

WORLD TRADE ORGANIZATION

G/TBT/N/USA/83
8 October 2004

(04-4206)

Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1. Member to Agreement notifying: <u>UNITED STATES</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2. Agency responsible: U. S. Department of Agriculture (88) Name and address (including telephone and fax numbers, e-mail and web-site addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Seafood Labelling (HS Chapter 0304) (ICS 67.120)
5. Title, number of pages and language(s) of the notified document: Mandatory Country of Origin Labelling of Fish and Shellfish; Interim Rule (43 pages, in English)
6. Description of content: The Farm Security and Rural Investment Act of 2002 (Farm Bill) and the 2002 Supplemental Appropriations Act (2002 Appropriations) amended the Agricultural Marketing Act of 1946 (Act) to direct the Secretary of Agriculture to promulgate regulations by September 30, 2004, requiring retailers to notify their customers of the country of origin of covered commodities. Covered commodities include muscle cuts of beef (including veal), lamb, and pork; ground beef, ground lamb, and ground pork; farm-raised fish and shellfish; wild fish and shellfish; perishable agricultural commodities; and peanuts. The FY 2004 Consolidated Appropriations Act (2004 Appropriations) (Public Law 108-199) delayed the applicability of mandatory country of origin labelling (COOL) for all covered commodities except wild and farm-raised fish and shellfish until 30 September 2006. After issuance of a proposed rule, the Department has decided to provide further opportunity to comment due to the changes made as a result of comments received and the costs associated with this rule. This interim final rule contains definitions, the requirements for consumer notification and product marking, and the recordkeeping responsibilities of both retailers and suppliers for fish and shellfish covered commodities. Regulatory provisions for the other covered commodities will be provided in a separate regulatory action as appropriate.
7. Objective and rationale, including the nature of urgent problems where applicable: Protection of human health
8. Relevant documents: 69 Federal Register (FR) 59750 5 October 2004; Title 7 Code of Federal Regulations (CFR) Part 60. Will appear in the Federal Register when adopted.

9.	Proposed date of adoption: Proposed date of entry into force: } To be determined
10.	Final date for comments: 3 January 2005
11.	Texts available from: National enquiry point [X] or address, telephone and fax numbers, e-mail and web-site addresses, if available of the other body: Internet URLs: http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/04-22309.htm http://a257.g.akamaitech.net/7/257/2422/06jun2004/1800/edocket.access.gpo.gov/2004/pdf/04-22309.pdf