

GENERAL AGREEMENT ON

TARIFFS AND TRADE

RESTRICTED

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UNITED STATES - HARBOUR MAINTENANCE FEES

Request for Consultations under Article XXIII:1 by the European Economic Community

The following communication, dated 12 February 1992, from the Commission of the European Communities, is circulated in accordance with paragraph C.3 of the CONTRACTING PARTIES' 1989 Decision on Improvements to the GATT Dispute Settlement Rules and Procedures (BISD 36S/62).

As part of the Budget Reconciliation Act of 1990, the United States increased the Harbour Maintenance Fees from 0.04 per cent to 0.125 per cent of the value of commercial cargo loaded or unloaded at United States ports and on commercial ship passenger fares.

These fees are based on the value and not volume or weight of goods and therefore appear to have many of the undesirable characteristics of the old customs user fees which a GATT panel concluded to be not in conformity with the General Agreement.

The European Community considers that these measures are not consistent with the provisions of the General Agreement, in particular Article VIII. Therefore, the European Community requests to enter into consultations with the United States under Article XXIII:1 of the General Agreement, in accordance with the 1989 Decision on Improvements to the GATT Dispute Settlement Rules and Procedures (BISD 36S/62).