

**AUSTRALIA – MEASURES AFFECTING THE IMPORTATION OF SALMONIDS**

Request for the Establishment of a Panel by the United States

The following communication, from the Permanent Mission of the United States to the Chairman of the Dispute Settlement Body, is circulated pursuant to Article 6.2 of the DSU.

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Australia currently maintains a prohibition on imports of fresh, chilled, or frozen salmonids, including Quarantine Proclamation 86A, dated 19 February 1975, and subsequent Australian legislation, regulations and administrative measures which implement, supplement, amend and affirm the import prohibition, including a 13 December 1996 policy decision of AQIS Executive Director Paul Hickey. Australia's import prohibition has adversely affected exports of US salmonids.

On 17 November 1995, the Government of the United States requested consultations with Australia regarding these measures pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), Article XXII of the General Agreement on Tariffs and Trade 1994 and Article 11 of the Agreement on the Application of Sanitary and Phytosanitary Measures. Consultations were held on 13 December 1995, but failed to settle the dispute.

The Australian measures appear to be inconsistent with the following provisions:

1. Agreement on the Application of Sanitary and Phytosanitary Measures, Articles 2, 5, 7 and 8; and
2. General Agreement on Tariffs and Trade 1994, Article XI.

The United States requests that a panel be established with standard terms of reference as set out in Article 7 of the DSU. The United States further asks that this request for the establishment of a panel be inscribed on the agenda of the meeting of the Dispute Settlement Body scheduled to be held on 26 May 1999.

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