXIII of GATT 1994, that Poland is entitled to enjoy, *inter alia*, under GATT Articles I and II.

Moreover, the institution and implementation of the said measure had not been preceded by any bilateral notice or consultations, with the Decree taking effect on the date of its publication.

Poland reserves its right to seek a remedy through appropriate means foreseen in the relevant WTO provisions. In particular, the Government of Poland expects that the Government of the Czech Republic shall withdraw the above described measure without delay and shall subsequently enter into such bilateral consultations as may be necessary in order to prevent further damage to bilateral trade relations.

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