

No. 53037*

**Canada
and
European Communities**

Exchange of letters between the Government of Canada and the European Communities constituting an Agreement on the terms of settlement of the World Trade Organization dispute "EC - Trade Description of Scallops (WT/DS7)" (with annex). Geneva, 25 June 1996

Entry into force: *25 June 1996 by the exchange of the said letters, in accordance with their provisions*

Authentic texts: *English, French and Spanish*

Registration with the Secretariat of the United Nations: *Canada, 16 October 2015*

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**Canada
et
Communautés européennes**

Échange de lettres entre le Gouvernement du Canada et les Communautés européennes constituant un Accord comportant les termes du règlement du différend en instance devant l'Organisation mondiale du commerce "CE -Dénomination de vente des Pectinidés (WT/DS7)" (avec annexe). Genève, 25 juin 1996

Entrée en vigueur : *25 juin 1996 par l'échange desdites lettres, conformément à leurs dispositions*

Textes authentiques : *anglais, français et espagnol*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Canada, 16 octobre 2015*

**Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

[TRANSLATION – TRADUCTION]

ANNEX

Letter from the French Permanent Delegate to the WTO to the Permanent Representative of the European Commission in Geneva, dated 9 May 1996.

[Mr. Permanent Delegate.]

With reference to the proposed exchange of letters between the parties to the dispute concerning the trade description of scallops, I have the honour, on the instructions of my Government, to confirm the following:

- Article 1 of the Order, the draft text of which is enclosed, means that:
 - (a) Scallops must be marketed in France under the name "Saint Jacques" or "noix de coquilles Saint Jacques" or "noix de Saint Jacques" or any other combination of the term Saint Jacques consistent with the nature of the product, followed by the scientific name of the species.
 - (b) The country of origin must be indicated in clearly visible lettering on the same side of the label as the name, but not necessarily immediately adjacent thereto.
- Article 5 means that the Order of 22 March 1993 relating to the official French names and permitted trade descriptions of scallops (NOR: MER P9 3000 51 A), as amended by the Order of 29 December 1993 (NOR: ECO C9 3001 90 A) and by the Order of 3 October 1994 (NOR: ECO C9 4000 66 A), will be rescinded as soon as the new Order is published.
- The Order will be published in the Journal officiel de la République française and will take effect no later than 1 July 1996.

[Please accept, Sir, the assurance of my highest consideration.]

[Signature]

[Jean-Marie METZGER]

[Mr. Jean-Pierre LENG
Permanent Delegate of the European Commission
at the WTO]

Preliminary Draft Order Relating to the Official Names and Permitted
Trade Descriptions of Scallops

The Ministry of the Economy and the Ministry of Agriculture, Fisheries and Food,

Considering the Consumer Code;

Considering Law No. 75-1439 of 31 December 1975 concerning the use of the French language;

Considering Decree 55-241 of 10 February 1955 implementing the Law of 1 August 1905 with respect to trade in preserved and semi-preserved goods, and in particular its Article 8;

Considering Decree No. 64-949 of 9 September 1964 implementing the Law of 1 August 1905 with respect to deep-frozen products, and in particular its Article 7;

Considering Decree No. 84-1147 of 7 December 1984 implementing the Law of 1 August 1905 on fraud and falsification relating to products and services with respect to the labelling and presentation of foodstuffs;

Order

Article 1

Shellfish of the family Pectinidae, when presented in the preserved, semi-preserved or deep-frozen state, must be marketed under the description "Saint-Jacques" followed by the scientific name of the species and the country of origin, or under the description "Saint-Jacques" followed only by the scientific name of the species when the country of origin is already indicated in clearly visible lettering on the same side of the label as the description.

Article 2

The terms mentioned in Article 1 may be replaced by the description "pétoncle" in the case of Pectinidae belonging to the species *Chlamys varia* or *Chlamys opercularis* or by the term "vanneau" in the case of the species *Chlamys opercularis*.

Article 3

This Order shall enter into effect from its date of publication.

Article 4

However, packaging and labels that comply with the provisions of the previous regulations may continue to be used during a period of three months from the date of publication of this Order.

Article 5

The amended Order of 22 March 1993 relating to the official names and permitted trade descriptions of scallops is rescinded.

Article 6

The Director-General for Competition, Consumption and the Repression of Fraud, the Director-General for Food and the Director of Fisheries and Sea Food Resources shall be responsible, each within his own sphere of competence, for the implementation of this Order, which shall be published in the Journal officiel de la République française.

Done at Paris, on ...

[ENGLISH TEXT – TEXTE ANGLAIS]

I

EUROPEAN COMMISSION
Permanent Delegation
to the International Organizations in Geneva
The Head of Delegation

Geneva, 25 June 1996
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Dear Ambassador,

I would be grateful if you would confirm that your Government agrees with the following:

In the light of the interim findings and conclusions of the World Trade Organization (the "WTO") Panel in "EC - Trade Description of Scallops (WT/DS7) - Request by Canada" and desiring to reach a mutually satisfactory settlement of their differences regarding the trade description of scallops in France in a manner that is consistent with the parties' WTO rights and obligations particularly in respect of scallops imported into the French market,

Canada and the European Communities (the "EC") have agreed as follows:

1. The WTO dispute "EC - Trade Description of Scallops (WT/DS7) - Request by Canada" will be resolved on a mutually satisfactory basis by the adoption and implementation of a new French "Arrêté relatif aux dénominations de vente admises des Pectinidés" (hereinafter referred to as the "Order") in accordance with this agreement and its annex.
2. The Order shall be published in the *Journal Officiel de la République Française* and shall take effect no later than 1 July 1996.
3. Canada and the EC note that the Order was notified on 26 April 1996 to the World Trade Organization in accordance with Article 2.9 of the Agreement on Technical Barriers to Trade.

H.E. Mr John WEEKES
Ambassador
Permanent Mission of Canada
Rue du Pré-de-la-Bichette, 1
1202 GENEVA