

GENERAL AGREEMENT ON
TARIFFS AND TRADE

RESTRICTED

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EUROPEAN COMMUNITIES - POULTRY IMPORTS INTO THE UNITED KINGDOM

United States - Request for Consultation under
Article XXIII:1

The Director-General has received from the United States Trade Representative a copy of the following communication, dated 24 July 1980 and addressed to the representative of the Commission of the European Communities and to the Permanent Mission of the United Kingdom, with the request that it be circulated to contracting parties.

I have been instructed by my authorities to inform you that the United States considers that benefits accruing to it under the General Agreement on Tariffs and Trade (GATT) are being nullified and impaired as a result of the discriminatory application by the United Kingdom of Statutory Instrument 1979, Number 693, Schedule I, Part II. (This instrument implements in the United Kingdom EC Directive 71/118/EEC as supplemented by EC Directive 78/50/EEC.)

It has been our experience that the United Kingdom is preventing the importation of United States poultry that does not comply with the aforementioned statutory instrument. At the same time, however, poultry processed in United Kingdom plants is not required to comply with this statutory instrument (and therefore the two aforementioned EC directives) because United Kingdom plants have received a derogation from the statutory instrument (and the two EC directives) until 15 August 1982.

The United States believes that the United Kingdom actions with respect to the implementation of the statutory instrument (and therefore the two EC directives) constitute a case of discrimination against the United States. As such, the United Kingdom actions are a violation of the obligations of the United Kingdom under GATT Article III to provide national treatment to the United States. These actions, therefore, nullify and impair benefits accruing to the United States under the GATT.

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In view of the above, the United States hereby requests prompt consultations with the United Kingdom and the Commission of the European Communities under GATT Article XXIII:1 with a view to the satisfactory adjustment of this matter through the elimination of the United Kingdom discriminatory treatment of the United States. The United States would like to hold these consultations prior to the summer recess if possible.

The United States believes that this request complies with the requirements of both GATT Article XXIII:1 and Point 3 of the MTN Framework Agreement (Understanding Regarding Notification, Consultation, Dispute Settlement and Surveillance).