



31 January 2019

(19-0575)

Page: 1/2

Original: English

QATAR – CERTAIN MEASURES CONCERNING GOODS FROM THE UNITED ARAB EMIRATES

REQUEST FOR CONSULTATIONS BY THE UNITED ARAB EMIRATES

The following communication, dated 28 January 2019, from the delegation of the United Arab Emirates to the delegation of Qatar, is circulated to the Dispute Settlement Body in accordance with Article 4.4 of the DSU.

With regard to measures maintained by Qatar in relation to the importing, stocking, distribution, marketing, or sale of goods originating in the United Arab Emirates (hereinafter "UAE"), this letter constitutes a request for consultations with the Government of the State of Qatar (hereinafter "Qatar") pursuant to Articles 1 and 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes ("DSU") and Article XXIII:1 of the General Agreement on Tariffs and Trade 1994 ("GATT 1994").

A. Measures at Issue

The measures maintained by Qatar prohibit various sales outlets in Qatar, including distributors, retailers, and pharmacies, from importing, stocking, distributing, marketing or selling goods, medicines, and other products originating in or exported from the UAE. The measures are reflected in legal instruments that include, but are not limited to, the following, operating separately or collectively:

- a. Notice to sales outlets issued on 26 May 2018 by the Ministry of Economy and Commerce of Qatar;
- b. Notice to pharmacies issued on 6 June 2018 by the Ministry of Public Health of Qatar;
- c. Unpublished embargoes on products from the UAE;
- d. Statement of 26 May 2018 issued by the Government Communications Office of Qatar on Protecting the Safety of Consumers and to Combat Improper Trafficking of Goods;
- e. Removal of UAE companies from the approved vendor list for infrastructure projects in Qatar;
- f. Other rationally-related or similar measures; and
- g. Any modification, replacement or amendment to the measures identified above, and any subsequent measures.

B. Legal Bases of the Complaint

The above measures appear to be inconsistent with Qatar's obligations under the GATT 1994, including but not limited to:

- a. Article I:1 of the GATT 1994 because the measures fail to accord immediately and

unconditionally to like products originating in the UAE advantages, favours, privileges or immunities that are granted by Qatar to products originating in other countries.

- b. Article III:4 of the GATT 1994 because the measures are laws, regulations, or requirements affecting the internal sale, offering for sale, purchase, or distribution of products and fail to accord products imported into Qatar treatment no less favorable than that accorded to like products of Qatari origin.
- c. Article X of the GATT 1994 insofar as the measures have not been published promptly in such manner as to enable governments and traders to become acquainted with them and were enforced before such measures have been officially published;
- d. Article XI:1 of the GATT 1994 insofar as the measures institute or maintain prohibitions or restrictions, other than duties, taxes or other charges, on the importation of products of the territory of the UAE;
- e. Article 23.1 of the DSU insofar as through the measures Qatar appears to be seeking the redress of an alleged violation of obligations or other nullification or impairment of benefits under the covered agreements or an impediment to the attainment of any
- f. objective of the covered agreements, without having recourse to, and abide by, the rules and procedures of the DSU; and
- g. Article 23.2(a) of the DSU insofar as through the measures Qatar has made a determination to the effect that a violation has occurred, that benefits have been nullified or impaired, or that the attainment of any objective of the covered agreements has been impeded without recourse to dispute settlement in accordance with the rules and procedures of the DSU, and Qatar has failed to make any such determination consistent with the findings contained in a panel or Appellate Body report adopted by the WTO Dispute Settlement Body or an arbitration award rendered under the DSU.

In addition to the violations of obligations under the GATT 1994 identified above, the UAE considers that benefits accruing to the UAE directly and indirectly under the GATT 1994 are being nullified and impaired as a result of the application of the measures identified above, within the meaning of Article XXIII:1(b) of the GATT 1994.

The UAE reserves its rights to raise additional matters during the course of these consultations and in any future request for panel proceedings.

The UAE looks forward to receiving a reply from Qatar to this request within 10 days after receipt of this request, as contemplated by Article 4.3 of the DSU, and to fixing a mutually acceptable date for consultations.
