

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

Request for Consultations by Norway

The following communication, dated 5 November 2009, from the delegation of Norway to the delegation of the European Communities and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

Pursuant to Article 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"), Article 19 of the *Agreement on Agriculture*, and Article 14 of the *Agreement on Technical Barriers to Trade* ("*TBT Agreement*"), Norway hereby requests consultations with the European Communities ("EC") concerning certain measures affecting trade in seal products. The measures at issue, which are collectively referred to as the "EC seal regime", include:

- Regulation (EC) No. 1007/2009 of the European Parliament and of the Council on trade in seal products, adopted on 16 September 2009 (the "Regulation"), which establishes a harmonized EC regime for the importation and marketing of seal products;<sup>1</sup> and
- any related measures adopted by the EC or its member States that guide, amend, supplement, replace, and/or implement the rules set forth in the Regulation, whether adopted pursuant to the Regulation or not.

The EC seal regime imposes a general prohibition on the importation and sale of processed and unprocessed seal products in the EC, thereby depriving Norway of access to a significant market for its exports of these products. The Regulation contains certain exceptions that appear to afford privileged access to the EU market to seal products originating in the EC and in certain third countries, but not Norway.

The EC seal regime appears to be inconsistent with the EC's obligations under the *Agreement on Agriculture*, the *TBT Agreement* and the GATT 1994, in particular:

- (i) Article 4.2 of the *Agreement on Agriculture*;
- (ii) Articles 2.1 and 2.2 of the *TBT Agreement*; and,
- (iii) Articles I:1, III:4, and XI:1 of the GATT 1994.

<sup>1</sup> Official Journal of the European Union, L 286/36, published 31.10.2009.

These violations appear to nullify or impair benefits accruing to Norway directly or indirectly under the covered agreements within the meaning of Article XXIII:1(a) of the GATT 1994.

Moreover, the EC seal regime appears to nullify or impair benefits accruing to Norway directly or indirectly under the covered agreements within the meaning of Article XXIII:1(b) of the GATT 1994.

Norway reserves its rights to raise additional matters during the course of these consultations and in any future request for panel proceedings.

Norway looks forward to the EC's reply to this request, and to fixing a mutually acceptable date for consultations.

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