EC - RESTRICTIONS ON IMPORTS OF CANNED TUNA AND SARDINES

Request for Consultations under Article XXIII:1 by the United States

The following communication, dated 19 April 1994, sent by the Office of the United States Trade Representative in Geneva to the Permanent Delegation of the Commission of the European Communities in Geneva, is circulated in accordance with paragraph C.3 of the CONTRACTING PARTIES's 1989 Decision on Improvements to the GATT Dispute Settlement Rules and Procedures (BISD 36S/62).

My authorities have instructed me to request consultations with the Commission of the European Communities pursuant to Article XXIII:1 of the General Agreement regarding the European Communities' regulations on the importation of canned tuna and sardines. It is our understanding that the relevant regulations include Council Regulation No. 3759/92 of 17 December 1992 (O.J. N° L 388/1), Commission Regulation No. 3900/92 of 23 December 1992 (O.J. N° L 392/26), and Commission Regulation No. 25/93 of 8 January 1993 (O.J. N° L 5/7).

These regulations impose quantitative restrictions, licensing requirements and licensing fees on the importation of canned tuna and sardines from the United States and other GATT contracting parties that appear to be inconsistent with the obligations of the European Communities under the General Agreement. The United States is also concerned that these measures may operate to limit imports of canned tuna and sardines from the United States.

We understand that these regulations are the subject of ongoing consultations between the Commission of the European Communities, Thailand and the Philippines pursuant to Article XXII:1 of the General Agreement (DS49/1, dated 21 February 1994; DS49/3, dated 11 April 1994). As you know, by letter dated 4 March 1994, the United States asked to be joined in these consultations, but the claim was not accepted.

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