

**EUROPEAN COMMUNITIES – MEASURES PROHIBITING THE IMPORTATION
AND MARKETING OF SEAL PRODUCTS**

Request for Consultations by Canada

Addendum

The following communication, dated 18 October 2010, from the delegation of Canada to the delegation of the European Union¹ and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

On 2 November 2009, Canada requested consultations with the European Communities regarding *Regulation (EC) No. 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products*, as well as any subsequent amendments, replacements, extensions, implementing measures or other related measures. Consultations with the European Union were held on 15 December 2009.

Subsequently, on 17 August 2010, the European Commission published *Commission Regulation (EU) No. 737/2010, which lays down detailed rules for the implementation of Regulation (EC) No. 1007/2009 of the European Parliament and of the Council on trade in seal products* ("implementing measure").

To take this development into account, Canada hereby requests supplementary consultations with the European Union with respect to the implementing measure. In addition, Canada may also wish to consult further on matters pertaining to Regulation EC No 1007/2009 that were previously raised at the consultations held on 15 December 2009 or that have since arisen as a result of the implementing measure or otherwise. These supplementary consultations with the European Union are being requested 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 14 of the *Agreement on Technical Barriers to Trade* ("TBT Agreement").

¹ On 1 December 2009, the *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community* (done at Lisbon, 13 December 2007) entered into force. On 29 November 2009, the WTO received a Verbal Note (WT/L/779) from the Council of the European Union and the Commission of the European Communities stating that, by virtue of the *Treaty of Lisbon*, as of 1 December 2009, the European Union replaces and succeeds the European Community.

The implementing measure, either in itself or in combination with Regulation (EC) No. 1007/2009, appears to be inconsistent with the European Union's obligations under the *Marrakesh Agreement Establishing the World Trade Organization*, including:

- (i) Articles I:1, III:4 and XI:1 of GATT 1994
- (ii) Articles 2.1, 2.2, 5.1, 5.2, 5.4, 5.6, 6.1, 6.2, 7.1, 7.2, 7.4, 7.5, 8.1 and 8.2 of the TBT Agreement
- (iii) Article 4.2 of the Agreement on Agriculture

Canada reserves the right to raise additional claims and legal matters during the course of the supplementary consultations.

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