

WORLD TRADE ORGANIZATION

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EUROPEAN COMMUNITIES - TRADE DESCRIPTION OF SCALLOPS

Request for the Establishment of a Panel

The following communication dated 7 July 1995 from the Permanent Mission of Canada to the Permanent Delegation of the European Commission is circulated at the request of the Permanent Mission of Canada.

On 19 May 1995, the Government of Canada requested consultations with the European Union concerning the French Government Order (NOR MERP9300051A) of 22 March 1993 and its amendments relating to the official names and permitted trade descriptions of scallops. In accordance with Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), that request was circulated to Members of the World Trade Organization on 24 May 1995 (WT/DS/7/1).

The Government of Canada requested consultations with a view to regaining the full benefit of the long-standing conditions of competition affecting Canadian pectinidae in the French market, long known as "Noix de Coquilles Saint-Jacques" or "Noix de Saint-Jacques".

Canada and the European Union held consultations in Geneva on 19 June 1995 with a view to reaching a satisfactory resolution of the matter.

Unfortunately, the consultations failed to settle the dispute and further consultations are not likely to be productive. Pursuant to Article XXIII of GATT 1994, Article 14 of the Agreement on Technical Barriers to Trade, and Articles 4 and 6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), Canada hereby requests that a panel be established at the next meeting of the Dispute Settlement Body scheduled for 19 July 1995.

Canada requests that the panel consider and find that the Order and subsequent amendments are:

- (a) inconsistent with Article 2 of the Agreement on Technical Barriers to Trade;
- (b) inconsistent with Article III of GATT 1994;
- (c) inconsistent with Article I of GATT 1994; and
- (d) nullifying and impairing the benefits accruing to Canada pursuant to the WTO.

Canada requests that the Panel be established with the standard terms of reference as set out in Article 7 of the DSU. Canada further requests that this request for the establishment of a Panel be inscribed on the agenda of the meeting of the DSB on 19 July 1995.