

**COURTESY TRANSLATION:**

November 6, 2023  
Application to file view to the dispute settlement panel in the review01  
MEX-USA-2023-31-01

Mexican Section of the Secretariat

The Asociación Nacional de Empresas Comercializadoras de Productores del Campo A.C. (hereinafter ANEC), represented by María Leticia López Zepeda, in accordance with Article 20 of the Rules of Procedure for Dispute Settlement Procedures for Chapter 31 of the SCMT, hereby submits a request for admission as a Non-Governmental Entity to provide written opinions regarding measures related to genetically modified corn and its use in dough and tortillas.

Pursuant to the communication from the Mexican authority, the following information is provided in order to admit the request:

1) Description of the Non-Governmental Entity:

ANEC A.C. has a legal status as a non-profit Civil Society, legally established in 1995, integrated by economic organizations of small and medium scale producers of corn, beans, wheat, sorghum, coffee, from 12 states of the Republic, specialized in the production and commercialization of their products.

**Name and address:**

Asociación Nacional de Empresas Comercializadoras de Productores del Campo, A.C.  
Pedro Luis Ogazón No.18 Col. Guadalupe Inn, Alcaldía Álvaro Obregón, CDMX, 01020  
Mexico.

**Declaration of nationality:**

Mexican.

**Legal status:**

Non-profit legal entity, legally constituted as a civil association as stated in public deed number 13,126, executed before notary 82 of the State of Mexico.

**Financing:**

With voluntary contributions from its associates; provision of advisory and training services; financing through productive and research projects, with public funds and international foundations such as Agroecology Found, DGRV, etc...

**Nature of our activities:**

ANEC's corporate purpose is to represent, defend and promote the interests and mandates of its members before public and private entities. Some of its activities are:

- Maintain, consolidate and increase its equitable, efficient, inclusive, competitive and socially responsible participation in the local, state, national and international markets for agricultural products.
- To formulate and coordinate public policies and programs for marketing and sustainable agricultural and livestock production and other related activities.
- To provide information, advice, training and specialized services, as well as representation and management functions.

## **2) Factual issues to be addressed in the opinion.**

The opinion that ANEC will present to the panel is part of the context of this dispute. It will provide factual elements on the relevance of Mexico's domestic food safety policy measures established in the decree regarding food health, productive self-sufficiency, and preservation of the genetic biodiversity of corn, on the use of non-GM corn specifically in the production of masa and tortillas, and its benefits for Mexican producers and consumers; These do not represent a trade barrier in and of themselves to the importation of corn from the United States, and do not represent any affectation or controversy for the parties in the terms established in the various chapters of the TMEC.

In a spirit of consultation and cooperation, we will expose the sine qua non productive conditions practiced by almost 70% of farmers in Mexico for the cultivation of corn, forming an agri-food system of average per capita consumption per year of 196.4 kg of non-GMO white corn, with specific organoleptic qualities, in a related and interdependent relationship with biodiversity, ecosystems and millenary cultural and food traditions. The vast production and diversification of corn in Mexico as a center of origin, has given rise to a cuisine and gastronomy, which due to its diversity and ancestral techniques, has been recognized by UNESCO since 2010 as Intangible Heritage of Humanity.

## **3) Issues of law to be addressed in the opinion.**

It will be emphasized that the measures adopted in the decree on the use of non-transgenic corn for human consumption are in accordance with the measures adopted in the TMEC, specifically with Chapters 3 (agriculture) and 24 (environment), Article XX of the GATT and various international treaties, since they have benefits on food security and self-sufficiency, human and plant health and the conservation and sustainable use of biodiversity, all of which are related to the protection of life.

The applicability of the precautionary principle on the consumption of transgenic corn will be addressed due to the risks it implies for health and the environment in Mexico, as a center of origin and constant diversification, and due to the consumption habits of Mexicans.

We will expose, in short, the unique nature in the world of corn production and consumption in Mexico, because if this were not done, it would generate a discriminatory trade treatment and transgressor of our constitutive bases as a nation, in cultural, environmental and food terms; considering that it is feasible to demonstrate that there is no prohibition, distortion or restriction whatsoever for one of the parties in terms of the Treaty, nor does it imply a malicious measure or barrier to trade with a negative impact, related to the increasing imports of corn, mainly yellow corn, from the United States to Mexico and which are destined for fodder and industrial consumption.

## **4) ANEC's support in determining the factual or legal issue related to the dispute.**

ANEC, being a group of small and medium-sized producers with experience in corn production and marketing, will provide a realistic and objective view of the importance of corn production for human consumption, of which we are historically self-sufficient, and its link to cultural eating habits, which benefits 128 million inhabitants; this does not affect or hinder the agreements established in the TMEC.

**5) Declaration of conflicts of interest and others.**

ANEC and its associates declare that they have no conflict of interest in submitting and maintaining this opinion, do not have and have not had any relationship with the Parties to this dispute and have not received or will not receive any assistance, financial or otherwise, in the preparation of their application for admission or their communication.

**Sincerely,**