

**UNITED STATES – SAFEGUARD MEASURE ON IMPORTS OF
LAMB MEAT FROM AUSTRALIA**

Request for the Establishment of a Panel by Australia

The following communication, dated 14 October 1999, from the Permanent Mission of Australia, to the Chairman of the Dispute Settlement Body, is circulated pursuant to Article 6.2 of the DSU.

My authorities have instructed me to request the establishment of a panel pursuant to Article XXIII of the General Agreement on Tariffs and Trade 1994 (GATT 1994), Articles 4 and 6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), and Article 14 of the Agreement on Safeguards, with regard to the definitive safeguard measure imposed by the United States of America (USA) on imports of lamb meat.^{1, 2}

Under the "Proclamation 7208 of 7 July 1999 – To Facilitate Positive Adjustment to Competition From Imports of Lamb Meat" and the "Memorandum of 7 July 1999 – Action Under Section 203 of the Trade Act of 1974 Concerning Lamb Meat" by the President of the United States of America, published in the Federal Register Vol. 64, No. 131, pp. 37389-37392 on 9 July 1999 and the Federal Register Vol. 64, No. 132, pp. 37393-37394 on 12 July 1999 respectively, the United States of America introduced a definitive safeguard measure in the form of a tariff-rate quota on imports of lamb meat effective as of 22 July 1999.³

On 23 July 1999 Australia requested consultations with the USA with a view to reaching a mutually satisfactory solution. The request was circulated in Document WT/DS178/1 (and Corr.1) dated 29 July 1999. Such consultations, which were held on 26 August 1999 in Geneva, did not lead to a satisfactory resolution of the matter.

Australia considers that the measure, and associated actions and decisions taken by the USA, are inconsistent with the obligations of the USA under the Agreement on Safeguards and GATT 1994, in particular:

- (a) Articles 2, 3, 4, 5, 6, 11, and 12 of the Agreement on Safeguards, and

¹ G/SG/N/10/USA/3-G/SG/N/11/USA/3, and G/SG/N/10/USA/3/Suppl.1-G/SG/N/11/USA/3/Suppl.1.

² Covering fresh, chilled, or frozen lamb meat, provided for in subheadings 0204.10.00, 0204.22.20, 0204.23.20, 0204.30.00, 0204.42.20, and 0204.43.20 of the Harmonized Tariff Schedule of the United States.

³ Subsequently modified by the "Proclamation 7214 of 30 July 1999 – To Provide for the Efficient and Fair Administration of Action Taken With Regard to Imports of Lamb Meat and for Other Purposes" by the President of the United States of America published in the Federal Register Vol. 64, No. 149, pp. 42265-42267 on 4 August 1999.

(b) Articles I, II, and XIX of GATT 1994.

Australia requests that the panel to examine the matter be established with the standard terms of reference.

Australia asks that this request be placed on the agenda for the meeting of the Dispute Settlement Body to be held on 27 October 1999.
