

Original: English

**AUSTRALIA – CERTAIN MEASURES AFFECTING THE IMPORTATION
OF FRESH PINEAPPLE**

Request for Consultations by the Philippines

The following communication, dated 18 October 2002, from the Permanent Mission of the Philippines to the Permanent Mission of Australia and to the Chairman of 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 Government of Australia 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 ("GATT 1994"), and Article 11 of the Agreement on the Application of Sanitary or Phytosanitary Measures ("SPS Agreement") regarding certain measures affecting the importation of fresh pineapple fruit.

These measures include, but are not limited to: (i) Section 64 of the *Quarantine Proclamation 1998* promulgated under the *Quarantine Act 1908*, (ii) regulations, requirements and procedures issued pursuant thereto, including Plant Biosecurity Policy Memorandum 2002/45 (requiring that fresh pineapple fruit from the Philippines, the Solomon Islands, Sri Lanka, and Thailand shall, among other requirements, be de-crowned and subjected to pre-shipment methyl bromide fumigation as conditions for importation into Australia), (iii) amendments to any of the foregoing, and (iv) their application.

It appears to the Government of the Philippines that these measures may be inconsistent with the obligations of Australia under the GATT 1994 and the SPS Agreement. The relevant provisions of these agreements include, but are not limited to:

1. Articles XI and XIII of the GATT 1994; and
2. Should Australia assert that the measures are sanitary or phytosanitary measures as defined in the SPS Agreement, Articles 2, 3, 4, 5, 6 and 10 of the SPS Agreement.

In accordance with Article 4 of the DSU, the Government of the Philippines requests consultations with the Government of Australia to discuss this matter with a view to reaching a mutually satisfactory solution. The Government of the Philippines looks forward to receiving your reply to this request.
