

GENERAL AGREEMENT ON

RESTRICTED

L/6329/Add.1

3 May 1988

TARIFFS AND TRADE

Limited Distribution

COUNCIL
4 May 1988

Original: Spanish

EUROPEAN ECONOMIC COMMUNITY - IMPORT LICENCES FOR DESSERT APPLES

Recourse to Article XXIII:2 by Chile

Communication from Chile

Addendum

The following communication, dated 2 May 1988, has been received from the Permanent Mission of Chile.

The Government of Chile wishes to refer to the CONTRACTING PARTIES, pursuant to Article XXIII:2 of the General Agreement, the matter of the establishment by the EEC of quotas and a licensing system for imports of apples during the period from 22 February to 31 August 1988, as well as the suspension of the issue of licences to Chile prior to the establishment of quotas.

On 3 February 1988, by Regulation (EEC) No. 346/88, the Commission of the EEC initially established a system of import licences for dessert apples for the purpose of monitoring such imports from third countries, and for a period precisely coinciding with exports made by countries in the Southern hemisphere, and in particular Chile.

On 12 April the Commission then adopted Regulation (EEC) No. 962/88, amended by Regulation No. 984/88 of 14 April, by which it unilaterally suspended the issue of licences for imports of apples from Chile, a measure that was applied retroactively with the rejection of all such applications as of 9 April.

Subsequently, on 20 April 1988, the Commission adopted a system of quotas for all Southern hemisphere suppliers, while maintaining the prohibition on the issue of licences for apples from Chile by then fixing the quota for Chile at such a level that by that date it would already have been used according to the Commission.

Chile believes that the measures described above nullify or impair benefits accruing to Chile under the General Agreement and are in breach, inter alia, of Articles I, II, XI and XIII and Part IV of the General Agreement, as well as the provisions of the General Agreement relating to import licences.

Chile has held many informal consultations with the Commission of the EEC to avert the adoption of these measures. In view of their steadily more restrictive nature, Chile then requested consultations under Article XXIII:1. One such consultation was held on 22 April last, without any mutually satisfactory solution to the matter being reached; this is particularly serious in view of the perishable nature of the product subject to discrimination and quotas.

Chile therefore requests the Council of Representatives at its meeting of 4 May 1988 to establish a panel to review this matter under Article XXIII:2 of the General Agreement, in relation to paragraph 1 of the same Article, and with the urgency befitting the matter since it concerns a perishable product coming from a developing country.

I should be most obliged if you would circulate this note to contracting parties as an addendum to document L/6329.