

# GENERAL AGREEMENT ON

RESTRICTED

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# TARIFFS AND TRADE

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## UNITED STATES - RESTRICTIONS ON IMPORTS OF TUNA

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

The following communication, dated 11 March 1992, from the Permanent Delegation of the Commission of the European Communities to the Office of the United States Trade Representative 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 (BISD 36S/62).

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In application of the provisions of the US Marine Mammal Protection Act of 1972 and subsequent amendment, the US Government has applied, since 24 May 1991, restrictions on the import of certain tuna products from the European Community.

These restrictions are linked to the embargo applied by the US to the same products originating from Mexico.

The Panel requested by Mexico, in which the European Community intervened, rules that both direct and indirect embargoes on "intermediary nations" - like the one applied against the Community - are contrary to certain GATT obligations, namely Article XI, and cannot be justified by any of the exceptions provided for in the General Agreement.

Furthermore, the conclusions of the Panel confirm the European Community's view that the protection of dolphins, which is an objective fully supported by the European Community, should be pursued by measures which are based on multilateral co-operation and not through unilateral restriction of an extrajudicial nature.

In accordance with the 12 April 1989 Decision on "improvements to the GATT dispute settlement rules" (BISD 36S/62), the European Community requests consultations with the United States under Article XXIII:1 of the General Agreement.