

UNITED STATES - IMPORT PROHIBITION OF CERTAIN SHRIMP
AND SHRIMP PRODUCTS

Request for Consultations by the Philippines

The following communication, dated 25 October 1996, from the Permanent Mission of the Philippines to the Permanent Mission of the United States and the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

On behalf of the Government of the Philippines, I have the honour to request for consultations with the Government of the United States pursuant to and under Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes ("DSU") and Article XXII:1 of GATT 1994 (as used herein, "GATT 1994" refers to the General Agreement on Tariffs and Trade dated 30 October 1947, as incorporated in the General Agreement on Tariffs and Trade 1994).

The measure subject of the consultations is Section 609 of Public Law No. 101-162, as implemented by the relevant guidelines including, but not limited to, the U.S. Department of State Public Notice 2368 entitled "Revised notice of guidelines for determining comparability of foreign programs for the protection of turtles in shrimp trawl operation", and as interpreted by U.S. courts of appropriate jurisdiction (such law, guidelines and judicial interpretation shall hereinafter be collectively referred to as the "Measure").

The Philippines is of the view that the Measure, as interpreted and implemented, imposes prohibited barriers and undue restrictions on the entry of shrimp and shrimp products into the United States and is in violation of the WTO Agreement including, but not limited to, Articles I, II, III, VIII, XI and XIII of GATT 1994, and Article 2 of the Agreement on Technical Barriers to Trade.

The Philippines considers that the application of the Measure nullifies or impairs the benefits accruing to it directly or indirectly under GATT 1994, and that an objective of that agreement is being impeded as a result thereof. The Philippines reserves the right to raise additional legal or factual claims in the course of the consultations and any other appropriate subsequent action.

Pursuant to Article 4 of the DSU, this request is being notified to the Dispute Settlement Body, the Council on Trade in Goods, the Committee on Technical Barriers to Trade and the Committee on Customs Valuations.