

EUROPEAN COMMUNITIES - MEASURES CONCERNING  
MEAT AND MEAT PRODUCTS (HORMONES)

Request for the Establishment of a Panel by the United States

The following communication, dated 25 April 1996, from the Permanent Mission of the United States to the Chairman of the Dispute Settlement Body, is circulated at the request of that delegation.

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The European Communities (EC) have adopted and maintain the Council Directive Prohibiting the Use in Livestock Farming of Certain Substances Having a Hormonal Action and related measures. These include, but are not limited to, the Council Directive of March 7, 1988, (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 program 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.

These measures adversely affect imports of meat and meat products and appear to be inconsistent with the obligations of the European Communities under the General Agreement on Tariffs and Trade 1994, the Agreement on the Application of Sanitary and Phytosanitary Measures, the Agreement on Technical Barriers to Trade, and the Agreement on Agriculture. The provisions of these agreements with which these measures appear to be inconsistent include, but are not limited to, the following:

- (1) General Agreement on Tariffs and Trade 1994, Article III or Article XI;
- (2) Agreement on the Application of Sanitary and Phytosanitary Measures, Articles 2, 3 and 5;
- (3) Agreement on Technical Barriers to Trade, Article 2; and
- (4) Agreement on Agriculture, Article 4.

These measures also appear to nullify or impair the benefits accruing to the United States directly or indirectly under the cited agreements.

On January 26, 1996, the Government of the United States requested consultations with the EC regarding these measures pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes ("DSU"), 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 Article XXII of the General Agreement on Tariffs and Trade 1994.

Consultations were held on March 27, 1996, but have failed to settle the dispute. Accordingly, the United States respectfully requests the establishment of a panel 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 May 8, 1996.