

**UNITED STATES – SAFEGUARD MEASURE ON IMPORTS OF FRESH, CHILLED OR  
FROZEN LAMB FROM NEW ZEALAND**

Request for the Establishment of a Panel by New Zealand

The following communication, dated 14 October 1999, from the Permanent Mission of New Zealand to the Chairman of the Dispute Settlement Body, is circulated pursuant to Article 6.2 of the DSU.

My authorities have asked me to submit the following request on behalf of New Zealand for consideration at the next meeting of the Dispute Settlement Body.

Under the “Proclamation 7208 of 7 July 1999 - To Facilitate Positive Adjustment to Competition From Imports of Lamb Meat” and the “Memorandum of 7 July 1999 - Action Under Section 203 of the Trade Act of 1974 Concerning Lamb Meat” by the President of the United States of America, published in the Federal Register Vol. 64, No. 131, pp. 37389 to 37392 on 9 July 1999 and the Federal Register Vol. 64, No. 132, pp. 37393 to 37394 on 12 July 1999 respectively, the United States of America imposed a definitive safeguard measure in the form of a tariff-rate quota on imports of fresh, chilled, or frozen lamb meat<sup>1</sup> effective as of 22 July 1999.<sup>2</sup>

New Zealand considers that this measure is inconsistent with the obligations of the United States of America under the following provisions:

- (i) Articles 2, 3, 4, 5, 11 and 12 of the Agreement on Safeguards; and
- (ii) Articles I, II and XIX of the GATT 1994.

In a communication dated 16 July 1999 (as circulated in WT/DS177/1), the Government of New Zealand requested consultations with the Government of the United States of America pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), Article 14 of the Agreement on Safeguards and Article XXII:1 of the GATT 1994 with regard to the safeguard measure imposed by the United States of America on imports of lamb meat. Consultations were held on 26 August 1999, but did not result in a resolution of the dispute.

<sup>1</sup> As provided for in subheadings 0204.10.00, 0204.22.20, 0204.23.20, 0204.30.00, 0204.42.20, and 0204.43.20 of the Harmonised Tariff Schedule of the United States.

<sup>2</sup> Some of this information has also been contained in the United States Article 12.1(c) Notification to the Committee on Safeguards (G/SG/N/10/USA/3, G/SG/N/10/USA/3/Suppl.1, G/SG/N/11/USA/3 and G/SG/N/11/USA/3/Suppl.1).

Accordingly, New Zealand requests the establishment of a panel pursuant to Article 6 of the DSU and Article 14 of the Agreement on Safeguards to examine the measure in question, with the standard terms of reference as set out in Article 7 of the DSU.

As indicated above, New Zealand asks that this request for the establishment of a panel be considered at the next meeting of the Dispute Settlement Body scheduled for 27 October 1999.

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