

**UNITED STATES – CERTAIN COUNTRY OF ORIGIN LABELLING (COOL)
REQUIREMENTS**

Request by Canada for Arbitration under Article 21.3(c) of the DSU

The following communication, dated 13 September 2012, from the delegation of Canada to the Chairperson of the Dispute Settlement Body, is circulated at the request of that delegation.

On 23 July 2012 the Dispute Settlement Body ("DSB") adopted the panel and Appellate Body reports in *United States – Certain Country of Origin Labelling (COOL) Requirements* (WT/DS384/AB/R and WT/DS384/R). In a letter addressed to the Chairman of the DSB, dated 21 August 2012, the United States signalled its intention to implement the recommendations and rulings of the DSB, and stated that it would require a reasonable period of time to do so.

Pursuant to Article 21.3(b) of the *Understanding on the Rules and Procedures Governing the Settlement of Disputes* ("DSU"), Canada has held consultations with the United States regarding the length of the reasonable period of time. However, the parties have not been able to reach an agreement. As a result, Canada requests that the reasonable period of time be determined through binding arbitration pursuant to Article 21.3(c) of the DSU.

Canada stands ready to enter into consultations with the United States on the appointment of the arbitrator within the next ten days, pursuant to footnote 12 of the DSU.

Canada understands that Mexico is making a parallel request in DS386. Since DS384 and DS386 were heard by the same panel and the same division of the Appellate Body on the merits, Canada requests that its request pursuant to DSU Article 21.3(c) be dealt with by the same arbitrator and heard at the same time as Mexico's parallel request, in joint proceedings.

We respectfully request that this communication be circulated to Members of the DSB.
