

MEXICO – MEASURES AFFECTING THE IMPORT OF MATCHES

Request for Consultations by Chile

The following communication, dated 17 May 2001, from the Permanent Mission of Chile to the Permanent Mission of Mexico and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

I have the honour to write with reference to the measures applied by the Government of Mexico which impede access and marketing of safety matches of Chilean origin in the Mexican market.

The measures listed below are among the technical regulations that constitute unnecessary barriers to the access and marketing of Chilean safety matches.

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| NOM-052-ECOL-1993 | Establishing the characteristics and list of hazardous wastes as well as the thresholds making waste hazardous on grounds of environmental toxicity. |
| NOM-002-SCT2-1994 | List of commonly transported dangerous substances and materials. |
| NOM-003-SCT2-1994 | Concerning land transport of dangerous materials and wastes. Characteristics of labelling of containers and packaging intended for the transport of dangerous materials and wastes. |
| NOM-004-SCT2-1994 | Identification system for units used to transport dangerous materials and wastes by land. |
| NOM-005-SCT2-1994 | Emergency information for transport by land of dangerous substances, materials and wastes. |
| NOM-006-SCT2-1994 | Basic guidelines for the daily sight inspection of units intended for the transport by road of dangerous materials and wastes. |
| NOM-007-SCT2-1994 | Marking of containers and packaging intended for the transport of dangerous substances and wastes. |
| NOM-009-SCT2-1994 | Compatibility for storage and transport of dangerous substances, materials and wastes of class 1 explosives. |

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| NOM-010-SCT2-1994 | Provisions concerning compatibility and separation for the storage and transport of dangerous substances, materials and wastes. |
| NOM-011-SCT2-1994 | Conditions for the transport of dangerous substances, materials and wastes in small quantities. |
| NOM-018-SCT2-1994 | Provisions concerning the loading, load placement and unloading of dangerous materials and wastes in rail haulage units. |
| NOM-019-SCT2-1994 | General provisions on the cleaning and monitoring of residues of dangerous substances and wastes in units transporting dangerous materials and wastes. |
| NOM-020-SCT2-1995 | General requirements for the design and construction of road tankers for the transportation of dangerous materials and wastes, specifications SCT 306, SCT 307 and SCT 312. |
| NOM-118-SCFI-1995 | Match industry – Matches – Safety Specifications |

Law on the Control of Arms and Explosives

Federal Metrology and Standardization Law

Regulations to the Federal Metrology and Standardization Law

Regulations on Transport by Land of Dangerous Materials and Wastes

The problems on the Mexican market go back to 1993, when it was decided that safety matches constitute an explosive and dangerous product, owing to a confusion between the chemical element "fósforo" (phosphorus) and the product "fósforos (o cerillos) de seguridad" (safety matches). Hence, Chilean safety matches have been subject to the control of the Department of National Defence, and thus to a series of packaging, importation, customs clearance, transport and storage requirements that properly apply to explosives and other dangerous substances, with the intent and effect of providing protection to the Mexican industry.

My Government considers that these measures are incompatible with various WTO provisions, including *inter alia*, Articles 1, 2 and 5 of the Agreement on Technical Barriers to Trade, Articles 1, 3 and 5 of the Agreement on Import Licensing Procedures, and Article III, paragraph 4, of the General Agreement on Tariffs and Trade 1994.

Since 1993, my Government has made various approaches to and held consultations with the authorities of the Federal Government of Mexico in order to remove these measures. Since this has not been possible, I have been instructed by my Government to request consultations under Article XXII of the General Agreement on Tariffs and Trade 1994 and Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes.

I await your reply to this request with a view to setting a mutually convenient date for holding the consultations.
