

GENERAL AGREEMENT ON

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EUROPEAN ECONOMIC COMMUNITY - MEASURES AFFECTING IMPORTS
OF CORN GLUTEN FEED

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

The following communication, dated 10 September 1991, sent by the Office of the United States Trade Representative in Geneva to the Permanent Delegation of the Commission of the European Communities, is circulated in accordance with paragraph C.4 of the CONTRACTING PARTIES' 1989 Decision on Improvements to the GATT Dispute Settlement Rules and Procedures (BISD 36S/62).

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, as a matter of urgency, concerning European Community restrictions affecting imports of corn gluten feed.

It is our understanding that some member countries of the European Community have been testing imports of corn gluten feed with the purpose of applying a new definition of corn gluten feed. This definition is different from that in effect at the time that the import duty on corn gluten feed was bound at zero in 1967. This definition is also not in accord with long-standing industry practices predating the EC tariff binding on corn gluten feed. Therefore, we believe that the EC's unilateral redefinition of this product, and the measures to apply the redefinition, are inconsistent with the Community's obligations under the General Agreement and nullify or impair benefits accruing to the United States within the meaning of Article XXIII:1.

We request consultations on this matter under Article XXIII:1 as soon as possible. In accordance with paragraph C.4 of the Improvements to the GATT Dispute Settlement Rules and Procedures (L/6489), the United States requests that the consultations be held within 10 days of the date of this request, as this is a matter of extreme urgency. U.S. shipments of corn gluten feed to the Community are currently sitting at EC ports, deteriorating in condition, awaiting a resolution of this matter.