

2022/SOM3/CTI/WKSP/004

Session 1

Panel on Dispute Settlement Mechanisms in Subject Matter Chapters in Trade Agreements

Submitted by: Mexico



Workshop on Current Trends on Dispute Settlement Mechanisms in Trade Agreements Chiang Mai, Thailand 25 August 2022

Panel on dispute settlement mechanisms in Subject Matter Chapters in Trade Agreements

USMCA:

FACILITY-SPECIFIC RAPID RESPONSE LABOR MECHANISM
ENVIRONMENT/SUBMISSION ON ENFORCEMENT MATTERS
REVIEW OF FINAL ANTIDUMPING AND COUNTERVAILING DUTY DETERMINATIONS

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Facility-Specific Rapid Response Labor Mechanism

31-A US-MX 31-B CA-MX



LEGAL STANDING

natural and juridical person either from Canada or USA

Reviewed domestically



5 days –courtesy notification

10 days to determinefulfillment of threshold

30 days to determine basis

Determination domestically



NOTIFICATION CONTACT POINT

10 days- intention to have a investigation

45 days –respond and propose a plan (in case denial of benefits)

USMCA



CONSULTATIONS

Reparation- how and terms (10 days)



Disagreement
as to whether the
Denial of Rights
has been
remediated
15 days –remediesspecific enterprise
10 days -panel

USMCA

RAPID RESPONSE LABOR PANEL

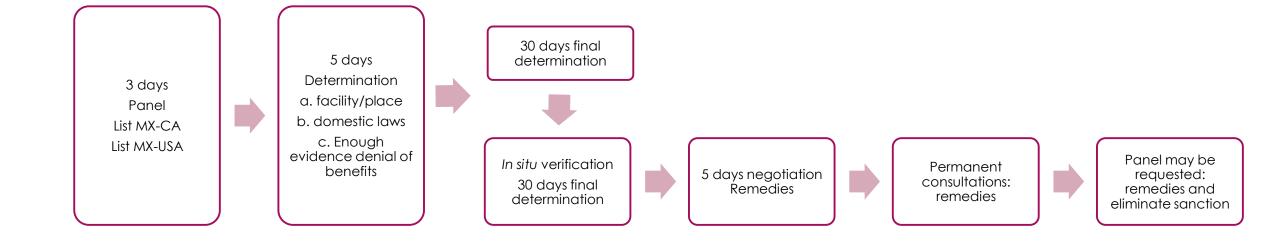
31-A.2/31-B.2"good faith basis belief that workers at a Covered Facility are being denied the right of free association and collective bargaining under laws necessary to fulfill the obligations"

Identification of fomestic laws: denial of the right to freedom of association or collective bargaining. The claim states the basis for the submitter's claim that there is a Denial of Rights

The claim explains how the matters complained of may constitute a Denial of Rights by the facility

The claim indicates whether relief has been sought under Mexican domestic laws, or through collaborative efforts with the owner of the facility being complained against.

Rapid Response Labor Panel



Environment/Submission on Enforcement Matters

24.27









LEGAL STANDING

natural and enterprise

30 days -The Secretariat will determine whether there should be a response from the Party

60 days-The Party responds

COUNCIL (2 members)
AND THE ENVIRONMENT
COMMITTEE

Factual Record should be developed

120 day issuance of factual record 30 days comments

Submission to the
Council:
recommendations to
benefit from
cooperative activities

CEC Secretariat

CEC Secretariat

Agreement on Environment Cooperation- factual record

AEC

A Party is failing to effectively enforce its environmental laws.

"clear identification or the identity of the person that presented the submission; sufficient information including documentary evidence and the environmental law; to be aimed at promoting enforcement rather than harrasing industry; indicates whether the matters has been communicated in writing to the relevant authorities"

Panel procedures under Article 10.11

Annex 10-B.2



Article 10.12 establishes a mechanism to provide an alternative to judicial review by domestic courts of final determinations in antidumping and countervailing duty cases, with review by independent binational panels. A Panel is established when a Request for Panel Review is filed with the Secretariat by an industry asking for a review of an investigating authority's decision involving imports from a Party to the Agreement.

