

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

Reports of the Appellate Body

WT/DS384/AB/RW

WT/DS386/AB/RW

*Adopted by the Dispute Settlement Body
 on 29 May 2015**

United States, *Appellant/Appellee*
 Canada, *Other Appellant/Appellee*
 Mexico, *Other Appellant/Appellee*
 Australia, *Third Participant*
 Brazil, *Third Participant*
 Canada, *Third Participant*¹
 China, *Third Participant*
 Colombia, *Third Participant*
 European Union, *Third Participant*
 Guatemala, *Third Participant*
 India, *Third Participant*
 Japan, *Third Participant*
 Korea, *Third Participant*
 Mexico, *Third Participant*²
 New Zealand, *Third Participant*

Appellate Body Division:
 Ramírez-Hernández, Presiding
 Member
 Chang, Member
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* Note:

The Appellate Body is issuing these Reports in the form of a single document constituting two separate Appellate Body Reports: WT/DS384/AB/RW; and WT/DS386/AB/RW. The cover page, preliminary pages, sections 1 through 5, and the annexes are common to both Reports. The page header throughout the document bears the two document symbols WT/DS384/AB/RW and WT/DS386/AB/RW, with the following exceptions: section 6 on pages CDA-1987 to CDA-1991, which bears the document symbol for and contains the Appellate Body's conclusions and recommendation in the Appellate Body Report WT/DS384/AB/RW; and section 6 on pages MEX-1992 to MEX-1995, which bears the document symbol for and contains the Appellate Body's conclusions and recommendation in the Appellate Body Report WT/DS386/AB/RW.

¹ In DS386.

² In DS384.

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ABBREVIATIONS USED IN THESE REPORTS

Abbreviation	Description
2002 Farm Bill	Farm Security and Rural Investment Act of 2002, Public Law No. 107-171, Section 10816, 116 Stat. 134 (Panel Exhibit CDA-4)
2008 Farm Bill	Food, Conservation, and Energy Act of 2008, Public Law No. 110-234, Section 11002, 122 Stat. 923 (Panel Exhibit CDA-5)
2009 Final Rule (AMS)	Final Rule on Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Chicken, Goat Meat, Wild and Farm-Raised Fish and Shellfish, Perishable Agricultural Commodities, Peanuts, Pecans, Ginseng, and Macadamia Nuts, <i>United States Federal Register</i> , Vol. 74, No. 10 (15 January 2009), pp. 2658-2707 (Panel Exhibits CDA-2 and MEX-12)
2013 Final Rule	Final Rule on Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Chicken, Goat Meat, Wild and Farm-Raised Fish and Shellfish, Perishable Agricultural Commodities, Peanuts, Pecans, Ginseng, and Macadamia Nuts, <i>United States Federal Register</i> , Vol. 78, No. 101 (24 May 2013), pp. 31367-31385 (Panel Exhibits CDA-1 and MEX-3)
amended COOL measure	COOL statute together with the 2009 Final Rule (AMS), as amended by the 2013 Final Rule
AMS	Agricultural Marketing Service of the USDA
BCI	business confidential information
COOL	country of origin labelling
COOL statute	Agricultural Marketing Act of 1946, 60 Stat. 1087, <i>United States Code</i> , Title 7, Section 1621 et seq., as amended by the 2002 Farm Bill and the 2008 Farm Bill (Panel Exhibit CDA-3)
DSB	Dispute Settlement Body
DSU	Understanding on Rules and Procedures Governing the Settlement of Disputes
GATS	General Agreement on Trade in Services
GATT 1994	General Agreement on Tariffs and Trade 1994

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Abbreviation	Description
original COOL measure	COOL statute together with the 2009 Final Rule (AMS)
original panel	panel in the original proceedings in <i>US – COOL</i>
original panel reports	Panel Reports, <i>United States – Certain Country of Origin Labelling (COOL) Requirements</i> , WT/DS384/R / WT/DS386/R
PACA	Perishable Agricultural Commodities Act of 1930, <i>United States Code of Federal Regulations</i> , Title 7, Section 499 (Panel Exhibits CDA-10 and MEX-7)
Panel Reports	Panel Reports, <i>United States – Certain Country of Origin Labelling (COOL) Requirements – Recourse to Article 21.5 of the DSU by Canada and Mexico</i> , WT/DS384/RW and Add.1 / WT/DS386/RW and Add.1
SPS Agreement	Agreement on the Application of Sanitary and Phytosanitary Measures
TBT Agreement	Agreement on Technical Barriers to Trade
USDA	United States Department of Agriculture
Working Procedures	Working Procedures for Appellate Review, WT/AB/WP/6, 16 August 2010
WTO	World Trade Organization
WTO Agreement	Marrakesh Agreement Establishing the World Trade Organization

PANEL EXHIBITS CITED IN THESE REPORTS

Exhibit No.	Short Title (if any)	Description
CDA-1 MEX-3	2013 Final Rule	Final Rule on Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Chicken, Goat Meat, Wild and Farm-Raised Fish and Shellfish, Perishable Agricultural Commodities, Peanuts, Pecans, Ginseng, and Macadamia Nuts, <i>United States Federal Register</i> , Vol. 78, No. 101 (24 May 2013), pp. 31367-31385
CDA-2 MEX-12	2009 Final Rule (AMS)	Final Rule on Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Chicken, Goat Meat, Wild and Farm-Raised Fish and Shellfish, Perishable Agricultural Commodities, Peanuts, Pecans, Ginseng, and Macadamia Nuts, <i>United States Federal Register</i> , Vol. 74, No. 10 (15 January 2009), pp. 2658-2707
CDA-3	COOL statute	Agricultural Marketing Act of 1946, 60 Stat. 1087, <i>United States Code</i> , Title 7, Section 1621 et seq., as amended by the 2002 Farm Bill and the 2008 Farm Bill
CDA-4	2002 Farm Bill	Farm Security and Rural Investment Act of 2002, Public Law No. 107-171, Section 10816, 116 Stat. 134
CDA-5	2008 Farm Bill	Food, Conservation, and Energy Act of 2008, Public Law No. 110-234, Section 11002, 122 Stat. 923
CDA-10 MEX-7	PACA	Perishable Agricultural Commodities Act of 1930, <i>United States Code of Federal Regulations</i> , Title 7, Section 499
CDA-17		United States District Court for the District of Columbia, <i>American Meat Institute v. United States Department of Agriculture</i> , Case No. 13-cv-1033, Declaration of Brad McDowell in Support of Plaintiffs' Motion for a Preliminary Injunction (25 July 2013)

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Exhibit No.	Short Title (if any)	Description
CDA-83 MEX-35 MEX-62		M.R. Taylor and G.T. Tonsor, "Revealed Demand for Country of Origin Labeling of Meat in the United States" (2013) 38(2) <i>Journal of Agricultural and Resource Economics</i> , pp. 235-247
CDA-121		American Meat Institute (AMI) Fact Sheet, "Questions and Answers about Ground Beef, Hamburger and Patties" (June 2011)
CDA-154		Department of Agricultural Economics, Kansas State University entitled, "Food Values Applied to Livestock Products" (7 February 2014)
US-48		Results of a telephone survey conducted by the National Research Center, "Country of Origin Labeling Poll, Final Report" (4 October 2010)

CASES CITED IN THESE REPORTS

Short Title	Full Case Title and Citation
<i>Argentina – Hides and Leather</i>	Panel Report, <i>Argentina – Measures Affecting the Export of Bovine Hides and Import of Finished Leather</i> , WT/DS155/R and Corr.1, adopted 16 February 2001, DSR 2001:V, p. 1779
<i>Argentina – Textiles and Apparel</i>	Appellate Body Report, <i>Argentina – Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items</i> , WT/DS56/AB/R and Corr.1, adopted 22 April 1998, DSR 1998:III, p. 1003
<i>Australia – Salmon</i>	Appellate Body Report, <i>Australia – Measures Affecting Importation of Salmon</i> , WT/DS18/AB/R, adopted 6 November 1998, DSR 1998:VIII, p. 3327
<i>Brazil – Retreaded Tyres</i>	Appellate Body Report, <i>Brazil – Measures Affecting Imports of Retreaded Tyres</i> , WT/DS332/AB/R, adopted 17 December 2007, DSR 2007:IV, p. 1527
<i>Canada – Aircraft</i>	Appellate Body Report, <i>Canada – Measures Affecting the Export of Civilian Aircraft</i> , WT/DS70/AB/R, adopted 20 August 1999, DSR 1999:III, p. 1377