

GENERAL AGREEMENT ON

TARIFFS AND TRADE

RESTRICTED

DS39/2

DS41/2

9 July 1993

Limited Distribution

COUNCIL
21 July 1993

Original: Spanish

EEC - RESTRICTIONS ON IMPORTS OF APPLES

Communication from Chile

The following communication, dated 8 July 1993, has been received from the Permanent Mission of Chile, with the request that the matter be inscribed on the Agenda of the Council meeting on 21 July 1993.

At the Council meeting on 16 June 1993, the Government of Chile informed representatives of the extremely serious damage caused to our apple exports by the adoption by the Commission of the European Communities of Regulation No. 846/93 of 7 April 1993 and subsequent regulations, which we consider have nullified or impaired concessions within the meaning of GATT Article XXIII:1. Chile then requested the European Communities to hold formal consultations in accordance with that Article and with the procedures laid down in the CONTRACTING PARTIES' Decision on Improvements to the GATT Dispute Settlement Rules and Procedures of 12 April 1989, specifically those set out in paragraphs C4 and F(f)5 concerning perishable goods and other relevant articles.

A formal request for consultations was made on 17 June by Note No. 414/93.

The consultations will be held on 14 July at 11.30 a.m. They could not be conducted before this date as the European Community requested a postponement because its technical staff were in Brussels covering the negotiations relating to the subsidies for oilseed producers, which affect a number of countries.

Since the time-limit for including the item in the agenda expires at 6 p.m. on 8 July 1993 and the consultations will be held after that date, my Government has seen fit, as a precautionary measure, to request the inclusion of this item in the agenda in order to be able to report on the outcome of the consultations and, if they do not produce a positive result, request the establishment of a panel on this matter, pursuant to Article XXIII:2 and in accordance with the procedures laid down in the CONTRACTING PARTIES' Decision on Improvements to the GATT Dispute Settlement Rules and Procedures of 12 April 1989, specifically those set out in paragraphs C4 and F(f)5 concerning perishable goods and other relevant articles. The purpose would be to examine whether the application of the countervailing changes linked to reference prices is consistent with the provisions of Articles II, XI, XIII and other provisions of the General Agreement as may be relevant, as well as with the norms deriving from the General Agreement in general.

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With regard to the surveillance system for apple imports, consultations were held with the European Communities on 22 March 1993. As the concerns we raised did not receive a satisfactory response by the end of the consultations, we therefore consider that they have failed. Accordingly, at the same time we would request the establishment of a panel to examine the compatibility of the surveillance system for imports of apples from third countries established by Commission Regulation (EEC) No. 384/93 with the provisions of the General Agreement, specifically Articles II, VIII, XI and other provisions of the General Agreement as may be relevant, as well as with the norms deriving from the General Agreement in general.

As these are aspects that concern the same European Community Regulation No. 1035/72 which established the common organization of the market in fruit and vegetables, we shall request that both the licensing system and the countervailing charges be examined by the same panel.