

# WORLD TRADE ORGANIZATION

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## UNITED STATES - IMPORT PROHIBITION OF CERTAIN SHRIMP AND SHRIMP PRODUCTS

### Request for Consultations by India, Malaysia, Pakistan and Thailand

The following communication, dated 8 October 1996, from the Permanent Delegations of India, Malaysia, Pakistan and Thailand to the Permanent Mission of the United States and the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

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The Permanent Missions in Geneva of India, Malaysia, Pakistan and Thailand wish to convey to you, on behalf of their respective governments, a request for consultations with the Government of the United States pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) and Article XXII:1 of the General Agreement on Tariffs and Trade 1994 (GATT) regarding the ban imposed upon importation of shrimp and shrimp products from the respective countries by the United States under Section 609 of U.S. Public Law 101-162 (codified at 16 U.S.C. S 1537 note) and the guidelines issued thereunder for "Determining [the] Comparability of Foreign Programs for the Protection of Turtles in Shrimp Trawl Fishing Operations". See 61 Fed. Reg. 17342 (April 19, 1996).

We consider that, through the laws and regulations referred to above, the Government of the United States fails to carry out its obligations and commitments under several provisions of the GATT and WTO Agreements, including but not limited to Article I, Article XI and Article XIII of the GATT, and that such failure is not justified by any provision of the said agreements, including the exceptions set forth in Article XX of the GATT. We also consider that these measures nullify or impair benefits accruing to us directly or indirectly under the GATT. We reserve the right to raise additional factual or legal claims during the course of the consultations and any other subsequent actions under the WTO dispute settlement process.

We look forward to establishing a mutually convenient date for consultations on this matter.