

**EUROPEAN COMMUNITIES – MEASURES PROHIBITING THE IMPORTATION
AND MARKETING OF SEAL PRODUCTS**

Request for Consultations by Canada

The following communication, dated 2 November 2009, from the delegation of Canada to the delegation of the European Communities and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

Pursuant to Article 4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*, Article XXII of the *General Agreement on Tariffs and Trade, 1994* (GATT 1994) and Article 14.1 of the *Agreement on Technical Barriers to Trade* (TBT Agreement), the Government of Canada hereby requests consultations with the European Communities (EC) concerning certain EC measures regarding the importation and marketing of seal products. These measures include:

- Regulation (EC) No. 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products, and subsequent amendments, replacements, extensions, implementing measures or other related measures ("the Regulation").

The Regulation prohibits the importation and the placing on the market in the customs territory of the EC of all seal products. "Seal" is defined in the Regulation to include all species of pinnipeds (*Phocidae*, *Otariidae* and *Odobenidae*). "Seal product" is defined in the Regulation as "all products, either processed or unprocessed, deriving or obtained from seals, including meat, oil, blubber, organs, raw fur skins and fur skins, tanned or dressed, including fur skins assembled in plates, crosses and similar forms, and articles made from fur skins". The Regulation does provide for the importation and placing on the market of seal products where they result from traditional hunts conducted by Inuit and other indigenous communities and where the products contribute to their subsistence.

These measures appear to be inconsistent with the EC's obligations under GATT 1994 and the TBT Agreement. The provisions of these Agreements with which the measures appear to be inconsistent include:

- (i) Articles 2.1 and 2.2 of the TBT Agreement
- (ii) Articles I:1, III:4 and XI:1 of GATT 1994

(iii) Article 4.2 of the Agriculture Agreement.

These violations appear to nullify or impair the benefits accruing to Canada under those Agreements. Moreover, these measures appear to nullify or impair the benefits accruing to Canada in the sense of Article XXIII:1(b) of GATT 1994.

Canada reserves the right to raise additional claims and legal matters regarding the measures at issue during the course of consultations.

Canada looks forward to receiving the reply of the EC to this request and welcomes any suggestions that it might wish to make concerning the date on which these consultations could take place, and the location of the consultations.
