



23 January 2017

(17-0428)

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Original: English

## CANADA – MEASURES GOVERNING THE SALE OF WINE IN GROCERY STORES

### REQUEST FOR CONSULTATIONS BY THE UNITED STATES

The following communication, dated 18 January 2017, from the delegation of the United States to the delegation of Canada and to the Chairperson of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

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My authorities have instructed me to request consultations with the Government of Canada pursuant to Articles 1 and 4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* and Article XXII:1 of the *General Agreement on Tariffs and Trade 1994* ("GATT 1994"), with regard to measures maintained by the Canadian province of British Columbia ("BC") governing the sale of wine in grocery stores.

The BC wine measures provide advantages to BC wine through the granting of exclusive access to a retail channel of selling wine on grocery store shelves. The BC measures appear to discriminate on their face against imported wine by allowing only BC wine to be sold on regular grocery store shelves while imported wine may be sold in grocery stores only through a so-called "store within a store." These measures are reflected in legal instruments that include, but are not limited to, the following, operating separately or collectively:

1. Policy Directive No. 15-01, issued by the BC Liquor Control and Licensing Branch, re: Liquor Policy Review Recommendations #19 and 20: Phased-in Implementation of Liquor in Grocery Stores, dated February 26, 2015;
2. BC Liquor Control and Licensing Act ([RSBC 1996] Chapter 267);
3. B.C. Reg. 42/2015, deposited March 17, 2015, under the Liquor Control and Licensing Act [section 84] and the Liquor Control and Licensing Amendment Act, 2014 [section 48]. Order in Council 121/2015, approved and ordered March 16, 2015. The British Columbia Gazette, Part II, Volume 58, No. 6 (March 24, 2015);
4. BC Liquor Control and Licensing Regulation, B.C. Reg. 244/2002, deposited August 12, 2002, O.C. 792/2002, effective December 2, 2002; and
5. "Wine Store Terms and Conditions, A Guide for Liquor Licenses in British Columbia," BC Liquor Control and Licensing Branch publication, updated September 2015;

as well as any amendments or successor, replacement, or implementing measures.

These measures appear to be inconsistent with Canada's obligations pursuant to Article III:4 of the GATT 1994 because they are laws, regulations, or requirements affecting the internal sale, offering for sale, purchase, or distribution of wine and fail to accord products imported into Canada treatment no less favorable than that accorded to like products of Canadian origin.

We look forward to receiving your reply to the present request and to fixing a mutually convenient date for consultations.

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