

**UNITED STATES – CERTAIN COUNTRY OF ORIGIN  
LABELLING REQUIREMENTS**

Request for Consultations by Mexico

The following communication, dated 17 December 2008, from the delegation of Mexico to the delegation of the United States and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

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The Government of Mexico hereby requests consultations with the Government of the United States pursuant to Articles 1 and 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), Article 14 of the *Agreement on Technical Barriers to Trade* (TBT Agreement), Article 11 of the *Agreement on the Application of Sanitary and Phytosanitary Measures* (SPS Agreement), and Article 7 of the *Agreement on Rules of Origin*, concerning the mandatory country of origin labelling (COOL) provisions in the *Agricultural Marketing Act of 1946*, as amended by the *Farm, Security and Rural Investment Act of 2002* and the *Food, Conservation and Energy Act of 2008*, and as implemented through the regulations published as 7 CFR Parts 60 and 65.

In the case of certain products, the determination of their nationality deviates considerably from international country of origin labelling standards, a situation which has not been justified as necessary to fulfil a legitimate objective.

The mandatory COOL provisions appear to be inconsistent with the United States' obligations under the WTO Agreement, including:

- (i) Articles III, IX, and X of the GATT 1994;
- (ii) Article 2 of the TBT Agreement, or, in the alternative, Articles 2, 5 and 7 of the SPS Agreement; and
- (iii) Article 2 of the *Agreement on Rules of Origin*.

These violations appear to nullify or impair the benefits accruing to Mexico under those Agreements. Moreover, these measures appear to nullify or impair the benefits accruing to Mexico in the sense of Article XXIII:1(b) of the GATT 1994.

Mexico reserves the right to raise further factual and legal claims in the course of the consultations.

We look forward to receiving the US Government's response to this request in order to set a mutually convenient date for consultations.

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