

CANADIAN CASES IN INTERNATIONAL TRADE LAW

a) World Trade Organization Cases

1. Australia - Measures Affecting the Importation of Salmon

Canadian fresh, frozen and chilled salmonids have been denied entry to the Australian market since 1975, purportedly for animal health quarantine reasons. A WTO panel was established pursuant to Canada's request at the DSB meeting on April 10, 1997. The U.S., the EC, India and Norway participated as third parties. In its Final Report, issued to the parties on May 5, 1998 and circulated to WTO members on June 12, 1998, the panel found Australia's ban inconsistent with several provisions of the SPS Agreement. Australia filed a notice of appeal on July 22, 1998. The appeal was heard on August 21-22.

2. Brazil - Export Financing Programme for Aircraft

Under the *Programa de Financiamento as Exportacoes (PROEX)*, Brazil grants export subsidies in the form of interest rate equalization payments and export financing programmes to foreign purchasers of Brazil's Embraer aircraft. Canada and Brazil held consultations in Geneva on July 22, July 25, and November 4, 1996, in Brasilia on November 21-22, 1996, in Rio de Janeiro on June 8-9, 1998, and Washington D.C. on June 25-26, 1998, but these consultations failed to resolve the matter. Canada requested a panel alleging that the export subsidies under PROEX are inconsistent with Article 3 of the *Agreement on Subsidies and Countervailing Measures* (SCM Agreement). A panel was established pursuant to Canada's request at the DSB meeting on July 23, 1998. The U.S. and the EC have joined as third parties.

3. EC- Measures Affecting Livestock and Meat (*Hormones*)

The European Communities (EC) ban the importation of animals, and meat from animals, which have been administered certain hormones for purposes of promoting the growth of the animals. Canada alleged that the ban is inconsistent with Articles 2, 3 and 5 of the SPS Agreement, Article 2 of the TBT Agreement, Articles III or XI of GATT 1994, and Article 4 of the Agreement on Agriculture. The subject matter of this dispute is identical to the U.S. complaint in which Canada has made a Third Party representation. A panel was established pursuant to Canada's request on October 16, 1996. The final report of the panel was circulated to all WTO members on August 18. The report was favourable to Canada in finding the EC in violation of Articles 3.1, 5.1 and 5.5 of the SPS Agreement. On September 24, the EC appealed the panel report. The Appellate