

Voluntary - Public

**Clearance Office:** Office of Country and Regional Affairs (OCRA)

**Date:** 5/19/2009

**GAIN Report Number:** MX9033

## Mexico

**Post:** Mexico

### Review of Compensatory Beef Duties

**Report Categories:**

Livestock and Products

Policy and Program Announcements

Trade Policy Monitoring

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**Report Highlights:**

On April 21, the Secretariat of Economy (SE) published in the *Diario Oficial* (Federal Register) a resolution accepting the request made by Tyson Fresh Meats, Inc. to review the compensatory duties imposed on U.S beef.

**General Information:**

**Introduction:** This report summarizes a decree from the Secretariat of Economy announcing the beginning of a revision of compensatory duties imposed on U.S beef exported to Mexico by Tyson Fresh Meat (formerly IBP, Inc.) published in Mexico's *Diario Oficial* (Federal Register) on April 21, 2009.

**Disclaimer:** This summary is based on a  *cursory* review of the subject announcements and

therefore should not, under any circumstances, be viewed as a definitive reading of the regulations in question, or of its implications for U.S. agricultural export trade interests. In the event of discrepancies between this summary and the complete regulation or announcement as published in Spanish, the latter shall prevail.

**Title:** Resolution by which the Request of Interested Party Is Accepted and Declaring the Beginning of the Review of the Imposed Compensatory Duties on Boneless Beef Meat Imports, Fresh, Chilled and Frozen Originating from the United States of America, through Tyson Fresh Meats, Inc.

**Type of Ruling:** Resolution to Begin Review of Compensatory Duties

### **Important Dates**

**Publication Date:** April 21, 2009

**2. Enforcement Date:** April 22, 2009

**3. Due date to appear to SE:** June 1, 2009 14:00 hrs.

**4. Public Audience:** October 16, 2009, 10:00 a.m.

**5. Due date to present pleading:** October 28, 2009 at 14:00 hrs.

**Products Affected:** Imported U.S beef cuts from Tyson Fresh Meat, Inc.

**Agency in Charge:** Secretariat of Economy

**Summary:** The Secretariat of Economy (SE) published in the *Diario Oficial* (Federal Register) on April 21, 2009, a decree stating its acceptance of the request to initiate a review of compensatory duties imposed on U.S beef classified under HS codes 0201.30.01 and 0202.30.01 originating from Tyson Fresh Meat and proposing January 1 to December 31, 2008, as the period to be investigated. All Mexican producers and importers of boneless beef from Tyson who believe they have a legal interest in the case can appear before SE within 28 working days beginning April 22, 2009.

**Background:** On April 28, 2000 SE published in the Federal Register its final decision on the antidumping case against exporters of U.S. beef and edible beef offal by imposing a complex set of specific duties on most beef carcasses and cuts, including a duty of \$0.13/kg on boneless beef produced by IBP, Inc.

Further, on October 2004, SE published in its Federal Register changes to the duties due to the March 15, 2004, final decision of a bi-national panel formed under to article 1904 of the North American Free Trade Agreement (NAFTA) to rule on the validity of the duties. The final decision of the panel upheld SE's decision (on IBP Inc.) However, due to some changes in companies' names and ownership, the panel ruled that the corresponding duties on IBP, Inc. product would be applied to product from Tyson Fresh Meats, Inc.

### **Other Relevant Reports Submitted by FAS/Mexico City**

MX0060 Final Decision in Antidumping case against U.S Beef

MX1082 Mexico's Final Resolution on the Evasion of Compensatory Duties on Beef Imports

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**Internet Connections:**

*FAS Mexico Web Site:* We are available at <http://www.mexico-usda.com> or visit the FAS home page at <http://www.fas.usda.gov> for a complete selection of FAS' worldwide agricultural reporting.

**Useful Mexican Web Sites:**

Mexico's equivalent of the Department of Agriculture (SAGARPA) can be found at [www.sagarpa.gob.mx](http://www.sagarpa.gob.mx) and Mexico's equivalent of the Department of Commerce (SE) can be found at [www.se.gob.mx](http://www.se.gob.mx). These web sites are mentioned for the readers' convenience but USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with, the information contained on the mentioned sites.