

WORLD TRADE ORGANIZATION

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UNITED STATES - ANTI-DUMPING INVESTIGATION REGARDING IMPORTS OF FRESH OR CHILLED TOMATOES FROM MEXICO

Request for Consultations by Mexico

The following communication, dated 1 July 1996, from the Permanent Mission of Mexico to the Permanent Mission of the United States is circulated in accordance with Article 4.4 of the DSU.

Acting on instructions from the proper authorities of the Government of Mexico, I hereby request you to hold formal consultations pursuant to Article 17.3 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (hereinafter the "Anti-Dumping Agreement") and Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (hereinafter the Dispute Settlement Understanding) of the World Trade Organization.

The consultations requested refer to the anti-dumping investigation being undertaken, at the request of a party, by your Government's authorities into United States imports of fresh or chilled tomatoes of any kind for retail from Mexico. In the view of Mexico, the investigation in question is inconsistent with the United States' obligations under the WTO with respect to, at least, the principle of non-discriminatory treatment in international trade and Articles VI and X of GATT 1994, as well as Articles 2, 3, 5, 6 and 7.1 of the Anti-Dumping Agreement.

As fresh or chilled tomatoes of any kind for retail are perishable goods, Mexico considers that the consultations in question and, as the case may be, the remainder of the dispute settlement procedure should be carried out on an urgent basis in accordance with the provisions of Article 4.8 and 4.9 of the Dispute Settlement Understanding of the World Trade Organization.