

# GENERAL AGREEMENT ON

RESTRICTED

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# TARIFFS AND TRADE

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COUNCIL  
21-22 June 1989

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## EUROPEAN ECONOMIC COMMUNITY - RESTRAINTS ON EXPORTS OF COPPER SCRAP

### Recourse to Article XXIII:2 by the United States

#### Communication from the United States

The following communication, dated 7 June 1989, has been received from the United States Trade Representative with the request that it be circulated to contracting parties and that the matter be inscribed on the agenda of the regular Council meeting to be held on 21-22 June 1989.

The United States wishes to refer to the CONTRACTING PARTIES, pursuant to Article XXIII:2 of the General Agreement, the matter of quantitative restrictions imposed by the European Economic Community on the export of copper scrap.

The European Economic Community currently establishes quotas on the amount of copper scrap and copper alloy scrap that may be exported by each Member of the Community. See, e.g., O.J.Eur.Comm. (No. L 371) 6 (1987); 31 O.J.Eur.Comm. (No. L 21) 9 (1988). These quota restrictions have been in effect and renewed annually since the early 1970s.

The United States believes that these restrictions contravene, inter alia, the prohibition in Article XI:1 of the General Agreement of "prohibitions or restrictions other than duties, taxes or other charges ... on the exportation or sale for export of any product destined for the territory of any other contracting party." These restrictions nullify and impair benefits accruing to the United States under the General Agreement.

These restrictions have been the subject of discussions and consultations, including consultations held under Article XXIII:1 of the General Agreement on 10 May 1989. These consultations have not resulted in a mutually satisfactory resolution of the issues.

Therefore, the United States requests the Council of Representatives at its meeting of 21 June 1989 to establish a panel to review this matter under Article XXIII:2 of the General Agreement.