

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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EC - RESTRICTIONS ON IMPORTS OF CANNED TUNA AND SARDINES

Request for Consultations under Article XXII:1 by Thailand

The following communication, dated 16 February 1994, has been sent by the Permanent Mission of Thailand to the Permanent Delegation of the Commission of the European Communities and 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).

On instructions from my authorities, I wish to convey to you a request for consultations under Article XXII:1 of the General Agreement on Tariffs and Trade (GATT) concerning the restrictive import measure on canned tuna and sardines as contained in the Council Regulation (EEC) No 3759/92.

You will recall that at the Council meeting on 21 July 1993, ASEAN contracting parties raised concern about the quantitative restriction imposed by the European Union, which was put into effect from 1 January 1993. As was pointed out by the ASEAN spokesman at the meeting, such import restrictions are clearly inconsistent with GATT provisions, particularly Article XI.

The measure has the effect of impeding the normal flow of Thailand's exports, discouraging importers from sourcing imports from Thailand and eroding Thailand's competitiveness, which would otherwise be maintained under the previous regime. Furthermore we consider that the Regulation (EEC) No. 3759/92 impairs the concession granted on this product and nullifies the benefit accruing to Thailand under the provisions of the General Agreement.

Given that this restrictive measure is not consistent with the European Union's GATT obligations, and the fact that it has a great detrimental impact on our canned tuna exporters, Thailand requests that consultations be held with the European Union with a view to finding a mutually satisfactory solution. Accordingly, we propose that consultations be held as soon as possible.