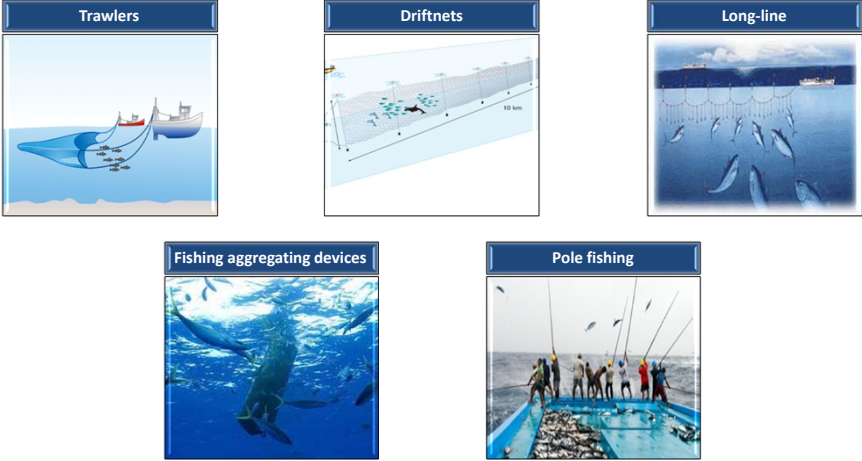


In portions of the Eastern Tropical Pacific Ocean ("ETP"), large yellowfin tuna swim together with several species of dolphins. This ecological association is not clearly understood.

1998: The Agreement on the International Dolphin Conservation Program (AIDCP) was adopted under the auspices of the Inter-American Tropical Tuna Commission (IATTC).


- Costa Rica
- Ecuador
- El Salvador
- European Union
- Guatemala
- Honduras
- Mexico**
- Nicaragua
- Panama
- Peru
- United States**
- Vanuatu
- Venezuela

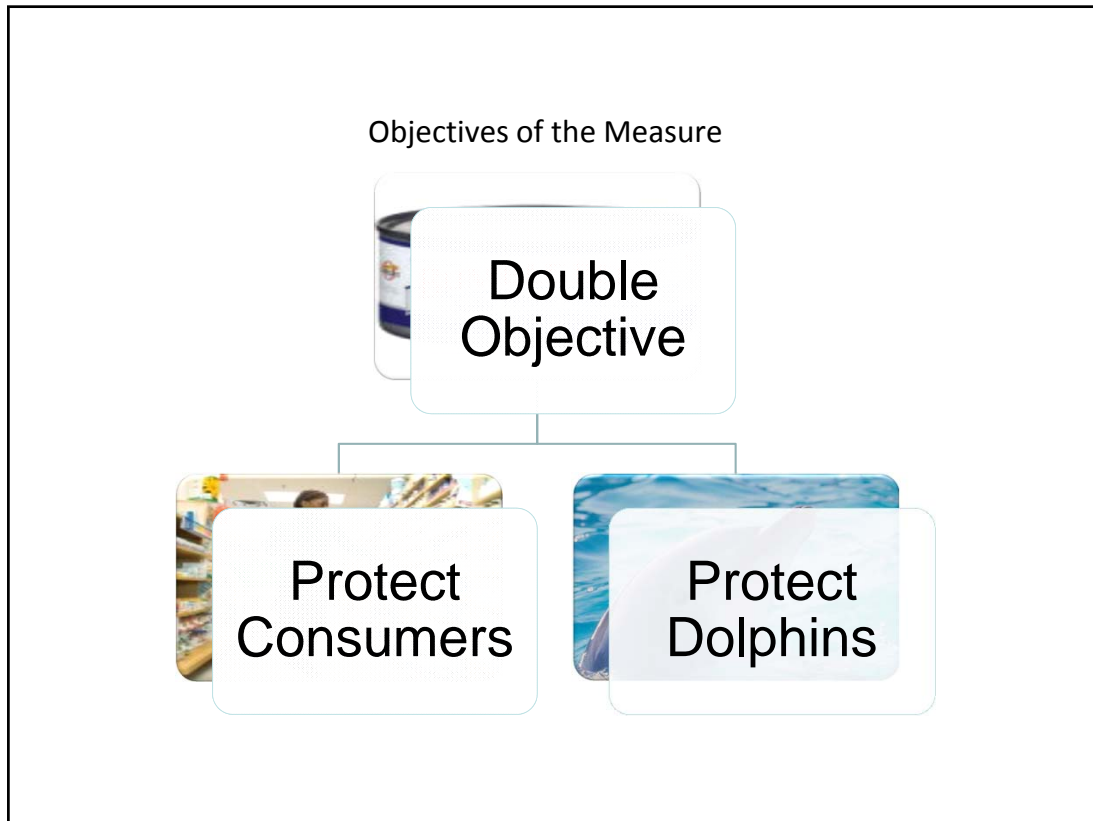




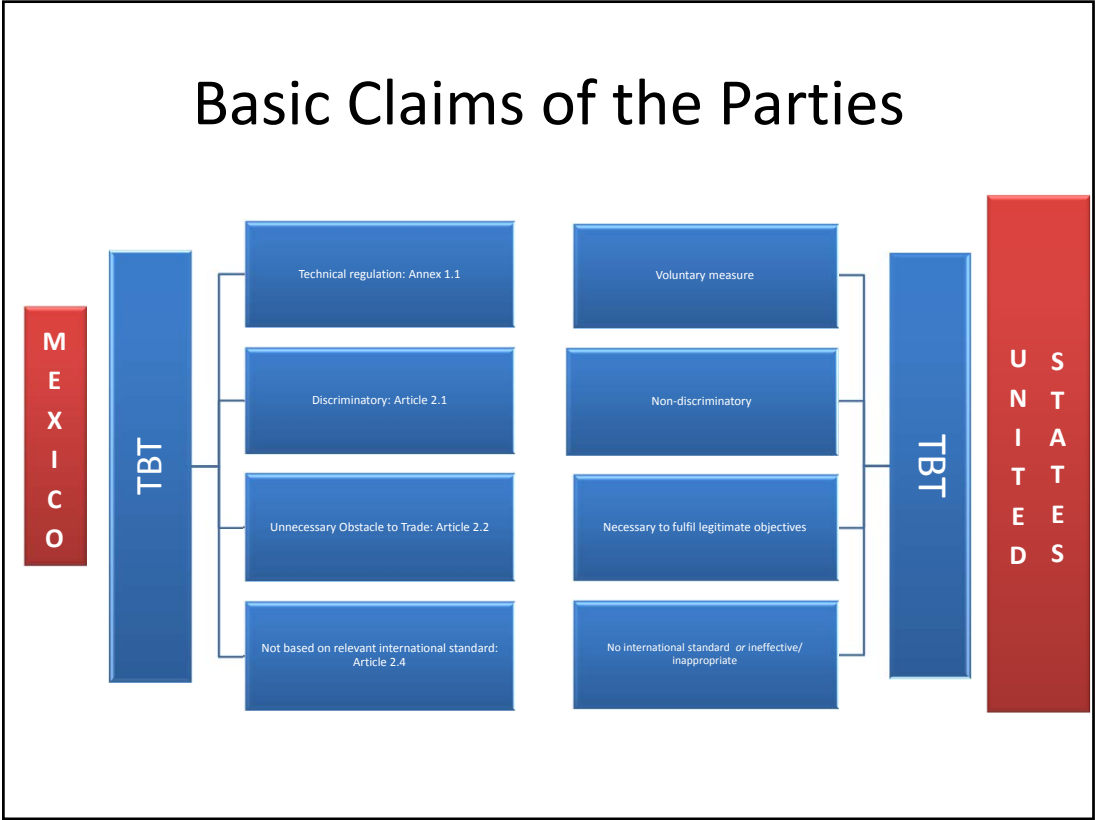
Other fishing techniques used to catch tuna include: Trawlers; Driftnets; Long-line fishing; Fish Aggregating Devices (FADs); and Pole fishing. The use of these other techniques in and outside the ETP may also result in significant dolphin mortalities and injuries.

1990
Dolphin Protection Consumer Act (DPCIA) was enacted





Why was Mexico concerned?



What issues arise?

1

Was the measure a technical regulation?

2

Was the measure discriminatory?

3

Was there an unnecessary barrier to trade?


4

Was there a “relevant international standard”?

(Also on 2.4)

A number of other findings were made ...





Issues covered by the WTO's committees and agreements

DISPUTE SETTLEMENT: DISPUTE DS381

United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products

This summary has been prepared by the Secretariat under its own responsibility. The summary is for general information only and is not intended to affect the rights and obligations of Members.

Current status [back to top](#)

Report(s) adopted, with recommendation to bring measure(s) into conformity on 13 June 2012 [\(I\)](#)

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Short title:	US – Tuna II (Mexico)
Complainant:	Mexico
Respondent:	United States
Third Parties:	Argentina; Australia; Brazil; Canada; China; Ecuador; European Communities; Guatemala; Japan; Korea, Republic of; New Zealand; Chinese Taipei; Thailand; Turkey; Venezuela, Bolivarian Republic of
Agreements cited:	GATT 1994: Art. I, III Technical Barriers to Trade (TBT): Art. 2, 5, 6, 8 <small>(as cited in request for consultations)</small>
Request for Consultations received:	24 October 2008
Panel Report circulated:	15 September 2011
Appellate Body Report circulated:	16 May 2012

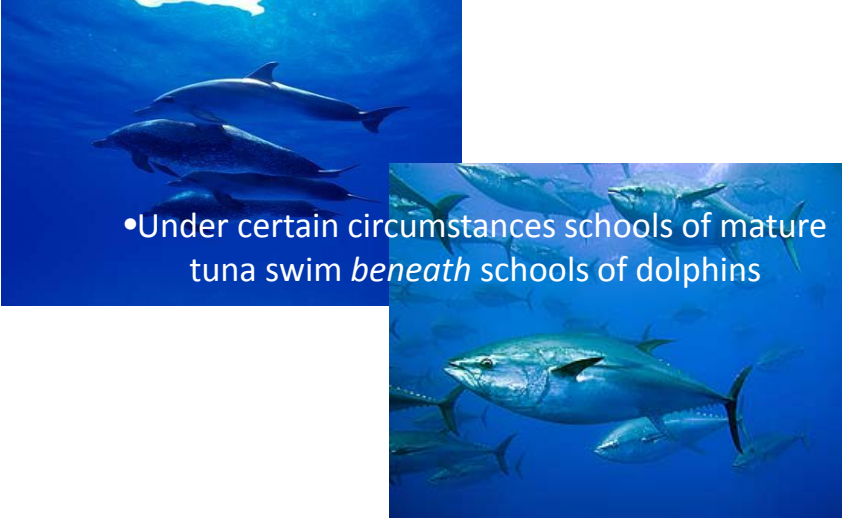
See also:

- > [The basics: how disputes are settled in WTO](#)
- > [Computer based training on dispute settlement](#)
- > [Text of the Dispute Settlement Understanding](#)

Other disputes involving:

- > [Tuna](#)
- > [Mexico](#)
- > [United States](#)
- > [General Agreement on Tariffs and Trade 1994](#)
- > [Agreement on Technical Barriers to Trade](#)

http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds381_e.htm



- Under certain circumstances schools of mature tuna swim *beneath* schools of dolphins

erik.wijkstrom@wto.org

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