



23 October 2018

(18-6658)

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## **TURKEY – ADDITIONAL DUTIES ON CERTAIN PRODUCTS FROM THE UNITED STATES**

### **REQUEST FOR CONSULTATIONS BY THE UNITED STATES**

#### *Addendum*

The following communication, dated 18 October 2018, from the delegation of the United States to the delegation of Turkey, is circulated to the Dispute Settlement Body in accordance with Article 4.4 of the DSU.

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My authorities have instructed me to request consultations with Turkey pursuant to Article 4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* and Article XXIII of the *General Agreement on Tariffs and Trade 1994* ("GATT 1994"), with respect to Turkey's imposition of additional duties on certain products originating in the United States ("amended additional duties measure"). This request supplements and does not replace the US request for consultations with Turkey dated 16 July 2018, concerning the additional duties measure.<sup>1</sup>

As you know, Turkey and the United States held consultations on 29 August 2018, with respect to Turkey's additional duties measure. Following the request for consultations referenced above, Turkey amended the additional duties measure to increase the rates of duty for 21 out of the 22 tariff lines affected by the additional duties measure. Turkey has not imposed the increased rates of duty on any other WTO Member and the increase in rates of duty further exceed those set out in Turkey's schedule of concessions beyond what was originally imposed.

The legal instruments through which Turkey imposes the amended additional duties measure include the following:

- *Decision on Implementation of Additional Financial Obligations for the Import of Certain Products Originating in the United States of America*, Council of Ministers Decision No. 11973/2018, Official Gazette No. 30459, June 25, 2018;
- *Decision to Amend the Decision to Impose Additional Financial Liabilities on the Import of Some Products Originating From the United States of America*, Presidential Decree No. 21, Official Gazette No. 30510, August 15, 2018;

as well as any amendments, replacements, related measures, or implementing measures.

The amended additional duties measure appears to be inconsistent with:

- Article I:1 of the GATT 1994, because it fails to extend to products of the United States an advantage, favor, privilege or immunity granted by Turkey with respect to customs duties and charges of any kind imposed on or in connection with the importation of products originating in the territory of other Members; and

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<sup>1</sup> WT/DS561/1

- Article II:1(a) and (b) of the GATT 1994, because it accords less favorable treatment to products originating in the United States than that provided for in Turkey's schedule of concessions.

The amended additional duties measure appears to nullify or impair the benefits accruing to the United States directly or indirectly under the GATT 1994.

We look forward to receiving your reply to the present request and to fixing a mutually convenient date to hold these supplemental consultations.

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