

I. INTRODUCTION

1. Canada's second written submission should be read in conjunction with Canada's first written submission, its first oral submission, and the replies of Canada to questions from the Panel and the European Communities (the "EC") at the first meeting with the Panel.

II. RESPONSE TO THE SUBMISSIONS OF THE EUROPEAN COMMUNITIES

A. Factual Aspects

1. "Correct" Trade Names for Scallops

2. The EC has asserted throughout its first written and oral submissions that the "true" or "correct" trade name for *Pectens* is "coquilles Saint-Jacques". This claim has not been substantiated. All available historical and commercial information supports Canada's position that there has been no exclusive use of the term "coquilles Saint-Jacques" or "noix de Saint-Jacques" in respect of *Pectens*.

a. Historically, the terms "coquilles Saint-Jacques" and "noix de Saint-Jacques" have not been limited to Pectens

3. The EC has not demonstrated that there is an exclusive connection between "coquilles Saint-Jacques" and *Pecten* scallops. There is no clear, consistent usage of the non-scientific term "coquilles Saint-Jacques" to refer to *Pectens*. Over time, the terms "coquilles Saint-Jacques" and "noix de Saint-Jacques" have been used broadly to describe quality scallops from a variety of *genera* and species. For example, *Placopecten magellanicus* from Canada have been permitted to use those terms in France for over forty years.

b. International practice establishes that the terms "coquilles Saint-Jacques" and "noix de Saint-Jacques" are not limited to Pectens

4. The EC states at paragraph 11 of its first written submission that "the distinction between coquilles Saint-Jacques and *Placopecten magellanicus* is also recognized internationally." It appears that the EC is suggesting that the distinction made in the Order is a distinction that is recognized internationally. This is not the case.

5. References to several publications of international organizations have been made during the course of this dispute, including to the *OECD Multilingual Dictionary of Fish and Fish Products* (the "OECD Dictionary"), the *FAO Yearbooks on Fishery Statistics* (the "FAO Yearbooks"), and the European Commission's *Multilingual Illustrated Dictionary of Aquatic*