

NORWAY - RESTRICTIONS ON IMPORTS OF APPLES AND PEARS

Request for Consultations under Article XXIII:1  
by the United States

The following communication, dated 11 May 1990, sent by the United States Trade Representative in Geneva to the Permanent Representative of Norway in Geneva, is circulated in accordance with paragraph C.3 of the CONTRACTING PARTIES' 1989 Decision on Improvements to the GATT Dispute Settlement Rules and Procedures (L/6489).

On instructions from my authorities, I wish to convey to you the request of the United States for consultations under Article XXIII:1 of the General Agreement on Tariffs and Trade concerning the import regime introduced by your Government in order to implement the panel report on Norwegian Import Restrictions on Apples and Pears (L/6474). Your new regime was notified to Contracting Parties in GATT Document L/6651.

The United States believes that the import regime you have notified fails to bring the measures applying to imports of apples and pears into conformity with Norway's GATT obligations.

Your Government is proposing the use of production and marketing controls on a negligible subset of production to justify permanent restrictions on apple imports during seven months of the year. The import regime does not truly restrict domestic production of apples. At the same time, it appears to restrict imports to a greater degree than it restricts domestic production. Hence, the import regime notified in GATT Document L/6651 is inconsistent with your obligations under GATT Article XI:1 and does not meet the criteria of GATT Article XI:2(c), and, therefore, it nullifies or impairs benefits accruing to the United States under the General Agreement.

As you know, our two governments have held bilateral consultations on this matter, but they have not produced a satisfactory adjustment of the matter. Accordingly, my authorities have decided to request consultations under Article XXIII:1. We request that these consultations be held at your earliest convenience.