

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

RESTRICTED
DS52/1
28 October 1994
Limited Distribution

(94-2215)

Original: English

JAPAN - MEASURES AFFECTING IMPORTS OF CERTAIN
TELECOMMUNICATIONS EQUIPMENT

Request for Consultations
under Article XXII:1 by the European Community

The following communication, dated 13 October 1994, sent by the Permanent Delegation of the Commission of the European Communities in Geneva to the Permanent Mission of Japan 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).

On behalf of the European Community, I hereby request consultations with Japan under Article XXII:1 of the General Agreement on Tariffs and Trade with respect to the agreement, reached between the Governments of the United States of America and Japan on 12 March, 1994, regarding telecommunications (hereinafter also referred to as "the IDO-Monitoring Agreement"). The agreement, which takes the form of an exchange of letters, concerns in particular the monitoring and overseeing by the Government of Japan of the completion of a letter of intent from the Nippon Idou Tsushin Corporation (hereinafter "IDO") to Nippon Motorola Ltd. and Motorola Inc. (hereinafter "Motorola"), as well as deployment schedules attached thereto. It also includes a commitment by the Government of Japan to approve a request by IDO to reallocate certain radio frequencies, and to grant all necessary permits and licenses to IDO in order to enable it to fulfil its obligations under the letter of intent.

The European Community considers that the IDO-Monitoring Agreement may constitute a breach of Japan's obligations under the General Agreement, in particular those under Articles I and III and Article XVII thereof, or that it may constitute a measure applied by Japan which, even if it would not conflict with the provisions of the General Agreement, may nullify or impair benefits accruing to the European Community thereunder.

Therefore, the European Community requests a meeting with the appropriate Japanese authorities to discuss the matter with a view to finding a mutually satisfactory solution in accordance with Art. XXII:1 of the General Agreement. Further, pursuant to Section C(1) of the 1989 Decision on Improvements to the GATT Dispute Settlement Rules and Procedures, which provides that these consultations take place within thirty days from the date of this request, I propose that these consultations could be held in Geneva during the week of 7 November 1994. The exact date of the consultations should be fixed in mutual agreement.

We have prepared a list of questions which I trust will provide a useful basis for the discussions. Finally, I should be grateful if you would reply to this request within ten days of its receipt.