

UNITED STATES - HARBOUR MAINTENANCE TAX

Request for Consultations by the European Communities

The following communication, dated 6 February 1998, from the Permanent Delegation of the European Commission to the Permanent Mission of the United States and to the Dispute Settlement Body is circulated in accordance with Article 4.4 of the DSU.

My authorities have instructed me to request consultations with the United States pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes and Article XXII:1 of the General Agreement on Tariffs and Trade 1994 (GATT 1994) concerning the US Harbour Maintenance Tax, which was introduced by the Water Resources Development Act of 1986 and amended by the Omnibus Budget Reconciliation Act of 1990, including any subsequent amendments made and any implementing regulations issued (hereafter referred to as "HMT").

The European Communities considers that the HMT may constitute an infringement of GATT 1994, in particular, but not necessarily exclusively, of the following provisions:

Articles I, II, III, VIII and X of GATT 1994, and of the WTO Understanding on the Interpretation of Article II:1(b) of GATT 1994.

I look forward to receiving your reply to this request from the European Communities and to setting a mutually convenient date for these consultations.
