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PHILIPPINES - MEASURES AFFECTING PORK AND POULTRY

Request for Consultations by the United States

The following communication, dated 1 April 1997, from the Permanent Mission of the United States to the Permanent Mission of the Philippines and to the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

My authorities have instructed me to request consultations with the Philippines pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes ("DSU"), Article XXII of the General Agreement on Tariffs and Trade 1994, Article 19 of the Agreement on Agriculture, Article 6 of the Agreement on Import Licensing Procedures, and Article 8 of the Agreement on Trade-Related Investment Measures regarding the implementation by the Philippines of its tariff-rate quotas for pork and poultry. The measures at issue include Republic Act No. 8178 and Administrative Order No. 9, Series of 1996.

The Philippines' implementation of these tariff-rate quotas, in particular the delays in permitting access for the in-quota quantities and the licensing system used to administer access to the in-quota quantities, appears to be inconsistent with the obligations of the Philippines under the General Agreement on Tariffs and Trade 1994, the Agreement on Agriculture, the Agreement on Import Licensing Procedures, and the Agreement on Trade-Related Investment Measures. The provisions of these agreements with which these measures appear to be inconsistent include, but are not limited to, the following:

- (1) General Agreement on Tariffs and Trade 1994, Articles III, X and XI;
- (2) Agreement on Agriculture, Article 4;
- (3) Agreement on Importing Licensing Procedures, Articles 1 and 3; and
- (4) Agreement on Trade-Related Investment Measures, Articles 2 and 5.

These measures also appear to nullify or impair the benefits accruing to the United States directly or indirectly under the cited agreements.

We look forward to receiving your reply to the present request and to fixing a mutually convenient date for consultations.