

TURKEY – CERTAIN IMPORT PROCEDURES FOR FRESH FRUIT

Request for Consultations by Ecuador

The following communication, dated 31 August 2001, from the Permanent Mission of Ecuador to the Permanent Mission of Turkey and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

Upon instructions from my authorities I hereby request consultations with the Government of Turkey pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), Article XXII:1 of the 1994 General Agreement on Tariffs and Trade (GATT 1994), Article 11 of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS), Article 6 of the Agreement on Import Licensing Procedures, Article 19 of the Agreement on Agriculture and Article XXII:1 of the General Agreement on Trade in Services (GATS).

This request is in respect to certain import procedures for fresh fruits and, in particular, bananas. The procedure requires the issuance by the Turkish Ministry of Agriculture of a document, known as "Kontrol Belgesi". This procedure is established under the "Communiqué for Standardization in Foreign Trade" published by the Under-Secretariat of Foreign Trade in the Official Journal 24271 of 25 December 2000 (Annex 1 thereof).

The Government of Ecuador is of the view that this procedure, as applied by the Turkish authorities, is a barrier to trade which is inconsistent with the obligations of Turkey under GATT 1994, the Agreement on the Application of Sanitary and Phytosanitary Measures, the Agreement on Import Licensing Procedures, the Agreement on Agriculture and the GATS.

In particular, the Government of Ecuador considers that the provisions of the WTO agreements with which Turkey's "Kontrol Belgesi" procedure appears to be inconsistent include the following:

1. Articles II, III, VIII, X and XI of the GATT 1994;
2. Articles 2.3 and 8 and Annexes B and C of the Agreement on the Application of Sanitary and Phytosanitary Measures;
3. Paragraphs 2, 3, 5 and 6 of Article 1 of the Agreement on Import Licensing Procedures;

4. Article 4 of the Agreement on Agriculture; and
5. Articles VI and XVII of the General Agreement on Trade in Services (GATS).

I look forward to receiving the reply of Turkey to this request as Ecuador is ready to consider with Turkey mutually convenient dates to commence consultations in Geneva with a view to clarifying the facts of the situation and to arriving at a mutually agreed solution.

The Government of Ecuador reserves the right to raise additional factual or legal points related to the aforementioned measure during the course of consultations and any other subsequent actions under the DSU.
