

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

RESTRICTED
MTN.SB/SN/27
8 October 1993
Special Distribution

(UR-93-0065)

Surveillance Body

Original: English

STANDTILL

Notification

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1. Participant notifying: Indonesia, Malaysia, Philippines, Singapore, Thailand
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2. Participant maintaining the measure: The European Community
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3. Description of the measure (including date of entry into force and reference to any relevant legislation or other document):

The Council Regulation (EEC) No. 3759/92 on the Common Organization of the Market in Fishery and Aquaculture Products was adopted on 17 December 1992 and entered into force on 1 January 1993. In accordance with the said Regulation, a system of Community quotas has been introduced and applied, as from 1 January 1993, to a variety of preserved tuna and sardines for a period of four years. Special rules of application have been detailed in Commission Regulation No. 3900/92. The administration of quotas has been conducted through import licensing.

These quantitative restrictions maintained by the EEC have constituted, in law and in effect, increased barriers to the imports of preserved tuna and sardines, of which ASEAN contracting parties are major suppliers.

These measures are inconsistent with GATT provisions, particularly Articles XI and II.

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4. Products covered, including tariff headings (CCCN where applicable, otherwise national tariff lines):

CN Code

Product description

ex 1604 13 11
ex 1604 13 19
ex 1604 20 50

Preserved sardines of the species *Sardina Pilchardus* Walbaum

<u>CN Code</u>	<u>Product description</u>
ex 1604 14 11	Preserved tuna of the genus <i>Tunnus</i> skipjack and bonito (<i>Euthynnus Pelamis</i>) and other species of the genus <i>Euthynnus</i>
ex 1604 14 19	
ex 1604 19 30	
ex 1604 20 70	

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5. Country or countries to which the measure applies: The EEC measure in question applied not to all but only to certain third countries, including ASEAN countries. According to Commission Regulation No. 3900/92, the third countries "not linked to the Community by a conventional preference agreement or (in) countries linked to the Community by an agreement not covering the said products" are subject to the restrictions.

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6. Relevance of the measure to the standstill commitment:

The EEC measures are incompatible with indents (i), (ii) and (iii) of the standstill commitments of the Punta del Este Ministerial Declaration.

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7. Comments by the participant maintaining the measure:

1. The Community is extremely surprised at the notification by Indonesia, Malaysia, Philippines, Singapore and Thailand regarding the Community's import system for preserved sardines and preserved tuna.
 2. As explained at informal consultations of 6 July last with those countries, the Community measures are intended to liberalize trade in the products in question. Until 1993, national quantitative restrictions were maintained by several member States. From 1993, these national QRs have been abolished and as a transitional measure, a Community quota has been introduced.
 3. The quota is a generous one, covering total traditional trade from the countries mentioned above, with a significant provision for expansion of the market; furthermore, in four years the transitional measures will be replaced by a fully liberalized system.
 4. The Community has confirmed its willingness to seek a pragmatic solution to any problems which may arise in the meantime.
 5. Not only does this measure not contravene the standstill commitment; on the contrary, it is a measure "necessary to remedy specific situations" (point (ii) of the standstill commitment).
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