

TARIFFS AND TRADE

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SWEDEN - RESTRICTIONS ON IMPORTS OF APPLES AND PEARS**Recourse to Article XXIII:2 by the United States****Communication from the United States**

The following communication, dated 21 April 1988, has been received from the Permanent Mission of the United States.

The United States wishes to refer to the CONTRACTING PARTIES, pursuant to Article XXIII:2 of the General Agreement, the matter of quantitative restrictions maintained by Sweden on imports of apples and pears.

Under the 1984 Ordinance on Import and Export Regulation, and the 1987 Ordinance on Import and Export Licences concerning Products for which the Agricultural Market Board is the Licensing Authority, Sweden maintains an import licensing system, through which imports of apples and pears are restricted or prohibited during certain seasons of the year. Generally speaking, imports of apples and pears are prohibited from the beginning of the harvest season until the time that the domestic crop has been sold.

The United States believes that these restrictions nullify and impair benefits accruing to the United States under the General Agreement. They contravene, inter alia, the prohibition in Article XI of the General Agreement against maintenance of quantitative restrictions on imports made effective through quotas, import licences, or other means. The legislation concerned is not mandatory in its terms, and clearly permits the executive authorities of Sweden to apply its terms in a manner consistent with the General Agreement. For this reason, under established GATT practice, the exception provided for existing legislation in the Annex Protocol by which Sweden acceded to the General Agreement is not applicable in this instance.

These restrictions have been the subject of many discussions between the United States and Sweden, including consultations held under Article XXIII:1 on 16 September 1987, 25 January 1988 and 18 April 1988. These consultations have not resulted in a mutually satisfactory settlement of this issue.

Therefore, the United States requests the Council of Representatives at its meeting of 4 May 1988 to establish a panel to review this matter under Article XXIII:2 of the General Agreement.