

9 April 1997

(97-1482)

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Original: English

JAPAN - MEASURES AFFECTING AGRICULTURAL PRODUCTS

Request for Consultations by the United States

The following communication, dated 7 April 1997, from the Permanent Mission of the United States to the Permanent Mission of Japan and to the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

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My authorities have instructed me to request consultations with Japan pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes ("DSU"), Article 11 of the Agreement on the Application of Sanitary and Phytosanitary Measures, Article XXIII of the General Agreement on Tariffs and Trade 1994, and Article 19 of the Agreement on Agriculture regarding the prohibition by Japan on imports of agricultural products. Specifically, for each agricultural product for which Japan requires quarantine treatment, Japan prohibits the importation of each variety of that product until the quarantine treatment has been tested for that variety, even though the treatment has proven effective with respect to other varieties of the same product.

Japan's import prohibition has adversely affected exports of U.S. agricultural products. Japan's measures appear to be inconsistent with the obligations of Japan under the Agreement on the Application of Sanitary and Phytosanitary Measures, the General Agreement on Tariffs and Trade 1994, and the Agreement on Agriculture. The provisions of these agreements with which these measures appear to be inconsistent include, but are not limited to, the following:

- (1) Agreement on the Application of Sanitary and Phytosanitary Measures, Articles 2, 4, 5 and 8;
- (2) General Agreement on Tariffs and Trade 1994, Article XI;
- (3) Agreement on Agriculture, Article 4.

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.