

**EUROPEAN COMMUNITIES – TRADE DESCRIPTION OF SARDINES**

Request for Consultations by Peru

The following communication, dated 20 March 2001, from the Permanent Mission of Peru to the Permanent Delegation of the European Commission and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

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I have the honour to inform you that I have received instructions from the authorities of my country to request consultations with the European Communities under Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes, Article XXII of the General Agreement on Tariffs and Trade 1994, and Article 14 of the Agreement on Technical Barriers to Trade, with respect to the implementation of Council Regulation (EEC) No. 2136/89 which prevents Peruvian exporters from continuing to use the trade description "sardines" for their products.

According to the Codex Alimentarius standards (STAN 94-181 Rev. 1995), the species "*sardinops sagax sagax*" is included among those which may be described as "sardines".

Peru therefore considers that the mentioned European Regulation constitutes an unjustified barrier to trade and is contrary to Articles 2 and 12 of the Agreement on Technical Barriers to Trade and Article XI:1 of the GATT 1994. Moreover, it appears to violate the principle of non-discrimination, causing prejudice to our export product and infringing Articles I and III of the GATT 1994.

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