

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

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

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

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On 23 July 2012, the Dispute Settlement Body (DSB) adopted the Appellate Body Report and the Panel Report, as modified by the Appellate Body Report, in *United States – Certain Country of Origin Labelling (COOL) Requirements* (DS386). By letter of 21 August 2012 and at the DSB meeting of 31 August 2012, the United States stated that it intended to comply with its WTO obligations and that it would need a reasonable period of time in which to do so.

Mexico and the United States held consultations to agree on the reasonable period of time for compliance, but failed to reach an agreement.

In the absence of an agreement with the United States under Article 21.3(b) of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU) on a reasonable period of time for the United States to comply with the recommendations of the DSB, Mexico hereby requests that this period be determined through binding arbitration pursuant to Article 21.3(c) of the DSU.

Mexico will enter into consultations with the United States with a view to reaching agreement on an arbitrator within the time-period provided for in footnote 12 of the DSU.

Mexico is aware that Canada is submitting a parallel request in the dispute DS384. Since the two cases, DS384 and DS386, were examined by the same panel and the same Division of the Appellate Body, Mexico asks that its request pursuant to Article 21.3(c) of the DSU be handled by the same arbitrator and at the same time as Canada's parallel request, in joint proceedings.

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