

Original: English

KOREA - DEFINITIVE SAFEGUARD MEASURE ON
IMPORTS OF CERTAIN DAIRY PRODUCTS

Request for the Establishment of a Panel
by the European Communities

The following communication, dated 9 January 1998, from the Permanent Delegation of the European Commission to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 6.2 of the DSU.

I have the honour to request the establishment of a Panel pursuant to Article XXIII of the General Agreement on Tariffs and Trade ("GATT 1994"), Articles 4 and 6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes and Article 14 of the Agreement on Safeguards, with regard to the definitive safeguard measure imposed by Korea on imports of certain dairy products.

The contested safeguard measure was imposed in the form of an import quota on imports of certain dairy products (Korean CN codes 0404.90.0000, 0404.10.2190, 0404.10.2900 and 1901.90.2000) effective as of 7 March 1997 and made public through notification in the revision of "Separated Notice of Export-Import" and in "Detailed Principle of Import Licence on Imitation Milk Powder".

On 12 August 1997 the European Communities (hereinafter referred to as the EC) requested consultations with Korea with a view to reaching a mutually satisfactory solution of the matter. The request was circulated in document WT/DS98/1 dated 15 August 1997. Such consultations, which were held on 10 September and 16 October 1997 in Geneva, have allowed a better understanding of the respective positions but have not led to a satisfactory resolution of the matter.

Therefore, the EC requests that the panel consider and find that this measure is in breach of Korea's obligations under the provisions of the Agreement on Safeguards, in particular of Articles 2, 4, 5 and 12 of the said Agreement and in violation of Article XIX of GATT 1994.

The EC requests that the panel be established with the standard terms of reference.

The EC asks that this request be placed on the agenda for the meeting of the Dispute Settlement Body to be held on 22 January 1998.
