

GENERAL AGREEMENT ON

RESTRICTED

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TARIFFS AND TRADE

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NORWAY - 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 9 March 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 Norway on imports of apples and pears.

Under the Act of 1934 relating to the Provisional Ban on Imports, Norway 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 licenses, or other means. The legislation concerned is not mandatory in its terms, and clearly permits the executive authorities of Norway to apply its terms in a manner consistent with the General Agreement. For this reason, under established GATT practice, paragraph 1(b) of the Protocol of Provisional Application of the GATT is not applicable in this instance.

These restrictions have been the subject of many discussions between the United States and Norway, including consultations held under Article XXIII:1 on 22 September and 16 November, 1987. 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 22 March 1988 to establish a panel to review this matter under Article XXIII:2 of the General Agreement.