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## ABBREVIATIONS

1. ACE: Automated Commercial Environment
2. AD: Anti-Dumping Agreement/Measure
3. AMS: Agricultural Marketing Service
4. ANPR: Advanced Notice Of Proposed Rulemaking
5. APHIS Animal And Plant Health Inspection Service
6. AMS: Agricultural Marketing Service
7. CARICOM: Caribbean Community
8. CBP: Customs and Border Protection
9. CFR: Code of Federal Regulations
10. COOL: Country of Origin Labelling
11. CPSC: Consumer Product Safety Commission
12. CFR: US Code Of Federal Regulations
13. CPSIA: Consumer Product Safety Improvement Act Of 2008
14. CPSC: United States Consumer Product Safety Commission
15. CPSC: Consumer Product Safety Commission Modus: Mobile Offshore Drilling Units
16. CPSIA: Consumer Product Safety Improvement Act of 2008
17. DOE: Department of Energy
18. DOT: Department Of Transportation
19. DPCIA: *Dolphin Protection Consumer Information Act*
20. DHS: Department of Homeland Security
21. DPPSP: Dairy Product Price Support Program
22. DPMPP: Dairy Productions Market Income Loss Contract Program
23. DMSP: Dairy Market Stabilization Program
24. EU: The European Union
25. FTA: Federal Trade Commission
26. FDA: Food And Drug Administration
27. FMCSA: Federal Motor Carrier Safety Administration
28. FFDCA: Federal Food, Drug, And Cosmetic Act
29. FMCSA: Federal Motor Carrier Safety Administration
30. FMCSA: Federal Motor Carrier Safety Administration
31. FDA: Food And Drug Administration
32. FCO: Fisheries Certificate Of Origin
33. FSIS: Food Safety And Inspection Service
34. GDP: Gross Domestic Product
35. GCWR: Gross Combination Weight Rating
36. GSM-102: Export Credit Guarantee Program
37. HHS: Department Of Health And Human Services
38. ITC: US International Trade Commission
39. ILO: International Labor Organization
40. IEPS: Intermodal Equipment Providers
41. ISPM: International Plant Protection Convention
42. IFCA: Iran Freedom And Counter-Proliferation Act Of 2012
43. LNG: Liquefied Natural Gas
44. MOFCOM: Ministry of Commerce of the People's Republic of China
45. Modus: Mobile Offshore Drilling Units
46. MILC: Milk Income Loss Contract Program
47. NOSB: National Organic Standards Board
48. NASA: National Aeronautics And Space Administration
49. NOAA: National Oceanic And Atmospheric Administration
50. NAPPO: North American Plant Protection Organization
51. OSVS: Offshore Supply Vessels
52. OCS: Outer Continental Shelf
53. OEERE: Office Of Energy Efficiency And Renewable Energy
54. OEERE: Office Of Energy Efficiency And Renewable Energy
55. PCE: Personal Consumption Expenditure
56. PACA: Perishable Agricultural Commodities Act

57. PMN Pre-Manufacture Notice
58. SDO: Standards Development Organization
59. SDN: Specially Designated Nationals And Blocked Persons
60. SNUR: The Significant Use Rule
61. SNUN: Significant New Use Notice
62. SDO: Standards Development Organization
63. TSD: Technical Support Document
64. TSCA: Toxic Substances Control Act
65. T TIFA: Trade and Investment Framework Agreement
66. TPP: Trans-Pacific Partnership Agreement
67. TTIP: Transatlantic Trade and Investment Partnership Agreement
68. TRQ: Tariff-Rate Quota
69. US: The United States of America
70. USDA: United States Department of Agriculture
71. USTR: United States Trade Representative
72. URS: Unified Registration System
73. ULSD: Ultra-Low Sulfur Diesel
74. WTO: World Trade Organization
75. YVR: Vancouver International Airport

### **AGENDA FOR THE NEXT REPORT**

- Update on CBP regulation refusing admission for any consumer products and industrial equipment found to be non-compliant with the energy conservation and labeling standards pursuant to the Energy Policy and Conservation Act, 1975.

- Update on the CVD petition filed on 2 July 2013 by a coalition of ten steel companies seeking the imposition of anti-dumping duties on imports on certain oil country tubular goods imported from India, Korea, the Philippines, Saudi Arabia, Taiwan, Thailand, Turkey, Ukraine and Vietnam.
- An update on the TTIP [Transatlantic Trade and Investment Partnership] Round II specifically with regard to coverage of sectors, new regulatory cooperation commitments.
- An update on the TPP [Trans-Pacific Partnership]
- An update on the US and China Chicken Duties Dispute.
- Update on USDOC draft proposal on consumer privacy legislation.
- An update on the discussions in the US with respect to the local content requirements in India and possible tariffs by India on the IT products.
- An update on the Trade in Services Agreement [TISA] negotiations from the US proposals.
- An update on the affects of quantitative easing by the FED by continuing its bond-buying strategy to the tune of \$85 billion a month.

## **SUMMARY OF THIS REPORT**

### *Economy*

The GDP grew at an annual rate of 2.5% in the second quarter as compared to 1.1% in the first quarter. The increase of 2.5% in this quarter is on the strength of positive contributions from

personal consumption expenditure (PCE), exports, private inventory investment, nonresidential fixed investment, and residential fixed investment that were partly offset by a negative contribution from federal government spending.

### *Immigration Reform*

On 27 June 2013, the Judiciary Committee in the US House of Representatives approved the “*Supplying Knowledge Based Immigrants and Lifting Levels of STEM (SKILLS) Visas Act*” (H.R. 2131) by a vote of 20-14. The bill is one of the several individual measures that the House of Representatives has approved to implement immigration reform proposals.

### *Trans-Pacific Partnership (TPP) Agreement*

The 17<sup>th</sup> round of TPP negotiations ended on 24 May 2013. USTR reported that the parties to the agreement continue toward their goal of concluding an ambitious 21<sup>st</sup> century agreement under the timeframe envisioned by the leaders of the TPP countries and the US.<sup>1</sup> The US is seeking to advance a next-generation trade and investment agreement which will enhance US competitiveness, expand US trade in the Asia-Pacific region and support the creation and retention of US jobs, while at the same time promote labor rights, environmental protection and transparency.<sup>2</sup>

### *Trans-Atlantic Trade and Investment Partnership (TTIP) Agreement*

On 17 June 2013, President Obama along with the European President Van Rompuy, European Commission President Barroso and UK Prime Minister Cameron announced that the US and the EU shall launch negotiations for a Transatlantic Trade and Investment Partnership (TTIP) Agreement.<sup>3</sup> The leaders agreed to hold the first round of TTIP negotiations in the week of 8 July 2013 in Washington DC, under the leadership of the USTR.

### *Trade and Investment Framework Agreement*

On 15 May 2013, USTR and the Commerce Ministry of Myanmar signed a Trade and Investment Framework Agreement (TIFA), creating a platform for on-going dialogue and cooperation on trade and Investment Framework Agreement (TIFA), creating a platform for ongoing dialogue and cooperation on trade and investment issues between the two governments.

On 29 May 2013, USTR announced a Trade and Investment Framework Agreement (TIFA), which will provide a forum for bilateral talks to enhance trade and investment and discuss specific trade issues between the US and the Caribbean Community (CARICOM).

### *US on India's IP compliance*

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<sup>1</sup> USTR, ‘Trans-Pacific Partnership Negotiations Maintain Strong Momentum’, 24/5/2013, <http://www.ustr.gov/about-us/press-office/press-releases/2013/may/tpp-negotiations-strong-momentum>

<sup>2</sup> Id.

<sup>3</sup> White House, ‘Remarks by President Obama, U.K. Prime Minister Cameron, European Commission President Barroso, and European Council President Van Rompuy on the Transatlantic Trade and Investment Partnership’, 17 June 2013, <http://www.whitehouse.gov/the-press-office/2013/06/17/remarks-president-obama-uk-prime-minister-cameron-european-commission-pr>

India is declared an international outlier by the US in complying with the international standards for intellectual property rights. India's policy, regulatory and legal decisions have deteriorated IP rights. It has consistently lagged behind in the GIPC's International IP Index. Amongst being the last in all the categories for calculating IP compliance and being the worse in the BRIC, India stands as an outlier as it is the only country measured in GIPC Index that was not a signatory to any of the international IP treaties like Patent Law Treaty or the World Intellectual Property Organization (WIPO).

### *Buy American Laws*

On 14 June 2013, the US House of Representatives approved its version of National Defense Authorization Act for Fiscal Year 2014 (H.R. 1960).<sup>4</sup> This bill will need to be reconciled with the Senate version before it can be enacted into law, includes two Buy American provisions.

### *Trade Measures and Decisions affecting exports and imports*

- The 2013 Tariff Rate Quota of 16,006,350 kg at 6% ad valorem duty is applicable to tuna fish entered or withdrawn from warehouse, for consumption during the period January-December 2013 by the Customs and Border Protection. Tuna in excess of this Tariff Rate Quota are dutiable at a rate of 12.5% under subheading 1604.14.30, HTSUS.
- The US Department of Agriculture (USDA) provided that on 1 May 2013 a waiver of certain provisions in the Refined Sugar Re-Export Program.<sup>5</sup> Under the Program, refiners may enter raw sugar unrestricted by the quantitative limit established for the raw sugar tariff-rate quota or the requirements of certificates of quota eligibility, as long as licensees export an equivalent quantity of refined sugar.
- In a final rule published in the Federal Register on 1 April 2013 (Vol. 78 No. 62) the US Department of Agriculture amended the Guidelines for Designating Bio-based Products for Federal Procurement to add eight sections to designate product categories within which bio-based products will be afforded Federal procurement preference.
- The Department of Energy (DOE) announced on 17 May 2013 a conditional authorization allowing the export of domestically produced liquefied natural gas (LNG) to countries that do not have a free trade agreement (FTA) with the US.
- On 24 May 2013, the Agricultural Marketing Service (AMS), US Department of Agriculture (USDA) published in the Federal Register a final rule which amends the *Country of Origin Labeling (COOL) Regulations* for beef, pork, lamb, chicken, goat, meat, wild and far-raised fish and shellfish, perishable agricultural commodities, peanuts, pecans, ginseng and macademia nuts to change the labeling provisions for muscle cut covered commodities to provide consumers with more specific information and other medications to enhance the overall operation of the program and mends the definition for 'retailer' to include any person subject to be licensed as a

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<sup>4</sup> Congressional Budget Office, 'H.R. 1960, National Defense Authorization Act for Fiscal Year 2014, 7 June 2013, <http://www.cbo.gov/publication/44338>

<sup>5</sup> Global Trade Alert, 'United States of America: Temporary waiver of sugar restrictions', 22 May 2013, <http://www.globaltradealert.org/measure/united-states-america-temporary-waiver-sugar-restrictions>

retailer under the Perishable Agricultural Commodities Act (PACA).<sup>6</sup> The COOL regulations are issued pursuant to the *Agricultural Marketing Act of 1946*. The final rule is effective 23 May 2013.

- On 5 April 2013, the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA) Commerce promulgated<sup>7</sup> a revision in the regulations under the *Dolphin Protection Consumer Information Act* (DPCIA) that enhance the requirements for documentation to support labels on tuna products that represent the product as dolphin-safe.
- The World Organization for Animal health (OIE) upgraded the US to be ‘negligible risk’ status for bovine spongiform encephalopathy (BSE), also known as mad-cow disease. This comes after the US had been assigned controlled risk status for BSE and will help the US strengthen its claims that US beef of all ages is safe in negotiations with trading partners like China that currently maintain BSE-related restrictions.

## INTRODUCTION

This is the ninth Quarterly Trade Policy Monitoring Report prepared by the Centre for International Trade and Economic Laws (CITEL), Jindal Global Law School. This report will monitor and discuss the trade and macroeconomic policy developments that took place in United States of America [US] during the period: April- June, 2013.

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<sup>6</sup> Baker and Mckenzie, ‘US –AMS issues revised COOL labeling regulations’, 28 May 2013, <http://www.internationaltrade.complianceupdate.com/blog.aspx?entry=628>

<sup>7</sup> Federal Register [Docket No. 130221153-3153-01]



## I. ECONOMIC ENVIRONMENT

### I.A Fiscal Policy

Real Gross Domestic Product increased at an annual rate of 2.5% in the second quarter of 2013 as compared to 1.1% in the first quarter. The increase of 2.5% in this quarter provides positive contributions from personal consumption expenditure (PCE), exports, private inventory investment, nonresidential fixed investment, and residential fixed investment that were partly offset by a negative contribution from federal government spending. Imports increased over the second quarter. The increase in the real GDP during the second quarter reflected upturns in exports and in non-residential fixed investment and a smaller decrease in federal government spending that were partly offset by an investment and in personal consumption expenditure.<sup>8</sup>

The price index for gross domestic purchases, which measures price paid by US residents, increased 0.3% in the second quarter, unrevised from the advance estimate; this index increased 1.2% in the first quarter. Excluding food and energy prices, the price index for gross domestic purchases increased 0.9% in the second quarter, compared with an increase of 1.4% in the first quarter.<sup>9</sup>

Real personal consumption expenditure increased 1.8% in the second quarter, compared with an increase of 2.3% in the first quarter. Real nonresidential fixed investment increased 4.4% in the second quarter, in contrast to a decrease of 4.6% in the first quarter. Nonresidential structures increased 16.1%, in contrast to a decrease of 25.7%. Equipment increased 2.9%, compared with an increase of 1.6%.<sup>10</sup>

Intellectual property products decreased 0.9%, in contrast to an increase of 3.7% as compared to the previous quarter.<sup>11</sup>

Real residential fixed investment increased 12.9%, compared with an increase of 12.5% in the previous quarter. Real exports of goods and services increased 8.6% in the second quarter, in contrast to a decrease of 1.3% in the first quarter.<sup>12</sup>

Real imports of goods and services increased 7.0%, compared with an increase of 0.6% in the previous quarter. Real federal government consumption expenditures and gross investment decreased 1.6% in the second quarter, compared with a decrease of 8.4% in the first quarter. Real state and local government consumption expenditures and gross investment decreased 0.5%, compared with a decrease of 1.3% in the previous quarter.<sup>13</sup>

The change in real private inventories increased 0.59% to the second quarter change in real GDP, after an increase of 0.93% in the first quarter. Private businesses increased inventories \$62.6 billion in the second quarter, following increases of \$42.2 billion in the first quarter and \$7.3 billion in the fourth quarter. Real final sales of domestic product increased 0.9% in the second quarter as compared to the first quarter 1.4%. Real domestic purchases increased 2.4% in the second quarter, compared with an increase of 1.4% in the first quarter. Real gross national product increased 3% in the second quarter, as compared

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<sup>8</sup> Bureau of Economic Analysis

<sup>9</sup> Bureau of Economic Analysis

<sup>10</sup> Bureau of Economic Analysis

<sup>11</sup> Bureau of Economic Analysis

<sup>12</sup> Bureau of Economic Analysis

<sup>13</sup> Bureau of Economic Analysis

with an increase of 0.6% in the first quarter. GNP, the GDP excluded net receipts of income from the rest of the world, increased \$16.8 billion in the second quarter after decreasing \$17.5 billion in the first quarter; in the second quarter, receipts increased \$1.3 billion and payments decreased \$15.5 billion. Current-dollar GDP [the market value of the nation's output of goods and services] increased 3.2%, or \$132.6 billion, in the second quarter to a level of \$16,667.9 billion. In the first quarter, current-dollar GDP increased 2.8%, or \$115 billion.<sup>14</sup>

Real gross domestic income, which measures the output of the economy as the costs incurred and the incomes earned in the production of GDP, increased 2.5% in the second quarter, compared with an increase of 2.4% in the first quarter. Corporate profits with an inventory valuation adjustment and capital consumption adjustment increased \$78.3 billion in the second quarter, in contrast to a decrease of \$26.6 billion in the first quarter. Taxes in the first quarter increased \$10.5 billion in contrast to a decrease of \$25 billion. Profits after tax increased \$67.9 billion in contrast to \$1.7 billion in the first quarter. Dividends increased \$273.8 billion in the second quarter, in contrast to a decrease of \$103.8 billion in the first quarter. The large second quarter increase primarily reflected dividends paid by Fannie Mae to the federal government. Undistributed profits decreased \$205.9 billion, in contrast to an increase of 102.1 billion. Net cash flow with IVA [the internal funds available to corporations for investments] decreased \$194.6 billion in contrast to an increase of \$140.7 billion. Profits from current production reflect the depreciation of fixed assets valued at current cost using consistent depreciation profiles.<sup>15</sup>

## **I.B Monetary Measures**

The Federal Open Market Committee met in June 2013. It stated that the economic activity expanded at a modest pace during the first half of the 2013. Labor market conditions have improved in the recent months, on balance, but the unemployment rate remains elevated. Household spending and business fixed investment advanced, and the housing sector has been strengthening, but mortgage rates have risen and fiscal policy is restraining economic growth. Partly reflecting transitory influences, inflation has been running below the Committee's longer-run objective, but longer-term inflation expectation have remained stable.<sup>16</sup>

The Committee aims to ensure maximum employment and price stability. The Committee expects that with appropriate policy accommodation, economic growth will pick up from its recent pace and the unemployment rate will gradually decline toward levels the Committee judges consistent with its dual mandate. Downside risks to the outlook for the economy and the labor market have diminished since the fall. The Committee recognizes that inflation persistently below its 2% objective could pose risks to economic performance, but it anticipates that inflation will move toward its objective over the medium term. To support a stronger economic recovery and to help ensure that inflation over a period of time is at the rate most consistent with its dual mandate, the Committee decided to continue purchasing additional agency mortgage-backed securities at a pace of \$40 billion per month and longer-term Treasury securities at a pace of \$45 billion per month.<sup>17</sup>

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<sup>14</sup> Bureau of Economic Analysis

<sup>15</sup> Bureau of Economic Analysis

<sup>16</sup> Board of Governors of the Federal Reserve System, 'Press Release: For immediate release', <http://www.federalreserve.gov/newsevents/press/monetary/20130731a.htm>

<sup>17</sup> Board of Governors of the Federal Reserve System, 'Press Release: For immediate release', <http://www.federalreserve.gov/newsevents/press/monetary/20130731a.htm>

The Committee is maintaining its existing policy of reinvesting principle payments from the holdings of agency debt and agency mortgage-backed securities in agency mortgage-backed securities and of rolling over maturing Treasury securities at auction. Taken together, these actions should maintain downward pressure on longer-term interest rates, support mortgage markets, and help to make broader financial conditions more accommodative. The Committee provided that it will continue to purchase Treasury and agency mortgage-backed securities, and employ its other policy tools as appropriate, until the outlook for the labor market has improved substantially in a context of price stability. The Committee is prepared to increase or reduce the pace of its purchases to maintain appropriate policy accommodation as the outlook for the labor market or inflation changes.<sup>18</sup>

In determining the size, pace, and composition of its asset purchases, the Committee will continue to take appropriate account of the likely efficacy and costs of such purchases as well as the extent of progress toward its economic objectives. To support continued progress toward maximum employment and price stability, the Committee today reaffirmed its view that a highly accommodative stance of monetary policy will remain appropriate for a considerable time after the asset purchase program ends and the economic recovery strengthens. In particular, the Committee decided to keep the target range for the federal funds rate to be appropriate at least as long as the unemployment rate remains above 6-1/2 %, inflation between one and two years ahead is projected to be no more than a half percentage point above the Committee's 2% longer-run goal, and longer-term inflation expectations continue to be well anchored.<sup>19</sup>

In determining how long to maintain a highly accommodative stance of monetary policy, the Committee will also consider other information, including additional measures of labor market conditions, indicators of inflation pressures and inflation expectations, and readings on financial developments. When the Committee decides to begin to remove policy accommodation, it will take a balanced approach consistent with its longer-run goals of maximum employment and inflation of 2%.<sup>20</sup>

## **I.C Laws and Regulations**

On 27 June 2013, the Judiciary Committee in the US House of Representatives approved the “*Supplying Knowledge Based Immigrants and Lifting Levels of STEM* also known as *SKILLS Visas Act*” (H.R. 2131) by a vote of 20-14. The bill is one of the several individual measures that the House of Representatives has approved to implement immigration reform legislation.

The SKILLS Visas Act would reform the approach to visa distribution, promoting immigration among aliens with advanced education and skills in science, technology, engineering, and math (STEM), creation of a new entrepreneur visa program for those able to meet certain US job-creation requirements, strengthen the visa program for investors, and make other required changes. The total number of visas would not be increased, but the current diversity visa lottery program would be repealed and its visas reoriented toward the new or expanded programs. Among other things, the bill would allocate up to 55,000 green cards a year for employers to petition for foreign graduates of US universities with advanced degrees in STEM fields, increase the H-1B visa cap for high-skilled workers to 155,000 from the current

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<sup>18</sup> Board of Governors of the Federal Reserve System, ‘Press Release: For immediate release’, <http://www.federalreserve.gov/newsevents/press/monetary/20130731a.htm>

<sup>19</sup> Board of Governors of the Federal Reserve System, ‘Press Release: For immediate release’, <http://www.federalreserve.gov/newsevents/press/monetary/20130731a.htm>

<sup>20</sup> Board of Governors of the Federal Reserve System, ‘Press Release: For immediate release’, <http://www.federalreserve.gov/newsevents/press/monetary/20130731a.htm>

65,000 and double the special pool for visas for foreign graduates of US universities from 20,000 to 40,000. It would also allocate up to 10,000 green cards a year for alien entrepreneurs who can attract investment from venture-capital firms to establish businesses that will create at least five jobs or have already created five jobs over 100 years through the E-2 treaty investor program.<sup>21</sup>

## II. TRADE AND INVESTMENT REGIME

### II.A Trans-Pacific Strategic Economic Partnership Agreement

The 17<sup>th</sup> round of TPP negotiations ended on 24 May 2013. The USTR reported that the parties to the agreement shall continue toward their goal of concluding an ambitious 21<sup>st</sup> century agreement under the timeframe envisioned by the leaders of the TPP countries and the US.<sup>22</sup> The US is seeking to advance a next-generation trade and investment agreement which will enhance US competitiveness, expand US trade in the Asia-Pacific region and support the creation and retention of US jobs, while at the same time promote labor rights, environmental protection and transparency.<sup>23</sup>

During the 10-day round negotiations, the negotiators were guided by the plan of action agreed by the trade ministers from the US and other TPP countries – Australia, Brunei, Darussalam, Canada, Chile, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam.<sup>24</sup> In line with the plan and the direction of ministers to find pragmatic solutions to outstanding issues, the negotiators made progress across the agreement. The negotiating groups covering services, government procurement, sanitary and phytosanitary standards, trade remedies, labor and dispute settlement stepped forward significantly.<sup>25</sup>

The TPP countries successfully advanced their work on other legal texts, including technical barriers to trade, e-commerce, rules of origin, investment, financial services, intellectual property, competition, and environment. Negotiators had productive discussions and agreed on subsequent steps to continue their work.<sup>26</sup> The negotiators made further progress on building the comprehensive packages that will provide access to their respective markets for industrial, agricultural and textile and apparel products, services, and investment, and government procurement.<sup>27</sup> They moved forward in constructing tariff packages and rules of origin, reflecting input from stakeholders on how to best promote trade and regional integration that would benefit the companies and workers in the US and the other TPP countries.<sup>28</sup> The 11 TPP countries discussed plans for smoothly integrating Japan into the TPP negotiations. Japan will join the negotiations following the successful completion of current members' respective domestic processes. After the entry of Japan, TPP countries shall account for nearly 40% of the global GDP and about one-third of all world trade.<sup>29</sup>

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<sup>21</sup> Global Trade Alert, 'United States of America: Bill to facilitate immigration of persons with specific skills', 4 July 2013, <http://www.globaltradealert.org/measure/united-states-america-bill-facilitate-immigration-persons-specific-skills>

<sup>22</sup> USTR, 'Trans-Pacific Partnership Negotiations Maintain Strong Momentum', 24/5/2013, <http://www.ustr.gov/about-us/press-office/press-releases/2013/may/tpp-negotiations-strong-momentum>

<sup>23</sup> Id.

<sup>24</sup> Id.

<sup>25</sup> Id.

<sup>26</sup> Id.

<sup>27</sup> Id.

<sup>28</sup> Id.

<sup>29</sup> Id.

On 19 May 2013, the TPP negotiations were temporarily suspended for negotiators to meet with 300 stakeholders from the US and other TPP countries.<sup>30</sup> Stakeholders presented views to negotiators on a wide range of issues under discussion in the TPP, and met informally with US and other negotiators to provide further input to them.<sup>31</sup> Ministers from the TPP countries shall continue to engage regularly over the coming months to guide the negotiators so as to find solutions to outstanding sensitive issues and ensure that the negotiations achieve the TPP Leaders' objective of a high-quality, ambitious and comprehensive agreement this year.<sup>32</sup> Meanwhile, the negotiating teams agreed on detailed inter-sessional work plans so that the momentum achieved during this week's round in Lima can be maintained. The 18<sup>th</sup> round of TPP negotiations will be held in Malaysia from 15-25 July 2013.<sup>33</sup>

## II.B Transatlantic Trade and Investment Partnership Agreement

*Negotiations to be initiated in the next quarter*

On 17 June 2013, President Obama along with the European President Van Rompuy, European Commission President Barroso and Prime Minister Cameron announced that the US and the EU shall launch negotiations on a Transatlantic Trade and Investment Partnership (TTIP) Agreement.<sup>34</sup> The leaders stated to hold the first round of TTIP negotiations in the week of 8 July 2013 in Washington DC, under the leadership of the USTR.<sup>35</sup>

According to the US-EU leaders, TTIP will be ambitious, comprehensive and high-standard trade and investment agreement that offers significant benefits in terms of promoting US international competitiveness, jobs and growth. This trade and investment agreement will aim to boost economic growth in the US and the EU and shall add as well as support more than 13 million American and EU jobs already supported by transatlantic trade and investment. The President further stated the first round of negotiations will start by a joint undertaking of real strategic importance. The EU-US relationship is the largest bilateral trade relation in the world as it makes up nearly half of the global GDP. Both the countries trade about \$1 trillion in goods and services each year and invest nearly \$4 trillion in one another's economy. This bilateral trade pact already supports around 13 million jobs on both sides of the Atlantic. TTIP is a deal that could add as much as a 100 billion Euro to the EU economy, 80 billion Euro to the US economy and as much as 85 billion Euro to the rest of the world.<sup>36</sup>

In particular TTIP will aim to:

- Further liberalize the EU markets by increasing the standard of \$458 billion in goods and private services as exported by the US to the EU in 2012. The EU is US' largest export market.<sup>37</sup>

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<sup>30</sup> Id.

<sup>31</sup> Id.

<sup>32</sup> Id.

<sup>33</sup> Id.

<sup>34</sup> White House, 'Remarks by President Obama, U.K. Prime Minister Cameron, European Commission President Barroso, and European Council President Van Rompuy on the Transatlantic Trade and Investment Partnership', 17 June 2013, <http://www.whitehouse.gov/the-press-office/2013/06/17/remarks-president-obama-uk-prime-minister-cameron-european-commission-pr>

<sup>35</sup> Id.

<sup>36</sup> White House, 'Remarks by President Obama, U.K. Prime Minister Cameron, European Commission President Barroso, and European Council President Van Rompuy on the Transatlantic Trade and Investment Partnership', 17 June 2013, <http://www.whitehouse.gov/the-press-office/2013/06/17/remarks-president-obama-uk-prime-minister-cameron-european-commission-pr>

<sup>37</sup> Id.

- It shall strengthen rule-based investments to help grow the world's largest investment relationship. The US and the EU already maintain a total of nearly \$3.7 trillion investment in each other's economies (as of 2011).<sup>38</sup>
- Eliminate all tariffs on trade.
- Tackle costly "behind the border" non-tariff barriers that impede the flow of goods, including agricultural goods.<sup>39</sup>
- Obtain improved market access on trade in services.<sup>40</sup>
- Significantly reduce the cost of differences in regulations and standards by promoting greater compatibility, transparency and cooperation, while maintaining our high levels of health, safety and environmental protection.<sup>41</sup>
- Develop rules, principles, and new modes of cooperation on issues of global concern, including intellectual property and market-based disciplines addressing state-owned enterprises and discriminatory localization barriers to trade.<sup>42</sup>
- Promote the global competitiveness of small and medium-sized enterprises.<sup>43</sup>

*Study on the economic effects of duty free treatment for imports*

On 18 April 2013, the US International Trade Commission (ITC) announced that it is seeking input for newly initiated investigations<sup>44</sup> into the probable economic effect of duty-free imports under a US-EU Transatlantic Trade and Investment Partnership Agreement (TTIP).<sup>45</sup> The investigations '*Advise on the Probable Economic Effect of Providing Duty-Free Treatment for Imports*', were requested by the Acting United States Trade Representative (USTR) vide letter on 26 March 2013.<sup>46</sup>

According to the request the ITC shall advise the President on the probable economic effect of providing duty-free treatment for imports of products from all the EU member states on industries in the US producing like or directly competitive articles as well as on consumers.<sup>47</sup> In preparing its advice, the ITC needs to consider each article in Chapter 1 through 97 of the Harmonized Tariff Schedule of the US for which tariffs will remain, taking into account implementation of US commitments under the WTO Agreement.<sup>48</sup> The advice shall be based on the *2013 Harmonized Tariff Schedule* nomenclature and trade data for the year 2012.<sup>49</sup>

The advice shall assume that any known US-Non Tariff barrier will not be applicable to such imports, and the ITC will note its report any instance in which the continued application of a US non-tariff barrier would result in different advice with respect to the effect of the removal of the duty.<sup>50</sup> The ITC shall also prepare an assessment of the probable economic effect of eliminating tariffs on imports from all of the EU member states of certain agricultural products on US industries producing the product concerned and the US economy as a whole. The ITC expects to submit the report which shall be

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<sup>38</sup> Id.

<sup>39</sup> Id.

<sup>40</sup> Id.

<sup>41</sup> Id.

<sup>42</sup> Id.

<sup>43</sup> Id.

<sup>44</sup> (Inv. Nos. TA-131-037 and TA-2104-029)

<sup>45</sup> Baker and Mckenzie, 'US-ITC opens investigation on US-EU TTIP Agreement', 18 April 2013, <http://www.internationaltradeupdate.com/blog.aspx?entry=527>

<sup>46</sup> Id.

<sup>47</sup> Id.

<sup>48</sup> Id.

<sup>49</sup> Id.

<sup>50</sup> Id.

confidential, to the USTR by 26 September 2013.<sup>51</sup> The ITC is seeking input for these investigations from all interested parties and requests that the information focus on the issues for which the ITC is requested to provide information and advice. The ITC shall hold a public hearing in connection with the investigations on 5 June 2013.<sup>52</sup>

## **II.C Trade and Investment Framework Agreement**

### *a. US-Myanmar*

On 15 May 2013, USTR and the Commerce Ministry of Myanmar signed a Trade and Investment Framework Agreement (TIFA), creating a platform for ongoing dialogue and cooperation on trade and investment issues between the two governments.<sup>53</sup> As part of this dialogue, these two sides will work together to identify initiatives that support reform program and promote inclusive development that benefits the people of Burma, including the poorest segments of its population.<sup>54</sup>

The agreement recognizes the importance of respecting, promoting, and realizing in each Party's laws and practices the fundamental labor rights as enumerated by the International Labor Organization (ILO) and of effectively enforcing their respective laws and regulations on worker rights.<sup>55</sup> Under the TIFA, the US will seek to work with the government to achieve further improvements in the protection of worker rights.<sup>56</sup>

### *b. US-CARICOM*

On 29 May 2013, USTR announced a Trade and Investment Framework Agreement (TIFA), which will provide a forum for bilateral talks to enhance trade and investment and discuss specific trade issues between the US and the Caribbean Community (CARICOM).<sup>57</sup> The 15 Member States of CARICOM and the US signed an agreement establishing a Trade and Investment Council ITC in 1991, which will be replaced by the TIFA.<sup>58</sup>

The US-CARICOM Council on Trade and Investment, created pursuant to the TIFA will address a wide range of trade and investment issues, such a facilitation of trade and investment, multilateral cooperation, intellectual property rights, worker rights, environmental protection and removing barriers to bilateral trade.<sup>59</sup>

## **III. TRADE POLICY AND PRACTICE BY MEASURE**

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<sup>51</sup> Id.

<sup>52</sup> Id.

<sup>53</sup> Baker and Mckenzie, 'US and Burma sign TIFA', 29 May 2013,

<sup>54</sup> Id.

<sup>55</sup> Id.

<sup>56</sup> Id.

<sup>57</sup> Baker and Mckenzie, 'US-DDTC posts information on direct commercial sale of defense articles and services to Libya', 29 May 2013, <http://www.internationaltradecomplianceupdate.com/blog.aspx?entry=636>

<sup>58</sup> Id.

<sup>59</sup> Id.

### III.A Measures Directly Affecting Imports

#### *a. Buy American Laws*

- On 14 June 2013, the US House of Representatives approved its version of National Defense Authorization Act for Fiscal Year 2014 (H.R. 1960).<sup>60</sup> This bill will need to be reconciled with the Senate version before it can be enacted as law and it includes two Buy American provisions.<sup>61</sup> Section 838 of the bill provides that, “None of the funds authorized to be appropriated by this Act may be used to purchase military coins that are not produced in the United States’.<sup>62</sup> Military coins are commemorative items that military present to visiting dignitaries. Section 839 of the bill provides that, “In the case of athletic footwear needed by members of the Army, Navy, Air Force, or Marine Corps upon their entry into the armed forces, the Secretary of Defense shall furnish such footwear directly to the members instead of providing a cash allowance to the members for the purchase of such footwear.”<sup>63</sup> The provision further specifies that these procurements must comply with an existing provision of law (the Berry Amendment) providing that the Department of Defense cannot procure clothing items for service members unless they are produced in the US.<sup>64</sup> Under the existing practice of providing funds to service members for their own purchases of these footwear, the individuals are free to purchase either domestic or imported items.<sup>65</sup>
- On 28 May 2013, Governor of the State of Texas signed into law a bill (HB 4) which provides funds for water projects.<sup>66</sup> One provision in the bill requires that contracts ‘include a requirement that iron and steel products and manufactured goods used in the project be produced in the United States.’<sup>67</sup> This requirement may be waived when products are not available in sufficient quantities, readily available, of a satisfactory quality, or “the use of such products or goods will increase the total cost of project by more than 20%.”<sup>68</sup>
- State of Maryland signed into law the ‘Buy American Bill on 16 May 2013 that will take effect on 1 October 2013. The purchase of American Manufactured Goods Bill (Senate Bill 47/House Bill 191) institutes a government-procurement preference for US manufactured goods.<sup>69</sup> Specifically, it states that, unless the standards for certain exemptions are met, a public body shall require a contractor or subcontractor to use or supply American manufactured goods in the performance of a contract for (1) constructing or maintaining a public work; or (2) buying or manufacturing machinery or equipment that is to be installed at a public work site. <sup>70</sup>

#### *b. Tariff-rate quota on Tuna containers*

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<sup>60</sup> Congressional Budget Office, ‘H.R. 1960, National Defense Authorization Act for Fiscal Year 2014, 7 June 2013, <http://www.cbo.gov/publication/44338>

<sup>61</sup> Id.

<sup>62</sup> Id.

<sup>63</sup> Id.

<sup>64</sup> Id.

<sup>65</sup> Id.

<sup>66</sup> Global Trade Alert, ‘United States of America: Buy-American requirement for iron and steel in water projects of the state of Texas’, 4 July 2013, <http://www.globaltradealert.org/measure/united-states-america-buy-american-requirement-iron-and-steel-water-projects-state-texas>

<sup>67</sup> Id.

<sup>68</sup> Id.

<sup>69</sup> Global Trade Alert, ‘United States of America/State of Maryland: Buy-American bill enacted’, 11 June 2013, <http://www.globaltradealert.org/measure/united-states-america-state-maryland-buy-american-bill-enacted>

<sup>70</sup> Id.



On 25 April 2013, the US Customs and Border Protection (CBP) promulgated an announcement with respect to tariff-rate quota (TRQ) quantity of tuna in airtight containers described in subheading 1604.14.22, HTSUS for 2013.<sup>71</sup> The 2013 TRQ of 16,006,350 kg at 6% ad valorem duty is applicable to tuna fish entered or withdrawn from warehouse, for consumption during the period January-December 2013.<sup>72</sup> Tuna in excess of this TRQ are dutiable at a rate of 12.5% under subheading 1604.14.30, HTSUS.<sup>73</sup>

*c. Tariff-rate quote on for raw sugar*

The US Department of Agriculture (USDA) provided that on 1 May 2013 a waiver of certain provisions in the Refined Sugar Re-Export Program.<sup>74</sup> Under the Program, refiners may enter raw sugar unrestricted by the quantitative limit established for the raw sugar tariff-rate quota or the requirements of certificates of quota eligibility, as long as licensees export an equivalent quantity of refined sugar either as refined sugar or as an ingredient in sugar-containing products or use the refined sugar either as refined sugar or as an ingredient in sugar-containing products or use the refined sugar in the production of polyhydric alcohols.<sup>75</sup> This waiver will expire on 31 December 2014. Beginning on 1 January 2015, the credit limit will again be 50,000 metric tons raw value. No change is being made to the 50,000 metric ton raw value limit for debits.<sup>76</sup>

*d. Bio-based products receive federal procurement preference*

In a final rule published in the Federal Register on 1 April 2013 (Vol. 78 No. 62) the US Department of Agriculture amended the Guidelines for Designating Bio-based Products for Federal Procurement to add eight sections to designate product categories within which bio-based products will be afforded Federal procurement preference.<sup>77</sup> USDA is also adding a new subcategory to one previously designated product category. USDA is also establishing minimum bio-based contents for each of these product categories and subcategories.<sup>78</sup> The program does not explicitly establish a preference for bio-based products that are of domestic origin.<sup>79</sup> The underlying objectives of the program do include, however, enhancing energy security by substituting bio-based products for products derived from imported oil and natural gas and to spur development of the industrial base through value-added agricultural processing and manufacturing in rural communities.<sup>80</sup> As part of the Bio Preferred Program, USDA had published a proposed rule designating the following eight products; engine crankcase oil; gasoline fuel additives; metal cleaners and corrosion removers; microbial cleaning products; paint removers; and water turbine bearing oils. USDA also proposed to add the following subcategories to previously designated product categories:

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<sup>71</sup> Baker and Mckenzie, 'US-CBP publishes Tuna TRQ for 2013', 25 April 2013, <http://www.internationaltrade.complianceupdate.com/blog.aspx?entry=566>

<sup>72</sup> Id.

<sup>73</sup> Id.

<sup>74</sup> Global Trade Alert, 'United States of America: Temporary waiver of sugar restrictions', 22 May 2013, <http://www.globaltradealert.org/measure/united-states-america-temporary-waiver-sugar-restrictions>

<sup>75</sup> Id.

<sup>76</sup> Id.

<sup>77</sup> Global Trade Alert, 'United States of America: Expanded scope of biobased products receiving preferential treatment in Federal procurement', 17 April 2013, <http://www.globaltradealert.org/measure/united-states-america-expanded-scope-biobased-products-receiving-preferential-treatment-fede>

<sup>78</sup> Id.

<sup>79</sup> Id.

<sup>80</sup> Id.

countertops to the composite panels category; and wheel bearing and chassis grease to the greases category.<sup>81</sup>

*e. Buy-American provision in construction bill*

The US Senate approved the “Water Resources Development Act” (S. 601) on 15 May 2013 by a vote of 83-14. The bill authorizes the Army Corps of Engineers to contract for and build water-development and other construction projects around the US. Prior to passing the bill as a whole, the Senate approved by a vote of 60-36 an amendment requiring the use of American iron, steel, and manufactured goods exclusively for the construction, alteration, maintenance or repair of any project authorized under the legislation. The only exceptions to the mandatory Buy American requirement is if US sourced goods are unavailable, or would increase the cost of the project overall by more than 25% or, if it is in the national interest to waive the requirement for any specific project. The bill must be acted upon by the House of Representatives, and approved in final form by both houses of Congress, before going to the president for approval.<sup>82</sup>

*f. Anti-Dumping Measures [See Annexure V.1]*

- In a petition filed on 27 June 2013, three US firms (All America Threaded Products Inc.; Bay Standard Manufacturing Inc.; and Vulcan Threaded Products Inc.) seek imposition of anti-dumping duties on imports of steel threaded rod from India and Thailand and the imposition of countervailing duties on imports of this product from India. The US International Trade Commission’s preliminary injury determination in this case has been scheduled for 9 August 2013.<sup>83</sup>
- In response to a petition filed on 16 May 2013, the US initiated an antidumping investigation of welded stainless pressure pipe imported from Malaysia, Thailand, and Vietnam. The first step in the investigation was the US International Trade Commission’s preliminary injury determination, in which it reached an affirmative finding on 28 June 2013.<sup>84</sup>
- On 23 April 2013, two US firms (the Davis Wire Corporation and Insteel Wire Products Company) filed antidumping petitions against imports of prestressed concrete steel rail wire from China, Mexico and Thailand. The first step in the investigation is the US International Trade Commission’s preliminary injury determination, in which an affirmative injury was made on 6 June 2013.<sup>85</sup>

### **III.B Measures Directly Affecting Exports**

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<sup>81</sup> Global Trade Alert, ‘United States of America: Expanded scope of biobased products receiving preferential treatment in Federal procurement’, 17 April 2013, <http://www.globaltradealert.org/measure/united-states-america-expanded-scope-biobased-products-receiving-preferential-treatment-fede>

<sup>82</sup> Global Trade Alert, ‘United States of America: Buy-American provision in construction bill’, 28 May 2013, <http://www.globaltradealert.org/measure/united-states-america-buy-american-provision-construction-bill>

<sup>83</sup> Global Trade Alert, ‘United States of America: AD/CVD investigations of steel threaded rod imported from India and Thailand’, 29 June 2013, <http://www.globaltradealert.org/measure/united-states-america-adcvs-investigations-steel-threaded-rod-imported-india-and-thailand>

<sup>84</sup> Global Trade Alert, ‘United States of America: Antidumping investigation of welded stainless pressure pipe imported from Malaysia, Thailand, and Vietnam’, 21 May 2013, <http://www.globaltradealert.org/measure/united-states-america-antidumping-investigation-welded-stainless-pressure-pipe-imported-ma-0>

<sup>85</sup> Global Trade Alert, ‘United States of America: AD investigation of steel product imported from China, Mexico and Thailand’, 25 April 2013, <http://www.globaltradealert.org/measure/united-states-america-ad-investigation-steel-product-imported-china-mexico-and-thailand>

*a. Export of domestically produced liquefied natural gas to non-FTA partners*

The Department of Energy (DOE) announced on 17 May 2013 a conditional authorization allowing the export of domestically produced liquefied natural gas (LNG) to countries that do not have a free trade agreement (FTA) with the US. The authorization will allow Freeport LNG Expansion, L.P. and FLNG Liquefaction, LLC to export LNG from the Freeport LNG Terminal on Quintana Island, Texas. This is the second time that DOE has approved exports of LNG from the Texas terminal. It is also the second DOE authorization for the export of LNG to non-FTA countries from any US terminal, with the first such authorization having been granted to a terminal in Cameron Parish, Louisiana.<sup>86</sup>

### **III.C Measures Affecting Production and Trade**

#### **III.C.1 Incentives and other assistance**

*a. US-Mexico*

On 2 June 2013, the US Customs and Border Protection (CBP) promulgated<sup>87</sup> final rule which amends Department of Homeland Security (DHS) regulations to extend that certain non-migrant Mexican nationals presenting a Border Crossing Card or other proper immigration documentation, may travel in New Mexico without obtaining a CBP Form I-94 (Form I-94). Arrival/Departure Record.<sup>88</sup> This change is intended to promote commerce and tourism in southern New Mexico while ensuring that sufficient safeguards are in place to prevent illegal entry to the US. This rule is effective 12 July 2013.<sup>89</sup>

*b. US-FDA allows symbols in labeling*

On 19 April 2013, the Food and Drug Administration (FDA) promulgated<sup>90</sup> revision of the medical device and biological product labeling regulations to explicitly allow for the inclusion of stand-alone graphical representations of information, symbols, if the symbol has been established as part of a standard developed by a nationally or internationally recognized standards development organization (SDO) [Standard Symbol].<sup>91</sup> Such standard symbol is part of a standard recognized by FDA for use on the labeling of medical devices provided that such symbol is explained in a symbols glossary that contemporaneously accompanies the medical device.<sup>92</sup> FDA is also proposing to revise prescription device labeling regulations to authorize the use of the symbol statement 'Rx only' on the labeling of prescription devices. Electronic or written comments are proposed by 18 June 2013.<sup>93</sup>

#### **III.C.2 Standards and other technical requirements**

[For TBT quarterly update please see Annexure V.2]

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<sup>86</sup> Global Trade Alert, 'United States of America: Export of domestically produced liquefied natural gas to non-FTA partners', 18 May 2013, <http://www.globaltradealert.org/measure/united-states-america-export-domestically-produced-liquefied-natural-gas-non-fta-partners>

<sup>87</sup> Federal Register, [Docket No. USCBP-2012-0030; CBP Dec. No. 13-09]

<sup>88</sup> Baker and McKenzie, 'US – Extension of Border Zone in New Mexico', 12 June 2013, <http://www.internationaltradeupdate.com/blog.aspx?entry=680>

<sup>89</sup> Id.

<sup>90</sup> Federal Register [Docket No. FDA-2013-N-0125]

<sup>91</sup> Baker and McKenzie, 'US –FDA proposes to allow certain symbols in labeling', 19 April 2013, <http://www.internationaltradeupdate.com/blog.aspx?entry=543>

<sup>92</sup> Id.

<sup>93</sup> Id.

*a. Textile Fiber Products Identification Amendment*

On 20 May 2013, FTC published in the Federal Register a notice of proposed rulemaking to amend the rules and regulations under the *Textile Fiber Products Identification Act* (Textile Rules).<sup>94</sup> On the basis of the comments received in response to its Advanced Notice of Proposed Rulemaking (ANPR), the FTC proposes amending the Textile Rules to:

- Incorporate the undated ISO standard 2076:2010 (E)
- Allow certain hand-tags that do not disclose the product's full fiber content information;
- Better address electronic commerce by amending the definition of the terms invoice or other paper.

Update the guaranty provisions by among other things, replacing the requirement that suppliers provide a guaranty signed under penalty of perjury with a certification that must be renewed annually and revising accordingly the form used to file continuing guarantees with the FTC under the Textile, Fur and Wool Acts and clarify several other provisions.<sup>95</sup>

The FTC also proposes to update and clarify Section 303.33(d) to state that an imported product's country of origin as determined under the laws and regulations enforced by Customs shall be country where the product was processed or manufactured.<sup>96</sup> The FTC also proposes to update and clarify Section 303.33(d) to state that, an imported product's country of origin as determined under the laws and regulations enforced by Customs shall be the country where the product was processed or manufactured.<sup>97</sup>

The FTC also proposes to update and clarify section 303.33(d) to state that an imported product's country of origin as determined under the laws and regulations was enforced by Customs shall be the country where the product was processed or manufactured.<sup>98</sup> The FTC also proposes to update section 303.33(f) by dropping the outdated reference to the Treasury Department and instead refer to any Tariff Act and the regulations promulgated thereunder.<sup>99</sup> These amendments would revise the rules to clearly reflect the FTC's longstanding policy of ensuring the consistency of the Textile Rules and Customs regulations.<sup>100</sup>

*b. EPA disapproves small recreational vehicles from China*

On 3 April 2013, the US Environmental Protection Agency (EPA) provided that it is withdrawing approval of the import and sale of around 74,000 gas-powered on and off-road motor-cycles and all-terrain vehicles from China as it is incomplete or falsified certification information.<sup>101</sup> EPA issued the vehicle certificates from 2006-2012 to two companies, which operate as Synder Technology, Inc. and Synder Computer Systems, Inc. (doing business as Wildlife Motors Corporation).<sup>102</sup>

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<sup>94</sup> Baker and Mckenzie, 'US-FTC proposes changes to textile labeling rules', 28 May 2013, <http://www.internationaltradeupdate.com/blog.aspx?entry=627>

<sup>95</sup> Id.

<sup>96</sup> Id.

<sup>97</sup> Id.

<sup>98</sup> Id.

<sup>99</sup> Id.

<sup>100</sup> Id.

<sup>101</sup> Baker and Mckenzie, 'US –EPA voids certificates approving import of over 70,000 small recreational vehicles', 24 April 2013, <http://www.internationaltradeupdate.com/blog.aspx?entry=560>

<sup>102</sup> Id.

After a lengthy investigation, the agency believes that applications for the certificates contained misleading information and must be voided. Vehicles imported into the US are required to have certificate of conformity from the EPA.<sup>103</sup> It provides the description of the vehicle and its emission control system. It should also provide emissions data demonstrating that the vehicle will meet federal emission standards for certain pollutants, including oxides of nitrogen (NOx), carbon monoxide (CO) and total hydrocarbons (HC) all of which can harm public health and the environment.<sup>104</sup>

These pollutants can contribute to *soot* (fine particles) and *smog* (ground level ozone), which are associated with asthma and heart attacks, increased emergency room visits and premature death. In the present case of Synder and Wildfire, EPA provides that these manufacturers failed to test the emissions from their own products all of which were imported from China.<sup>105</sup> Unless there is a proper emission controls, these vehicles can emit substantially more pollution than allowable standards under the Clean Air Act, year. Such decision had an impact on the companies that manufactured and imported these vehicles.<sup>106</sup> A consumer who owns a model that was covered by such void certificates is not responsible for these companies' wrongdoing and can continue to use the vehicle.<sup>107</sup>

*c. Safety permit requirement for interstate carriers against hazardous materials*

The Federal Motor Carrier Safety Administration (FMCSA) promulgated<sup>108</sup> to amend its regulations to require interstate motor carriers, freight forwarders, brokers, intermodal equipment providers (IEPs), hazardous materials safety permit (HMSP) applicants, and cargo tank facilities under FMCSA jurisdiction to submit a compulsory registration and biennial information to the Agency through a new electronic on-line Unified Registration System (URS).<sup>109</sup>

The rule establishes fees for the registration system, discloses the cumulative information to be collected in the URS, and provides a centralized cross-reference to existing safety and commercial regulations necessary for compliance with the registration requirements.<sup>110</sup> The final rule implements statutory provisions in the *ICC Termination Act of 1995* (ICCTA) and the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, 2005* (SAFETEA-LU).<sup>111</sup> The URS shall streamline the registration process and serve as a clearing house and depository of information on and identification of, motor carriers, brokers, freight forwarders, IEPs, HMSP applicants, and cargo tank facilities required to register with FMCA.<sup>112</sup> The final rule is effective from 23 October 2014, except for S. 390.19 and 392.9b is 1 November 2013 and the compliance date for S. 366.2 is 25 April 2016. Petitions for reconsiderations are sought until 23 September 2013.<sup>113</sup>

*d. Procurement of Chinese IT products contingent on FBI certification*

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<sup>103</sup> Id.

<sup>104</sup> Id.

<sup>105</sup> Id.

<sup>106</sup> Id.

<sup>107</sup> Id.

<sup>108</sup> Federal Register [Docket No. FMCSA-1997-2349]

<sup>109</sup> Baker and McKenzie, 'US- FMCSA publishes final rule on Unified Registration System', 23 August 2013, <http://www.internationaltrade.complianceupdate.com/blog.aspx?entry=914>

<sup>110</sup> Id.

<sup>111</sup> Id.

<sup>112</sup> Id.

<sup>113</sup> Id.

A provision in the “Consolidated and Further Continuing Appropriations Act, 2013” (H.R. 933) bars the Department of Commerce and Justice, the National Aeronautics and Space Administration (NASA), and the National Science Foundation from procuring any information technology (IT) systems that are produced, manufactured, or assembled by any company owned, directed, or subsidized by China, unless the Federal Bureau of Investigation (FBI) has completed an assessment of the security risk of cyber-espionage or sabotage associated with the system to the US.<sup>114</sup>

### **III.C.3 Sanitary and phyto-sanitary measures**

[See Annexure V.3]

#### *a. Shark Conservation*

On 2 May 2013, the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce published in the Federal Register a proposed rule to implement the provisions of the *Shark Conservation Act of 2010 (SCA)* and prohibit any person from removing any of the fins of a shark at sea, possessing shark fins on fishing vessels unless they are naturally attached to the corresponding carcass, transferring or receiving fins from one vessel to another at sea unless the fins are naturally attached to the corresponding carcass, landing shark fins unless they are naturally attached to the corresponding carcass, or landing shark carcass without their fins naturally attached.<sup>115</sup> NMFS proposes this action to amend regulations and make them consistent with the SCA.

#### *b. Importation of plants and plant products*

On 2 May 2013, the Animal and Plant Health Inspection Service (APHIS) published in the *Federal Register* a final rule<sup>116</sup> amending the regulations concerning the importation of plants and plant products by establishing the controlled import permit as a single type of authorization for the importation into the US of otherwise prohibited or restricted plant material for experimental, therapeutic, or developmental purposes.<sup>117</sup> Currently, some sections of the regulations provide for those articles to be imported under a departmental permit, while other sections provide for their importation under administrative instructions or conditions specified by the Administrator or Deputy Administrator.<sup>118</sup> This action will consolidate and harmonize the conditions for obtaining authorization for the importation of otherwise prohibited or restricted plant material for scientific or certain other purposes. The rule is effective from 3 June 2013.<sup>119</sup>

#### *c. COOL Measures*

On 24 May 2013, the Agricultural Marketing Service (AMS), US Department of Agriculture (USDA) published in the Federal Register a final rule<sup>120</sup> which amends the *Country of Origin Labeling (COOL) Regulations* for beef, pork, lamb, chicken, goat, meat, wild and far-raised fish and shellfish, perishable

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<sup>114</sup> Global Trade Alert, ‘United States of America: Procurement of Chinese IT equipment contingent on FBI certification’, 9 April 2013, <http://www.globaltradealert.org/measure/united-states-america-procurement-chinese-it-equipment-contingent-fbi-certification>

<sup>115</sup> Baker and Mckenzie, ‘US – NMFS/NOAA proposes regulations to implement Shark Conservation Act’, 3 May 2013, <http://www.internationaltradecomplianceupdate.com/blog.aspx?entry=589>

<sup>116</sup> [Docket No. APHIS-2008-0055]

<sup>117</sup> Baker and Mckenzie, ‘US –APHIS creates single controlled import permit for plants/plant products’, 3 May 2013, <http://www.internationaltradecomplianceupdate.com/blog.aspx?entry=588>

<sup>118</sup> Id.

<sup>119</sup> Id.

<sup>120</sup> [Document No. AMS-LS-13-0004]

agricultural commodities, peanuts, pecans, ginseng and macademia nuts to change the labeling provisions for muscle cut covered commodities to provide consumers with more specific information and other medications to enhance the overall operation of the program and mends the definition for ‘retailer’ to include any person subject to be licensed as a retailer under the Perishable Agricultural Commodities Act (PACA).<sup>121</sup> The COOL regulations are issued pursuant to the *Agricultural Marketing Act of 1946*. The final rule is effective 23 May 2013. The requirements of this rule do not apply to covered muscle cut commodities produced or packaged before 23 May 2013.<sup>122</sup>

#### *d. Dolphin-safe Tuna products regulations*

On 5 April 2013, the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA) Commerce promulgated<sup>123</sup> a revision in the regulations under the *Dolphin Protection Consumer Information Act* (DPCIA) enhance the requirements for documentation to support labels on tuna products that represent the product as dolphin-safe.<sup>124</sup> The proposed rule would modify the requirements for the certifications that must accompany the Fisheries Certificate of Origin (FCO), change storage requirements related to dolphin-safe and non-dolphin-safe tuna product labeled dolphin safe; and modify the reporting requirements associated with tracking domestic tuna canning and processing operations.<sup>125</sup> This proposed rule is intended to better ensure dolphin-safe labels comply with the requirements of the DPCIA and to ensure that the US satisfies its obligations as a member of the WTO.<sup>126</sup>

#### *e. US Risk Status for ‘Mad-Cow’ Disease to be Negligible*

The World Organization for Animal health (OIE) upgraded the US to be ‘negligible risk’ status for bovine spongiform encephalopathy (BSE), also known as mad-cow disease. This comes after the US had been assigned controlled risk status for BSE and will help the US strengthen its claims that US beef of all ages is safe in negotiations with trading partners like China that currently maintain BSE-related restrictions. Such a decision was welcomed by the Agriculture Secretary and the Finance Committee Chairman as it shall reduce the barriers against American beef products.<sup>127</sup>

### **III.C.4 Trade-related intellectual property rights**

#### *a. Ukraine as a priority country*

On 5 June 2013, the US Trade Representative (USTR) published in the Federal Register a notice Federal Register [Docket No. USTR-2013-0023] announcing that pursuant to section 182(C)(1)(B) of the Trade Act of 1974, as amended (the Trade Act), in the 1 May 2013 Special 301 Report USTR identified Ukraine as a priority foreign country due to Ukraine’s denial of adequate and effective protection of intellectual

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<sup>121</sup> Baker and Mckenzie, ‘US –AMS issues revised COOL labeling regulations’, 28 May 2013, <http://www.internationaltradeupdate.com/blog.aspx?entry=628>

<sup>122</sup> Id.

<sup>123</sup> Federal Register [Docket No. 130221153-3153-01]

<sup>124</sup> Baker and Mckenzie, ‘US –NMFS proposes tougher rules for ‘Dolphin Safe’ tuna labeling’, 5 April 2013, <http://www.internationaltradeupdate.com/blog.aspx?entry=483>

<sup>125</sup> Id.

<sup>126</sup> Id.

<sup>127</sup> Inside U.S. Trade, ‘OIE Upgrades U.S. Risk Status for ‘mad Cow’ Disease to be Negligible’, 31 May 2013, <http://insidetrade.com/Inside-US-Trade/Inside-U.S.-Trade-05/31/2013/oie-upgrades-us-risk-status-for-mad-cow-disease-to-negligible/menu-id-710.html>

property rights and its denial of fair and equitable market access to persons that rely on intellectual property protection.<sup>128</sup> Pursuant to section 302(b)(2) of the Trade Act, USTR initiating a Section 301 investigation of the acts, policies, and practices of the government of Ukraine that resulted in the identification of Ukraine as a priority foreign country. USTR proposes a determination that these acts, policies and practices are actionable under section 301 (b).<sup>129</sup>

### **India: International Outlier on IP** **Brief Points from the Report**

1. Recent policy, regulatory and legal decisions have deteriorated IP rights in India.
2. India has consistently lagged behind in the GIPC's International IP Index: Measuring momentum.
3. From the revocation of patents to the staggering rates of piracy, India stands alone as an international outlier of IP policies.
4. The report provides that India's failure to develop and adhere to international best practices in the field of IP rights has held back its economic development.
5. India's national IP environment has deteriorated markedly since the late 2000s. A number of policies, regulatory and legal decisions have significantly weakened the progress made by the implementation of TRIPS, making India an outlier in the international community.
6. Such decisions have had a negative impact on the Indian economy and on number of IP based industries including consumer goods, biopharmaceuticals, information and communication technology etc. and even decreased the potential tax revenue of the India through piracy and counterfeiting.
7. As compared with many emerging markets, Indian IP environment is underdeveloped, with significant weaknesses in both the availability of IP protection as well as enforcement through administrative and judicial process.
8. Amongst being the last in all the categories for calculating IP compliance and being the worse in the BRIC, India stands as an outlier as it is the only country measured in GIPC Index that was not a signatory to any of the international IP treaties like Patent Law Treaty or the World Intellectual Property Organization (WIPO).
9. India has been in the list of United States Trade Representative's 301 Report Priority Watch List for notorious markets for IP infringement.
10. India had been criticized for weak legal framework enforcement system for IP rights, the large patent backlog, compulsory licensing decisions and the absence of protections to prevent unfair commercial use as the primary reasons for listing India as a Priority Watch List Country.
11. Indian economy has performed below the comparable level with regards to other countries due to failure in following International standards in IP.
12. India's failure to develop and adhere to international best practices in the field of IP rights has hindered its economic development. The positive relations found by the OECD and others between the strength of a country's IP rights environment and FDI inflows and the evidence presented in this briefing clearly suggests that if India adopted a stronger IP rights framework and policies, FDI would significantly increase.

**Source:** Global Intellectual Property Center, U.S. Chambers of Commerce Report: *India: International Outlier on IP*

#### **III.C.5 International Boycott and Sanctions**

- a. *Current list of countries for international boycott*

<sup>128</sup> Baker and McKenzie, 'US – USTR identifies Ukraine as Priority Foreign Country –initiates S301 investigation', 5 June 2013, <http://www.internationaltradecomplianceupdate.com/blog.aspx?entry=665>

<sup>129</sup> Id.



On 28 May 2013, the Treasury Department published current list of countries which require or may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the *Internal Revenue Code of 1986*. The following countries require or may require participation in, or cooperation with, an international boycott (within the meaning of the Internal Revenue Code of 1986): Kuwait, Iraq, Lebanon, Libya, Qatar, Saudi Arabia, United Arab Emirates and Yemen).<sup>130</sup>

*b. Implementation of Sanctions against Iran*

On 3 June 2013, the President approved an Executive Order (E.O.) “Authorizing the Implementation of certain Sanctions Set Forth in the Iran Freedom and Counter-Proliferation Act of 2012 and Additional Sanctions with Respect to Iran” to further tighten US sanctions to Iran and isolate the Iranian government for its continued failure to meet its international obligations.

This new action targets Iran’s currency, the rial by authorizing the imposition of sanctions on foreign financial institutions that knowingly conduct or facilitate significant transactions for the purchase or sale of the Iranian rial, or that maintain significant accounts outside Iran denominated in the Iranian rial. While the rial has lost half of its value since the beginning of 2012 as a result of our comprehensive sanctions, this is the first time that trade in the rial has been targeted directly for sanctions.

The E.O. also authorizes the imposition of new sanctions against those who knowingly engage in significant financial or other transactions for the sale, supply, or transfer to Iran of significant goods or services used in connection with Iran’s automotive sector, including passenger cars, trucks, buses, minibuses, pick-up trucks, and motorcycles, as well as original equipment manufacturing and aftermarket parts manufacturing relating to such vehicles. This sanction builds on the sectorial sanctions in the Iran Freedom and Counter-Proliferation Act of 2012 (IFCA) that target Iran’s shipping, ship building industry and energy sectors.

The E.O. further authorizes the imposition of additional sanctions on persons who provide material support to Iranian persons and certain other persons designated pursuant to Iran sanctions authorities that are included on the list of Specially Designated Nationals and Blocked Persons (SDN List) maintained by the Department of the Treasury. This provision includes an exception for certain Iranian depository institutions and certain activities relating to the pipeline project to supply natural gas from the Shah Deniz field in Azerbaijan to Europe and Turkey. The E.O. implements and builds upon certain set forth in the IFCA, signed into law by the President on 2 January 2013, as a part of the National Defense Authorization Act for Fiscal Year 2013.<sup>131</sup>

### **III.C.6 WTO Update**

*a. Quarterly Updates* [Please see Annexure V.4].

## **IV. TRADE POLICY BY SECTOR**

### **IV.A Agriculture**

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<sup>130</sup> Baker and Mckenzie, ‘US- Treasury publishes list of countries participating in an international boycott’, 28 May 2013, <http://www.internationaltradeupdate.com/blog.aspx?entry=623>

<sup>131</sup> Baker and Mckenzie, ‘US –White House announces additional sanctions related to Iran’, 4 June 2013, <http://www.internationaltradeupdate.com/blog.aspx?entry=662>

a. *New Farm Bills*

The agriculture committees in both the US House of Representatives and the Senate have initiated new farm bills to replace the previous (2008) farm bill. Each of them approved their versions in the week of 13 May 2013. The two bills are very similar although not identical and the differences between them after being further modified on the floors of their respective chambers will need to be reconciled in a House-Senate conference committee before being approved by Congress as a whole and sent to the President for his signature.

Several items in these bills are trade-related, some of them are restrictive and others liberalizing. Chief among them in the Senate version of the bill are as follows:

- It replaces two dairy price-support programs; the Dairy Product Price Support Program (DPPSP) and the Milk Income Loss contract Program (MILC), with differently structured programs.<sup>132</sup>
- The bill continues the protectionist sugar program through 2017 without any changes.
- The bill seeks to bring the US into a measure of compliance with the WTO finding on the US upland cotton marketing loan program. As the ruling found that the Export Credit Guarantee Program (GSM-102), a program that guarantees export finance credits for exports of US agricultural products to countries where financing might not be available, as an illegal export subsidy.
- In order to come into compliance with the ruling, the bill reduces current levels of export credit guarantees from \$5.5 billion to \$4.5 billion. Other export trade programs continue.
- The bill continues the Market Access Program, which provides matching funds to promote US agricultural products in overseas markets. It also continues funding the Foreign Market Development Program, which provides matching funds to commodity or trade associations to help promote foreign demand or expand export markets for US agricultural products.
- It also continues to fund the Emerging Markets and Facility Guarantee Loan Program. The bill also continues and amends the Technical Assistance for Specialty Crops program, providing financial assistance to producers and exporters of specialty crops to overcome barriers to trade for their products abroad.
- The bill amends the purpose of the program to ensure specifically that funds can be used to help overcome technical barriers to trade, including regulatory requirements.
- The bill would establish within the Agriculture Department of the position of Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs. The position would require Senate confirmation; all international trade functions for imports and exports of agricultural products under the purview of the Agriculture Department would be the responsibility of the new Under Secretary.

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• <sup>132</sup> The Dairy Productions Market Income Loss Contract Program (DPMPP) is a voluntary program that protects producer margins equal to the difference between the all-milk price and a national feed cost. For small and medium-sized equal to the different between the all-milk price and a national feed cost. For small and medium sized farms, additional margin protection is offered on the first four million pounds of milk marketed (the annual production of approximately 200 cows). The Dairy Market Stabilization Program (DMSP) promotes growth while encouraging producers who participate in DPMPP to scale down production when the market is oversupplied.

- The version of the bill approved by the House Agriculture Committee likewise includes trade-related provisions. It retains the current sugar program with no changes, adopts similar language to the Senate bill on dairy programs, and continues marketing loan programs.
- Like the Senate bill, it specifically reduces marketing loans for cotton to bring the United States into compliance with the WTO ruling.
- The bill also includes a provision to repeal the US Department of Agriculture (USDA) catfish inspection program.<sup>133</sup>
- The special catfish inspection program to be administered by the USDA's Food Safety and Inspection Service (FSIS) requires setting up a new bureau; the agency is still in the process of doing so.<sup>134</sup>

## IV.B Services

### *a. Contract Screener Reform and Accountability Bill*

*1455 Contract Screener Reform and Accountability* is a bill introduced on 10 April 2013 that would bar subsidiaries of foreign corporations from getting contracts to provide passenger and baggage screening services at domestic commercial airports. The bill, designated H.R. 1455, has been referred to the Homeland Security Committee of the House of Representatives.<sup>135</sup>

## IV.C Tourism

### *a. Automated Passport Control from Vancouver*

On 8 May 2013, the CBP and Vancouver Airport Authority announced a new program, Automated Passport Control, an expedited customs entry process which will allow eligible passengers traveling from Vancouver International Airport (YVR) to the US to clear customs more efficiently, while still ensuring the same high standard of safety and security. This partnership is the first of its kind and aims to help travellers move more quickly through the CBP preclearance inspection process by allowing entry of passport information at a self-service kiosk. CBP and Vancouver Airport Authority worked together to implement Automated Passport Control.

The Airport Authority developed the concept and built out the technology; CBP partnered with YVR to allow this technology to be implemented and ensuring CBP security and privacy requirements were incorporated. Automated Passport Control does not require pre-registration, is easy to use and maintains the highest levels of protection when it comes to the handling of personal data or information. As a result, travelers will experience shorter wait times, less congestion, and faster processing at YVR. Instead of filing out a declaration card and taking their travel documents to a CBP officer, passengers who are eligible and choose to use Automated Passport Control can proceed directly to a self-service kiosk in the US Customs and border Protection preclearance area. Travelers will follow the on-screen

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<sup>133</sup> This program was originally established in the last farm bill as an oblique way of impeding imports of catfish from Vietnam. The Food and Drug Administration conduct most seafood inspection, which is part of the Department of Health and Human Services.

<sup>134</sup> Global Trade Alert, 'United States of America: New farm bill under development', 21 May 2013, <http://www.globaltradealert.org/measure/united-states-america-new-farm-bill-under-development>

<sup>135</sup> Global Trade Alert, 'United States of America: Bill to ban foreign providers of airport screening services', 17 April 2013, <http://www.globaltradealert.org/measure/united-states-america-bill-ban-foreign-providers-airport-screening-services>

instructions to scan their US passport, answer the customs declaration questions using the touch screen, receive a receipt confirming their information and proceed to the CBP officer to finalize processing. The kiosk allows up to four people residing at the same address to be processed together.

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## V. ANNEXURE

### V.A Anti-dumping and countervailing duty update

Investigation No.	Matter Involved	Target Countries	Status of proceedings
731-TA-1207-1209 (Preliminary)	Institution of antidumping duty investigations and scheduling of preliminary phase investigation against imports of prestressed concrete street rail tie wire	China, Mexico and Thailand	ITC gave a notice of institution of investigations and commencement of preliminary phase of antidumping investigations to determine whether there is a reasonable indication that an industry in the US is materially injured or threatened with material injury, or the establishment of an industry in the US is materially due to imports. Effective date for such investigation is 23 April 2013.
731-TA-1092	Request for	China	ITC invites comments from the

(Final)	comments regarding the institution of a review concerning the Commission's affirmative determination in investigation against Diamond Sawblades and Parts Thereof		public on whether changed circumstances exist sufficient to warrant the institution of a review in accordance ITC's affirmative determination in investigation. The purpose of the investigation is to assess recurrence of material injury if antidumping duty is revoked.
731-TA-1105-1106 (Review)	Not terminating the antidumping duty on lemon juice	Argentina and Mexico	Subject to five-year reviews, the ITC determined that termination of the suspended antidumping duty investigation on lemon juice from Argentina would be likely to lead to continuation or recurrence of material injury in the US within a reasonably foreseeable.
701-TA-365-366 and 731-TA-734-735 (Third review)	Not terminating the antidumping and countervailing order on certain pasta	Turkey and Italy	ITC determined that the revocation of countervailing and antidumping duty orders would likely to lead to continuation or recurrence of material injury on an industry in the US within a reasonably foreseeable time.
701-TA-490 and 731-TA-1204 (Final)	Final phase of antidumping and countervailing duty investigations	China	ITC gave notice of the scheduling of the final phase for anti-dumping and countervailing duty investigations to determine whether an industry in the US is materially injured, threatened or retarded by reason of Chinese imports.
731-TA-894 (Review)	Not revoking of antidumping duties on certain ammonium nitrate	Ukraine	Subject to five year review, the US determine that revocation of the antidumping duty order on certain ammonium nitrate from Ukraine would likely to lead to continuation or recurrence of material injury to an industry in the US within a reasonably foreseeable time.
731-TA-873-875, 878-880 and 882 (Second review)	Not revoking the antidumping duty on steel concrete reinforcing bar	Belarus, China, Indonesia, Latvia, Moldova, Poland and Ukraine	Subject to five year reviews, the ITC determined that the revocation of the antidumping duty orders on steel concrete reinforcing bar would likely lead to continuation of recurrence of material injury to an industry in the US within a reasonably foreseeable time.
701-TA-448 and 731-TA-1117 (Review)	Institution of reviews to revoke antidumping and	China	ITC gave notice that it has instituted reviews to determine whether revocation of antidumping and countervailing duty orders on

	countervailing duty on certain off-the road tires.		certain off-the road tires from China would be likely to lead to continuation or recurrence of material injury.
701-TA-491-497 (Final)	Instituting final phase of countervailing duty investigation on frozen warmwater shrimp	China, Ecuador, India, Indonesia, Malaysia, Thailand and Vietnam	ITC determined to schedule final phase of countervailing duty investigation to determine whether an industry in the US is materially injured, threatened or retarded due to such imports.
701-TA-499-500 and 731-TA-1215-1223 (Preliminary)	Institution of antidumping and countervailing duty on certain oil country tubular	India, Korea, Philippines, Saudi Arabia, Taiwan, Thailand, Turkey, Ukraine and Vietnam	ITC gave notice to institute investigations and commencement of preliminary phase antidumping and countervailing duty investigations to determine whether there is a reasonable indication that an industry in the US is materially injured, threatened with material injury or the establishment of industry in the US is materially retarded by reason of imports.
731-TA-990 (Second review)	Non-Malleable cast iron pipe fittings	China	ITC gave notice that it has instituted a review to determine whether revocation of the antidumping duty order on non-malleable cast iron pipefittings from China would lead to continuation or recurrence of material injury.
731-TA-1210-1212 (Preliminary)	Institution of anti-dumping duty investigation and scheduling of preliminary phase investigation.	Malaysia, Thailand and Vietnam.	ITC gave notice to institute investigations and commencement of preliminary phase antidumping investigation to determine whether there is a reasonable indication that an industry in the US is injured by reason of imports.
701-TA-490 and 731-TA-1204 (Final)	Institution of antidumping and countervailing duty investigations and scheduling of final phase investigations against hardwood plywood.	China	ITC gave notice of the scheduling of final phase for anti-dumping and countervailing duty investigations to determine whether an industry in the US is injured by reason of imports.
731-TA-749 (Third Review)	Determination to conduct a full five year review against persulfates	China	ITC gave notice to proceed with a full review in order to determine whether revocation of the antidumping duty order on persulfates from China would be

			likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.
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**Source:** *International Trade Commission*

V.B TBT Measures

Document	Product	Measure	Objective	Date of Adoption	Date of entry into force	Agency
G/TBT/N/USA/832	Wine of fresh grapes, including fortified wines, grape must other than that of heading 20.09. HS 2204 Beverages (ICS 67.160) Color additives in distilled spirits.	Amendment of the color additive regulations to provide for the safe use of mica-based pearlescent pigments prepared from titanium dioxide and mica as color additives in distilled pearlescent pigments prepared from titanium dioxide and mica as color additives in distilled spirits containing not less than 18 percent and not more than 23 percent alcohol by volume but not including distilled spirits mixtures containing more than 5 percent wine on a proof gallon basis. This action is in response to a petition filed by E&J Gallo Winery.	Protection of Human health or Safety; Prevention of deceptive practices and consumer protection.	To be determined	To be determined.	Food and Health Administration
G/TBT/N/USA/833	Air quality (ICS 13.040), Road vehicle systems (ICS 43.040) New motor vehicle emissions.	Regulation to establish motor vehicle emission standards for new passenger cars, light duty trucks, medium vehicles and heavy-duty diesel vehicles.	Protection of the environment	To be determined.	1 June 2015.	State of Maine, Department of Environmental Protection
G/TBT/N/USA/834	Processes in the food industry (ics 67.020), Food products in general (ICS 67.040), Materials and articles in contact with foodstuffs (ICS 67.250), Plants and equipment	Relates to food processing manufacturing practices, standards of identity, labeling requirements, and aseptic processing of low acid food.	Protection of Human health or safety.	To be determined.	To be determined.	State of Ohio, Department of Agriculture



	for the food industry (ICS 67.260) Food process manufacturing.					
G/TBT/N/USA/830	Fuels (ICS 75.160) Fuels and fuel additives.	<p>Amendments to three separate sets of regulations relating to fuels.</p> <p>1: Amend renewable fuel standards (RFS2) program regulations. These proposals will facilitate the introduction of new renewable fuels as well as improve implementation of the program. The proposal includes various changes related to biogas, including changes related to the revised compressed natural gas (cng)/LIQUEFIED NATURAL GAS (lng) pathway and amendments to various associated registration, recordkeeping and reporting provisions.</p> <p>2: Proposed amendments to the E15 misfuelling mitigation regulations (E15 MMR). Among the E15 changes proposed are technical corrections and amendments to sections dealing with labeling, E15 surveys, product transfer documents, and prohibited acts.</p> <p>3: Survey requirements associated with the</p>	Protection of the environment.	To be determined.	To be determined.	Environmental Protection Agency

		ultra-low sulfur diesel (ULSD) program.				
G/TBT/N/USA/831	Air quality (ICS 13.040), road vehicle systems (ICS 43.040) Heavy-duty engine and vehicle.	Amendment of the provisions in the Medium and Heavy Duty Greenhouse Gas Emissions and Fuel Efficiency final rule issued on 15 September 2011. These proposed amendments shall eliminate duplicative reporting requirements, reduce inadvertent minor differences between the EPA and NHTSA programs regarding such matters as voluntary early model year compliance, better align testing procedures to market realities and reduce unnecessary testing burdens. Amendment of several regulations by adjusting the provisions of the replacement engine exemption; expansion of EPA's discretion under the Transition Program for Equipment Manufacturers related to Tier 4 standards for non-road diesel engines. Further such amendments.	Protection of the environment.	To be determined	To be determined.	Environmental Protection Agency.
G/TBT/N/USA/827	Air quality in general (ICS 13.040.01), Wood technology processes (ICS 79.020) Formaldehyde emissions, composite wood products.	New requirements under the Formaldehyde Standards for Composite wood products Act, or Title VI of the Toxic Substances control Act (TSCA).	Protection of human health and safety; Protection of the environment.	To be determined	To be determined.	Environmental Protection Agency (EPA) [844]

G/TBT/N/USA/828	Environmental protection (ICS 13.020), Wood technology processes (ICS 79.020) Third-party certification framework for the formaldehyde standards.	The concerned agency is proposing TSCA Title VI Third Party Certification Program framework prior to the rest of the TSCA Title VI implementing regulations in order to allow interested parties an opportunity to comment and to begin identifying the business practices and infrastructure that may need to be modified or developed in order to effectively participate in the program.	Protection of human health.	To be determined.	To be determined.	Environmental Protection Agency (EPA) [845]
G/TBT/N/USA/826	Refrigerated beverage vending machines (HS 8476)	The concerned agency is proposing to amend energy conservation standards for refrigerated beverage vending machines.	Protection of environment.	To be determined.	To be determined.	Office of Energy Efficiency and Renewable Energy (OEERE), Department of Energy (DOE) (843)
G/TBT/N/USA/823	Environmental protection (ICS 13.020), Road vehicles in general (ICS 43.020) Vehicle emissions.	The proposed amendments would adopt the latest California Exhaust Emission Standards and make amendments to the Zero Emission Vehicle component of the Low Emission Vehicle program. These standards would apply to new vehicles sold in Rhode Island beginning with model year 2016.	Protection of the environment.	To be determined.	To be determined.	State of Rhode Island, Department of Environmental Management (841)
G/TBT/N/USA/824	Environmental protection (ICS 13.020), Products of the chemical industry (ICS 71.100)	Under section 5(a)(2) of the Toxic Substances Control Act (TSCA), EPA is proposing to amend the significant use rule (SNUR) for the	Protection of the environment.	To be determined.	To be determined.	Environmental Protection Agency (EPA) (840)

	Chemical substances.	chemical substance identified as 1-Propene, 2,3,3,3-tetrafluoro-, which was the subject of premanufacture notice (PMN) P-07-601. This action would amend the SNUR to allow the manufacture and processing for certain uses without requiring a significant new use notice (SNUN). EPA is proposing this amendment based on review of newly submitted exposure and toxicity data.				
G/TBT/N/USA/825	Fertilizers (ICS 65.080) Fertilizer (HS Chapter 31)	Pertains to labeling requirements, requirements for sale from bulk storage facilities and mislabeled fertilizer.	Protection of the environment.	To be determined.	To be determined.	State of Ohio, Department of agriculture (842)
G/TBT/N/USA/822	HS: 8715: Carriages and strollers; ICS 97.190: Equipment for Children.	The Danny Keysar Child Product Safety Notification Act, Section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA), requires the United States Consumer Product Safety Commission (Commission or CPSC) to promulgate consumer product safety standards for durable infant or toddler products. The Commission is proposing a safety standard for carriages and strollers in response to the direction under Section 104(b) of the CPSIA.	Prevention of deceptive practices and consumer protection; Protection of human health or safety.	To be determined.	To be determined.	Consumer Product Safety Commission (CPSC) (839)
G/TBT/N/USA/822	HS: 8715: Carriages and strollers; ICS	The concerned agency is proposing a safety standard for	Prevention of deceptive practices and	To be determined	To be determined.	Consumer Product Safety Commission

	97.190: Equipment for children	carriages and strollers in response to the direction under Section 104(B) of the Consumer Product Safety Improvement Act, 2008.	consumer protection; Protection of human health or safety.			(CPSC) (839)
G/TBT/N/USA/817	Motor Vehicles (ICS: 43.020)	The FMCA proposes to revise the definition of “gross combination weight rating” (GCWR) to clarify that a GCWR is the greater of: the GCWR specified by the manufacturer of the power unit.	Protection of deceptive practices.	To be determined.	To be determined.	Federal Motor Carrier Safety Administration (FMCSA), United States Department of Transportation (DOT) (803)
G/TBT/N/USA/818	Chemical substances (ICS: 13.020, 71.100)	Promulgation of new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for 15 chemical substances, which were the subject of pre-manufacture, notices (PMNs). It requires persons who intend to manufacture, import, or process any of these 15 chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing this activity.	Protection of the environment.	To be determined.	To be determined.	Environmental Protection Agency (EPA) (835)
G/TBT/N/USA/819	Sunlamp products (HS 8539.40; ICS: 11.040, 97.170)	The concerned agency is proposing to reclassify ultraviolet (UV) lamps intended to tan the skin from class I (general controls) exempt from premarket notification, and to rename them sunlamp products. FDA is also designating special controls that are necessary to provide	Protection of human health.	To be determined.	To be determined.	Food and drug Administration (FDA), Department of Health and Human Services (HHS) 836

		a reasonable assurance of the safety and effectiveness of the advice. FDA is proposing this reclassification on its own initiative based on new information.				
G/TBT/N/USA/820	Vocabularies (ICS: 01.040), Standardization General rules (ICS: 01.120), Product certification.	The concerned agency is issuing a proposed rule that amends the existing regulation on certificates of compliance. The proposed amendment is intended to update the rule to clarify requirements in light of new regulations on testing and labeling pertaining to product certification and component part testing.	Prevention of deceptive practices and consumer protection.	To be determined.	To be determined.	Consumer Product Safety Commission (CPSC) (838)
G/TBT/N/USA/821	HS 8426, Shipbuilding and marine structures in general (ICS:47.020), Lifting equipment (ICS: 53.020), Cranes installed on mobile offshore drilling units.	The Coast Guard proposes to revise regulations related to the design, certification, inspection, and testing of cranes. These regulations apply to cranes installed on Mobile Offshore Drilling Units (MODUs), Offshore Supply Vessels (OSVs), and floating Outer Continental Shelf (OCS) facilities. This revision would update industry standards incorporated by reference with more recent versions, which are used by industry and incorporated by reference with more recent versions, which are used by	Protection of human health or safety.	To be determined.	To be determined.	Coast Guard, Department of Homeland Security (DHS) (837)

		<p>industry and incorporated in Bureau of Safety and Environmental Enforcement regulations. Additionally, the Coast Guard proposed to revise regulations regarding certification, inspection and testing of cranes by allowing use of additional organizations to act in lieu of Coast Guard marine inspectors.</p>				
G/TBT/N/USA/816	Organic program (ICS: 67.040)	<p>The proposed rule would address recommendations submitted to the Secretary of Agriculture (Secretary) by the National Organic Standards Board (NOSB) following their November 2011 and May 2012 meetings. These recommendations pertain to the 2013 sunset review OF substances on the U.S. Department of agriculture's (USDA) National List of Allowed and Prohibited Substances (National List). Consistent with the recommendations from the NOSB, this proposed rule would continue the allowed uses of multiple synthetic and non-synthetic substances and the prohibition of one non-synthetic substance on the National List (along with any restrictive</p>	Protection of human life.	To be determined.	To be determined.	<p>Agricultural Marketing Service (AMS), United States Department of Agriculture (USDA) (833)</p>

		<p>annotations). The proposed rule would also remove one synthetic substance from the National List.</p>				
G/TBT/N/USA/814	<p>Chemical substances (ICS 13.020, 71.100)</p>	<p>EPA is proposing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for eight chemical substances, which were the subject of pre-manufacture notices (PMNs). This action would require persons who intend to manufacture, import, or process any of the chemical substances for an activity that is designated as a significant new use by this proposed rule to notify EPA at least 90 days before commencing that activity. The required notification would provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit the activity before it occurs.</p>	<p>Protection of environment.</p>	<p>To be determined.</p>	<p>To be determined.</p>	<p>Environmental Protection Agency (EPA) (831)</p>
G/TBT/N/USA/815	<p>Medical device and biological product labeling (ICS 01.080, 11.120)</p>	<p>The concerned agency is proposing to revise medical device and biological product labeling regulations to explicitly allow for the inclusion of stand-alone graphical representations of information, or symbols, if the symbol has been established as part of a standard developed by a nationally or internationally</p>	<p>Protection of human life.</p>	<p>To be determined.</p>	<p>To be determined.</p>	<p>Food and Drug Administration (FDA), Health and Human Services (HHS) (832)</p>



		<p>recognized standards development organization (SDO) (referred to in this document as a “standardized symbol”) and such standardized symbol is part of a standard recognized by FDA for use on the labeling of medical devices (or on a subset of medical devices), provided that such symbol is explained in a symbols glossary that contemporaneously accompanies the medical device. FDA is also proposing to revise prescription device labeling regulations to authorize the use of the symbol statement “Rx only” on the labeling of prescriptions devices.</p>				
G/TBT/N/USA/813	<p>Infant formula (ICS 67.020, 67.040)</p>	<p>The agency is proposing to amend the regulations on nutrient specifications and labeling for infant formula to add the mineral selenium to the list of required nutrients and to establish minimum and maximum levels of selenium in infant formula.</p>	<p>Protection of human life.</p>	<p>To be determined.</p>	<p>To be determined.</p>	<p>Food and Drug Administration (FDA), Health and Human Services (HHS) (830).</p>
G/TBT/N/USA/811	<p>Motor vehicle emission and fuel standards (ICS 13.020, 43.040, 75.160)</p>	<p>The EPA is announcing two public hearings to be held for the proposed rule “Control of Air Pollution from Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards” (the proposed rule if</p>	<p>Protection of the environment.</p>	<p>To be determined.</p>	<p>To be determined.</p>	<p>Environmental Protection Agency (EPA) (829).</p>

		<p>hereinafter referred to as “Tier 3”), which will be published separately in the Federal Register. The hearings will be held in Philadelphia, PA on 24 April 2013 and in Chicago, IL on 29 April 2013. The comment period for the proposed rulemaking will end on 13 June 2013.</p>				
G/TBT/N/USA/812	<p>Residential clothes dryers and room air conditioners (HS 8421.12, 8415.10; ICS 13.020,23.120, 97.060).</p>	<p>The proposed rule would correct the energy conservation standards for room air conditioners. In the direct final rule establishing amended energy conservation standards for residential clothes dryers and room air conditioners, published in the Federal Register on 21 April 2011, and the subsequent notices of effective date and compliance dates for the direct final rule and amendment of compliances dates, published on 24 August 2011, the Department of Energy (DOE) erroneously specified the maximum cooling capacity for product class 5a for room air conditioners without reverse cycle and with louvered sides as 24,999 British thermal units per hour (Btu/h), and the minimum cooling capacity for product class 5b for room air conditioners without reverse cycle and</p>	<p>Protection of environment.</p>	<p>To be determined.</p>	<p>To be determined.</p>	<p>Office of Energy Efficiency and Renewable Energy, Department of Energy (828).</p>

		louvered sides as 25,000 Btu/h, rather than 27,999 Btu/h and 28,000 Btu/h, respectively.				
G/TBT/N/USA/810	Soft infant and toddler carriers (HS 9404; ICS 97.190)	The Danny Keyser Child Product Safety Notification Act, Section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA), requires the United States Consumer Product Safety Commission (Commission or CPSC) to promulgate consumer product safety standards for durable infant or toddler products. These standards are to be substantially the same as applicable voluntary standards or more stringent than the voluntary standard if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product. The Commission is proposing a safety standard for soft infant and toddler carriers in response to the direction under Section 104(b) of the CPSIA.	Protection of human life.	To be determined.	To be determined.	Consumer Product Safety Commission (827)
G/TBT/N/USA/809	Meat, poultry and egg products, import inspection applications (ICS 67.020, 67.120).	The Food Safety and Inspection Service (FSIS) is announcing the availability of and requesting comments on a draft compliance guide for US importers and brokers on the electronic filing of	Protection of human life.	To be determined.	To be determined.	Food Safety and Inspection Service (FSIS), Department of Agriculture (USDA) (826).

		<p>import inspection applications for certain meat, poultry and egg products through the Automated Commercial Environment (ACE). ACE is the Web-based portal for the collection and use of international trade data maintained by US Customs and Border Protection (CBP). FSIS is also announcing a pilot program intended to test the transfer of data from the Participating Government Agency (PGA) Message Set in ACE to FSIS's Web-based data analytics system, the Public Health Information System (PHIS). The PGA Message Set is the data that CBP will collect electronically from US importers and brokers from PGAs. This data will enable agencies to make decisions about which products can come into the US without the multiple paper forms currently used. FSIS encourage US importers and brokers to review the draft compliance guide and if they are interested, to request participation in FSIS's pilot program. The Agency will consider all comments submitted and will revise the draft compliance guide as necessary.</p>				
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G/TBT/N/USA/807	Commercial fertilizers (ICS 65.060)	Allows an additional standardized container, which provides the industry with the ability to use an alternative container for shipping melons, which will assist in reducing damage to the product.	Protection of consumers.	To be determined.	To be determined.	State of new York Department of Agriculture and Markets (825).
G/TBT/N/USA/808	Containers for melons (ICS 67.080, 67.250).	Allows an additional standardized container, which provides the industry with the ability to use an alternative container for shipping melons, which will assist in reducing damage to the product.	Protection of consumers.	To be determined.	To be determined.	State of California department of Food and Agriculture (CDFA).
G/TBT/N/USA/801	Country of origin labeling (ICS 67.020, 67.080, 67.120)	This proposed rule would amend the Country of Origin Labeling (COOL) regulations to change the labeling provisions for muscle cut covered commodities to provide consumers with more specific information, and amend the definition for “retailer: to include any person subject to be licensed as a retailer under the Perishable Agricultural Commodities Act (PACA). The COOL regulations are issued pursuant to the Agricultural Marketing Act, 1996. The Agency is issuing this rule to propose changes to the labeling provisions for muscle cut covered commodities to provide consumers	Protection of consumers.	To be determined.	To be determined.	Agricultural Marketing Service (AMS), Department of Agriculture (USDA) (818).

		with the labeling provisions for muscle cut covered commodities to provide consumers with more specific information and is proposing other modifications to enhance the overall operation of the program.				
G/TBT/N/USA/799	Lamps (HS: 9405, ICS: 13.020, 29.140)	The agency will hold a public meeting to discuss and receive comments on: the products classes that DOE plans to analyze for purposes of amending energy conservation standards for general service fluorescent lamps (GSFLs) and incandescent reflector lamps (IRLs); the analytical framework models, and tools that DOE is using to evaluate standards for GSFLs and IRLs; the results of preliminary analyses DOE performed for these products; the potential energy conservation standard levels derived from these analyses that DOE could consider for GSFLs and IRLs. DOE encourages written comments on these subjects. To inform interested parties and facilitate this progress, DOE has prepared an agenda, a preliminary technical support document (TSD), and briefing materials, which are available	Protection of the environment.	To be determined.	To be determined	Office of Energy Efficiency and Renewable Energy (OEERE), Department of Energy (DOE) (816)

G/TBT/N/USA/800	Lamps (HS:9405, ICS: 13.020, 29.140).	<p>on regulations. Gov.</p> <p>The agency will hold a public meeting to discuss and receive comments on the interim analysis it has conducted for purposes of establishing energy conservation standards for high-intensity discharge (HID) lamps. The meeting will cover the analytical framework, models and tools that DOE is using to evaluate standards for this equipment; the results of interim analyses performed by DOE for this equipment; the potential energy conservation standard levels derived from these analyses that DOE could consider for this equipment; and any other issues relevant to the development of energy conservation standards for HID lamps. In addition, DOE encourages written comments on these subjects. To inform interested parties and facilitate this process, DOE has prepared an agenda, an interim technical support document (TSD), and briefing materials, which are available on the DOE.</p>	Protection of the environment.	To be determined.	To be determined.	Office of Energy Efficiency and Renewable Energy (OEERE), Department of Energy (DOE) (817)
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Source: *WTO Documents Online*

**V.C SPS Measures**

<b>Document</b>	<b>Product</b>	<b>Measure</b>	<b>Target Country</b>	<b>Purpose</b>	<b>Relevant International Standard</b>	<b>Agency Responsible</b>
G/SPS/N/USA/2534	Infant Formula HS Code(s): 19.	Amendment of the regulations on nutrient specifications and labeling for infant formula to add the mineral selenium to the list of required nutrients and to	All trading partners.	Food safety and protect humans from animal/pl	Codex Alimentarius Commission (e.g. title or serial number of	U.S. Food and Drug Administration



		establish minimum and maximum levels of selenium in infant formula. Products that meet the statutory definition of ‘infant formula’ in section 201(z) of the FD&C Act (21 U.S.C. 321(z)) (“a food which purports to be or is represented for special dietary use solely as a food for infants by reason of its simulation of human milk or its substitutability as a complete or partial substitute for human milk) are subject to this proposed rule.		ant pest or disease.	Codex standard or related text) Standard for infant formula and formulas for special medical purposes intended for infants. CODEX STAND 72-1981, amended 2011.	
G/SPS/N/USA/2535	Oranges and tangerines	There is a list of pests associated with oranges and tangerines from Egypt that identified pests of concern. The concerned agency prepared a commodity import evaluation document to determine the risk posed by peach fruit fly in oranges and tangerines from Egypt. Based on such evaluation, it is proposed that application of phytosanitary measures will be sufficient to mitigate the pest risk. The agency has prepared a treatment evaluation document which describes a new treatment schedule that can be used to neutralize peach fruit fly and Mediterranean fruit fly in oranges and tangerines.	Egypt	Plant protection	International Plant Protection Convention (e.g. Terrestrial or Aquatic Animal Health Code, chapter number)	Animal and Plant Health Inspection Service (APHIS)
G/SPS/N/USA/2536	Plants for planting.	Amendment of the regulations with respect to importation of plants for planting to remove the entries for the US Dept. of Agriculture plant inspection stations in New Orleans, LA and Baltimore, MD and to add an entry for the USDA plant inspection station in Beltsville, MD. Updating the addresses provided for the USDA plant inspection stations in Florida, Guam, and Hawaii. This final rule is necessary for the regulations	All trading partners.	Plant protection	International Plant Protection Convention (ISPM)	The Animal and Plant Health Inspection Service (APHIS)

		to reflect the most current information regarding USDA plant inspection stations.				
G/SPS/N/USA/2537	Plants for planting.	Restructuring the regulations governing the importation of plants for planting. In such restructure, restrictions on the importation of specific types of plants for planting would no longer be found in the regulations, but instead would be found in the Plants for Planting Manual. Restrictions in the plants for planting shall be grouped together and there would be general requirements added for the development of integrated pest risk management measures to mitigate the risk associated with the importation of a specific type of plants for planting. Removal of various provisions wrt importation of specific types of plants from foreign quarantine regulations which are not subject to the general plants for planting regulations. This action would not make any major changes to the restrictions that currently apply to the importation of plants for planting.	All trading partners.	Plant protection .	International Plant Protection Convention (ISPM number).	The Animal and Plant Health Inspection Service (APHIS)
G/SPS/N/USA/2540	Fresh beans, shelled or in pods.	Amendment of the fruits and vegetables regulations to allow the importation of commercial shipments of fresh beans, shelled or in pods (French, green, snap and string), from Jordan into the continental United States. As a condition of entry the beans shall be produced in accordance with a systems approach that would include requirements for packing, washing, and processing. The beans would also be required to be accompanied by a phytosanitary certificate attesting that all phytosanitary requirements have been met and that the	Jordan	Plant protection .	International Plant Protection Convention (ISPM number)	The Animal and Plant Health Inspection service (APHIS)

		consignment was inspected and found free of quarantine pests. This action would allow for the importation of fresh beans, shelled or in pods, from Jordan into the continental United States while continuing to provide protection against the introduction of plant pests.				
G/SPS/N/USA/2541	Female squash flowers	Amendment of the regulations governing the importation of fruits and vegetables to allow the importation of female squash flowers from Israel into the continental United States. As a condition of entry, female squash flowers from Israel would be subject to a systems approach that would include requirements for pest exclusion at the production site and fruit fly trapping and monitoring. The female squash flowers would also be required to be accompanied by a phytosanitary certificate issued by the national plant protection organization of Israel with an additional declaration that the female squash flowers had been inspected and found free of quarantine pests. This action would allow for the importation of female squash flowers from Israel into the continental United States while continuing providing protection against the introduction of quarantine pests.	Israel	Plant protection	International Plant Protection Convention	The Animal and Plant Health Inspection Service (APHIS)
G/SPS/N/USA/2542	Jackfruit, pineapple and starfruit	Amendment of the fruits and vegetables regulations to allow the importation of fresh jackfruit, pineapple and starfruit from Malaysia in to the continental US. As a condition of entry, all three commodities would have to be irradiated for insect pests, inspected and imported in commercial consignments. There would also be	Malaysia	Plant protection	International Plant Protection Standard	Animal and Plant Health Inspection Service (APHIS)

		additional requirements for other pests associated with jackfruit, pineapple and starfruit from Malaysia. This action would provide for the importation of jackfruit, pineapple and starfruit from Malaysia while continuing to provide protection against the introduction of quarantine pests.				
G/SPS/N/USA/2556	Meat	Requirement for the use of descriptive designation mechanically tenderized on the labels of raw or partially cooked needle- or blade-tenderised beef products, including beef products injected with marinade or solution unless such products are destined to be fully cooked at an official establishment. By including this description it will be clear to the consumers that the product needs to be fully cooked in order to be rendered free of pathogenic bacteria because bacteria may become translocated from the surface of the meat during mechanical tenderization [Non-intact products].	All trading partners.	Food safety.	None	US Department of Agriculture, Food Safety and Inspection Service.
G/SPS/N/USA/2531	Coffee	This regulation establishes a tolerance for residues of the insecticide thiamethoxam in or on tea, and amends the existing tolerance for residues of thiamethoxam in or on coffee.	All trading partners.	Food safety.	Codex Alimentarius Commission The Codex has established MRLs for thiamethoxam in or on coffee at 0.2 ppm, and tea at 20 ppm. These MRLs are the same as the tolerances established for thiamethoxam in the United	US Environmental Protection Agency.

					States.	
G/SPS/N/USA/2530	Cotton and strawberries	This regulation raises tolerances for residues of abamectin (also known as avermectin B1 mixture of avermectins containing greater than or equal to 80% avermectin B1a (5-O-demethyl avermectin A1) and less than or equal to 20% avermectin delta-8,9-isomer) in or on cotton and strawberries.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/USA/2529	Tea, dried and pepper	This regulation establishes a tolerance for residues of clothianidin in or on tea, dried and increases the tolerance level for pepper to support a shorter pre-harvest interval (PHI).	All trading partners.	Food safety.	Codex Alimentarius Commission: The Codex has established MRLs for clothianidin in or on tea, fresh at 0.7 ppm and fruiting vegetables other than cucurbits at 0.050 ppm.	US Environmental Protection Agency
G/SPS/N/USA/2528	Multiple products	This regulation establishes tolerances for residues of flumioxazin in or on multiple commodities.	All trading partners.	Food safety.	None.	US Environmental Protection Agency.
G/SPS/N/USA/2527	Honey and honeycomb	This regulation establishes tolerances for residues of amitaz in or on honey and honeycomb.	All trading partners.	Food safety.	None	US Environmental Protection Agency.
G/SPS/N/USA/2532	Cucurbit vegetable crop group 9	This regulation establishes a tolerance for residues of emamectin benzoate in or on the cucurbit vegetable crop group 9.	All trading partners.	Food safety.	Codex Alimentarius Commission	US Environmental Protection Agency
G/SPS/N/USA/2533	All food/feed items (other than those covered by a higher tolerance as a result of use on	This regulation establishes tolerances for residues of dinotefuran in or on all food/feed items (other than those covered by a higher tolerance as a result of use on growing crops) in food/feed handling establishments.	All trading partners.	Food safety.	None	US Environmental Protection Agency

	growing crops) in food/feed handling establishments.					
G/SPS/N/USA/2539	Multiple products	This regulation establishes tolerances for residues of azoxystrobin in or on multiple commodities.	All trading partners.	Food safety.	Codex Alimentarius Commission Azoxystrobin in or on ginseng, dried including red ginseng at 0.5 ppm; rye, grain at 0.2 ppm and wheat, grain at 0.2 ppm.	US Environmental Protection Agency
G/SPS/N/USA/2538	Multiple products .	This regulation establishes tolerances for residues of glyphosate in or multiple commodities.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/USA/2543	Multiple products .	This regulation establishes tolerances for residues of spirotetramat in or on multiple commodities.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/USA/2558	Peanut and peanut, hay	This regulation establishes tolerances for residues of cyproconazole in or on peanut and peanut, hay. Syngenta Crop Protection, LLC. Requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/USA/2559	Corn, sweet, kernel plus cob with husks removed ; <input type="checkbox"/> Corn, sweet, forage;  Corn, sweet, stover;	This regulation establishes tolerances and modifies existing tolerances for residues of acetamiprid in or on multiple commodities which are identified and discussed later in this document. Interregional Research Project Number 4 (IR-4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).	All trading partners.	Food safety.	None	US Environmental Protection Agency

	<p>Fruit, citrus, group 10-10;</p> <p><input type="checkbox"/> Cattle, fat;</p> <p><input type="checkbox"/> Cattle, meat;</p> <p>Cattle, meat by-products;</p> <p><input type="checkbox"/> Goat, fat;</p> <p>Goat, meat;</p> <p>Goat, meat by-products;</p> <p>Horse, fat;</p> <p>Horse, meat;</p> <p>Horse, meat by-products;</p> <p>Milk;</p> <p>Sheep, fat;</p> <p>Sheep, meat;</p> <p>Sheep, meat by-products.</p>					
G/SPS/N/USA/2557	Multiple products	This regulation proposes to amend the existing time-limited interim tolerances by converting them to permanent tolerances for the combined residues of the insecticide tetrachlorvinphos, including its metabolites, in or on multiple commodities.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/USA/2552	Succulent lima	This regulation establishes a tolerance for residues of	All trading	Food safety.	None	US Environmental

	bean	propamocarb in or succulent lima bean.	partners.			Protection Agency
G/SPS/N/USA/2553	Multiple products	This regulation establishes a tolerance for residues of imidacloprid in or on fish and fish-shell-fish, mollusc. In addition, this regulation establishes time-limited tolerances for residues of imidacloprid in or on sugarcane, cane and sugarcane, molasses.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/USA/2554	Multiple products	This regulation establishes tolerances for residues of sedaxane in or on multiple commodities.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/USA/2555	Growing crops and raw agricultural commodities.	This regulation establishes an exemption from the requirement of a tolerance for residues of diisopropyl adipate when used as an inert ingredient (solvent) in pesticide formulations applied to pre-and post-harvest crops under EPA regulations at no more than 40% in formulated products intended for mosquito control.	All trading partners.	Food safety	None	US Environmental Protection Agency
G/SPS/N/USA/2551	Plants and plant products	The Animal and Plant Health Inspection Service (APHIS) announces that it is updating the United States Department of Agriculture (USDA) seal and North American Plant Protection Organization (NAPPO) logo on certificates issued by USDA-APHIS.	All trading partners.	Plant protection	None	Animal and Plant Health Inspection Service (APHIS)
G/SPS/N/USA/2547	Growing crops	This regulation establishes an exemption from the requirement of a tolerance for residues of guar hydroxypropyltrimethylammonium chloride when used as an inert ingredient (thickener/drift reduction agent) in pesticide formulations applied to growing crops.	All trading partner.	Food safety	None	US Environmental Protection Agency
G/SPS/N/USA/2545	Grape fruit; Grapefruit, dried	This regulation establishes time-limited tolerances for residues of streptomycin in or on grapefruit and grapefruit, dried pulp.	All trading partners.	Food safety.	None	US Environmental Protection Agency



	pulp					
G/SPS/N/USA/2544	Multiple products	This regulation establishes tolerances for residues of sulfoxaflor in or on multiple commodities.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/USA/2546	Multiple products	This regulation establishes tolerances for residues of 1-naphthaleneacetic acid in or on avocado; fruit, pome, group 11-10; mango; sapote, mamey; and ramutan. This regulation additionally deletes certain tolerances, identified and discussed later in this document.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/USA/2550	Growing crops or raw agricultural commodities after harvest/	This regulation establishes an exemption from the requirement of a tolerance for residue of methyl 5-(dimethylamino)-2-methyl-5-oxopentanoate (1174627-68-9) when used as an inert ingredient solvent in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest.	All trading partners.	Food safety.	None	US Environmental Agency
G/SPS/N/USA/2549	All products	EPA is revoking all the tolerances for the pesticide difenzoquat.	All trading partners.	Food safety.	None	US Environmental Agency
G/SPS/N/USA/2548	Blueberry and tomato	This regulation establishes tolerances for residues of triforine in or on blueberry and tomato.	All trading partners.	Food safety.	Codex Alimentarius Commission: The Codex has established MRLs for triforine in or on blueberry and tomato at 1.0 and 0.5 ppm, respectively. These MRLs are the same as the tolerances being established for triforine in the United States.	US Environmental Protection Agency.

## V.D WTO Dispute Update

### a. US as a complainant

<p><i>Argentina- Measures Affecting the Importation of Goods</i></p>	<p>This dispute concerns with certain measures imposed by Argentina on the importation of goods. The US challenged measures to:</p> <ol style="list-style-type: none"> <li>1. Requirement to present an approval of a non-automatic import license</li> <li>2. Non-automatic licenses required in the form of Certificados de Importacion (CIs) for the importation of certain goods</li> <li>3. Requirements imposed on importers to undertake certain trade-restrictive commitments</li> <li>4. The alleged systematic delay in granting import approval or refusal to grant such approval or the grant of import approval subject to importers undertaking to comply with certain allegedly trade-restrictive commitments.</li> </ol> <p>DSB established: 28 January 2013</p> <p>Third Parties: Australia, Canada, China, Ecuador, the European Union, Guatemala, India, Japan, Korea, Norway, Saudi Arabia, Switzerland, Chinese Taipei, Thailand and Turkey.</p> <p>On 15 May 2015, the EU, the US and Japan requested the Director-General to compose the panel. On 27 May 2013, the Director-General composed the panel.<sup>136</sup></p>
<p><i>China-Anti-Dumping and Countervailing Duty Measures on Broiler Products from the United States</i></p>	<p>This dispute concerns with China's imposition of anti-dumping and countervailing duties on broiler products from the United States. The US provided that the measures employed by China are inconsistent with various provisions of the Anti-Dumping Agreement like:</p> <ol style="list-style-type: none"> <li>1. Anti-dumping investigation</li> <li>2. Anti-dumping duty determination</li> <li>3. Improper reliance on the facts available</li> <li>4. Failure to provide access to relevant information</li> <li>5. Insufficient explanation of the basis for the determinations</li> <li>6. Absence of proper analysis of the effects of imports under investigation</li> </ol>

<sup>136</sup> WTO, 'Argentina-Measures Affecting the Importation of Goods' DS444, [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds444\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds444_e.htm)

	<p>7. Absence of objective determination of causality</p> <p>The US claims that such measures are inconsistent with various provisions of the SCM and GATT Agreement related to the process of the subsidy investigation as well as countervailing duty determination at issue.</p> <p>Panel released its report on 2 August 2013 [to be covered in the next quarter TPMR]. Third Parties: The European Union, Japan, Norway, Saudi Arabia and Thailand, Chile and Mexico.<sup>137</sup></p>
<p><i>China- Certain Measures Effecting Electronic Payment Services</i></p>	<p>This dispute concerns with China's restrictions and requirements pertaining to electronic payment services for payment card transactions and the suppliers of those services. The US provided that China permits only a Chinese entity (China UnionPay) to supply electronic payment services for payment card transactions denominated and paid in renminbi in China. While foreign service suppliers can only supply these services for payment card transactions paid in foreign currency. It is also provided that the payment card devices are required to be compatible with that entity's system, and that payment cards must bear that company's logo. Chinese entity has guaranteed access to all merchants in China that accept payment cards, while services suppliers of other Members must negotiate for access to merchants.</p> <p>Reasonable period of time allowed for China to comply with the DSB's recommendation: 11 months since the date of adoption of panel's report (31 August 2012) which ends on 31 July 2013.</p> <p>Third Parties: Australia, the European Union, Guatemala, Japan, Korea, Ecuador and India.<sup>138</sup></p>
<p><i>Indonesia-Importation of horticultural products, animals and animal products</i></p>	<p>This dispute concerns with Indonesia's measures on the importation of horticultural products, animals and animal products. The US claims that the measures are inconsistent with GATT 1994, Agreement on Agriculture and the Import Licensing Agreement.</p> <p>DSB established a panel on 24 April 2013.</p> <p>Third Parties: Australia, Canada, China, the European Union, Japan, Korea, Chinese Taipei, Argentina, New Zealand, Paraguay and Thailand.<sup>139</sup></p>

*b. US as a respondent*

<sup>137</sup> WTO, 'China – Anti-Dumping and Countervailing Duty Measures on Broiler Products from the United States' DS427, [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds427\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds427_e.htm)

<sup>138</sup> WTO, 'China-Certain Measures Affecting Electronic Payment Services' DS413, [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds413\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds413_e.htm)

<sup>139</sup> WTO, 'Indonesia-Importation of horticultural products, animals and animal products', DS455, [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds455\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds455_e.htm)

<p><i>United States – Measures Affecting the Importation of Animals, Meat and Other Animal Products from Argentina</i></p>	<p>This dispute concerns with US’s measures affecting the importation of animals, meat and other animal products from Argentina. Argentina challenged:</p> <ol style="list-style-type: none"> <li>1. The import prohibition of fresh (chilled or frozen) beef from Argentina embodied in the interim and final rule of the Animal and plant health Inspection Service (APHIS), which amend the regulations of the Code of Federal Regulations (CFR);</li> <li>2. The failure to recognize certain areas of Argentina’s territory as free of foot-and-mouth disease embodied in the APHIS Policy Regarding Importation of Animals and Animal Products and</li> <li>3. Alleged undue delays in recognizing the animal health status of a region or in granting approval to export animals or animal products from that region with both types of delay occurring under procedures embodied in the US Code of Federal Regulations (CFR); and additional conditions on importation allegedly imposed by Section 737 of the Omnibus Act 2009.</li> </ol> <p>Argentina claims that such measures are inconsistent with GATT, SPS Agreement and the WTO Agreement.</p>
<p><i>United States-Certain Country of Origin Labelling (COOL) Requirements</i></p>	<p>This dispute concerns with US’s mandatory country of origin labeling (COOL) provisions in the Agricultural Marketing Act of 1946 as amended by the 2008 Farm Bill and as implemented through Interim Final Rule of 28 July 2008. Such provisions provide obligation to inform consumers at the retail level of the country of origin in respect of covered commodities, including beef and pork. The eligibility for a designation of a covered commodity as exclusively having a US origin can only be derived from an animal that was exclusively born, raised and slaughtered in the United States. This would exclude such a designation in respect of beef or pork derived from livestock that is exported to the United States for feed or immediate slaughter. Canada provides that the COOL provisions are inconsistent with GATT, TBT Agreement, SPS Agreement as well as the Agreement on Rules of Origin.</p> <p>A reasonable period of time was determined in accordance with a binding arbitration. The reasonable period of time was a period of 10 months expiring on 23 May 2013. The DSB meeting on 24 May 2013, the US informed that the USDA had issued a final rule that made certain changes to the COOL labeling requirements that had been found to be inconsistent with the TBT Agreement. The US was of the view that the final rule had brought it into compliance with the</p>

	DSB recommendations and rulings. Canada disagreed with the US that such changes brought the US into full compliance, as the changes were more restrictive and caused further harm. On 10 June 2013, the US and Canada informed the DSB of Agreed Procedures under Article 21 and 22 of the DSU. <sup>140</sup> Similar facts surround the dispute with Mexico on COOL requirements. <sup>141</sup>
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*c. Third Party Disputes*

<i>China-Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes (HP-SSST) from the European Union</i>	<p>This dispute concerns with the EU's consultations with China with regards to measures imposing anti-dumping duties on certain high-performance stainless steel seamless tubes ("HP-SSST") from the EU as set forth in Ministry of Commerce of the MOFCOM Notice No. 21 (2012) and Notice no. 72 [2012], including any and all annexes and any amendments thereof. The EU claims such measures to be inconsistent with Anti-Dumping Agreements and GATT. On 27 June 2013, Japan requested to join the consultations.</p> <p>Third Parties: Japan, Korea, Republic of India, Turkey and The United States.<sup>142</sup></p>
<i>Peru-Additional Duty on Imports of Certain Agricultural Products</i>	<p>This dispute concerns with the "additional duty" imposed by Peru on imports of certain agricultural products, such as rice, sugar, maize, milk and dairy products. Guatemala claims that such measure is inconsistent with Agreement on Agriculture, GATT and Customs Valuation Agreement. On 13 June 2013, Guatemala requested the establishment of a panel. DSB deferred the establishment of a panel on 13 June 2013. On 23 July 2013, the DSB established a panel.</p> <p>Third Parties: Argentina, China, EL Salvador, the European Union, India, United States, Brazil, Ecuador, Korea, Republic of Honduras.</p>
<i>China-Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes ("HP-SSST") from Japan</i>	<p>This dispute concerns with Chinese measures imposing anti-dumping duties on high-performance stainless steel seamless tubes ("HP-SSST") from Japan, as set forth in Ministry of Commerce of the MOFCOM Notice No. 21 [2012] and Notice No. 72 [2012], including any and all annexes and any amendments. Japan claims that such measures are inconsistent with Anti-Dumping Agreement and GATT. On 11 April 2013, Japan requested the establishment of a panel and on 24 April 2013, the</p>

<sup>140</sup> WTO, 'United States- Certain Country of Origin Labelling (COOL) Requirements', DS384, [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds384\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds384_e.htm)

<sup>141</sup> WTO, 'United States – Certain Country of Origin Labelling Requirements' DS386, [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds386\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds386_e.htm)

<sup>142</sup> WTO, 'China – Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes ("HP-SSST") from the European Union', DS460, [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds460\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds460_e.htm)

	<p>DSB deferred the establishment of a panel. On 24 May 2013, the DSB established a panel.</p> <p>Third Parties: European Union, India, Korea, Russia, United States, Turkey and Saudi Arabia.<sup>143</sup></p>
<i>Argentina-Measures Relating to Trade in Goods and Services</i>	<p>This dispute concerns with the measures imposed by Argentina that affect trade in goods and services. Panama alleges that various Argentine measures are applied exclusively in respect of certain countries listed in the Regulations to the Income/Profit Tax Law, Decree 1344/98, as amended by Decree 1037/00. Panama claims that such measures are inconsistent with GATS and GATT. On 13 May 2013, Panama requested establishment of panel. At its meeting on 24 May 2013, the DSB deferred the establishment of panel. As its meeting on 25 June 2013, the DSB establishment a panel.</p> <p>Third Panel: Australia, China, Ecuador, European Union, Guatemala, Honduras, India, United States, Brazil, Singapore and Oman.<sup>144</sup></p>
<i>Argentina-Measures Affecting the Importation of Goods</i>	<p>This dispute concerns with measures imposed by Argentina on the importation of goods. Japan challenged various measures which appear to be inconsistent with GATT, TRIMs, Agreement on Import Licensing Procedures and the Safeguards Agreement.</p> <p>On 15 May 2013, the EU, the US and Japan requested the Director-General to compose the panel. On 27 May 2013, the Director-General composed the Panel.</p> <p>Third Parties: Australia, Canada, China, Ecuador, European Union, Guatemala, India, Israel, Japan, Korea, Norway, Saudi Arabia, Switzerland, Chinese Taipei, Thailand, Turkey and the US.<sup>145</sup></p>
<i>European Union – Anti-Dumping Measures on Imports of Certain Fatty Alcohols from Indonesia</i>	<p>This dispute concerns with the imposition of derivative and provisional anti-dumping measures by the EU on the importation of fatty alcohols and with respect to certain aspects of the investigation underlying these measures. Indonesia provides that such measures are inconsistent with Anti-Dumping Agreement and GATT.</p> <p>The DSB established a panel on 25 June 2013.</p>

<sup>143</sup> WTO, ‘China-Measures Imposing Anti-dumping duties on High-Performance Stainless Steel Seamless Tubes (“HP-SSST”) from Japan’, DS454, [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds454\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds454_e.htm)

<sup>144</sup> WTO, ‘Argentina-Measures Relating to Trade in Goods and Services’, DS453, [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds453\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds453_e.htm)

<sup>145</sup> WTO, ‘Argentina-Measures Affecting the Importation of Goods’, DS445, [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds445\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds445_e.htm) See also [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds445\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds445_e.htm), [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds444\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds444_e.htm); [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds438\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds438_e.htm)

	Third Parties: India, Korea, Turkey, United States, Malaysia and Thailand. <sup>146</sup>
<i>China – Definitive Anti-Dumping Duties on X-Ray Security Inspection Equipment from the European Union</i>	<p>This dispute concerns with the imposition of definitive anti-dumping duties on x-ray security inspection equipment from the EU, pursuant to China’s MOFCOM Notice No. 1(2011), including its Annex. The EU claims that the measure is inconsistent with various provisions of the Anti-Dumping Agreement relate to the process of anti-dumping investigation and determination. The EU claims such measures to be inconsistent under GATT and Anti-dumping Agreement.</p> <p>On 24 April 2013, the DSB adopted the panel report. On 24 May 2013, China stated that it intends to implement the DSB’s recommendations and rulings in a manner that respects its WTO obligations and that it requires a reasonable period of time to implement the DSB recommendations which is 9 months and 25 days. The reasonable period of time ends on 19 February 2014.<sup>147</sup></p>
<i>Canada- Certain Measures Affecting the Renewable Energy Generation Sector</i>	<p>This dispute concerns with Canada’s measures requiring domestic content requirements in the feed-in-tariff program (FIT Program). Japan claimed that such measures are inconsistent with the GATT, TRIMs and the SCM Agreement. On 6 May 2013, the AB Report was circulated. The DSB adopted the Appellate Body report and the panel report as modified by the Appellate Body report on 24 May 2013. On 20 June 2013, Canada informed the DSB that it intended to implement the DSB’s recommendations and rulings in a manner which respects its WTO obligations and that it will require a reasonable period of time. On 29 July 2013, the reasonable period of time was decided to be 10 months ending 24 March 2014.<sup>148</sup></p>

Source: *WTO Dispute Update*

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<sup>146</sup> WTO, ‘European Union – Anti-Dumping Measures on Imports of Certain Fatty Alcohols from Indonesia’, DS442, [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds442\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds442_e.htm)

<sup>147</sup> WTO, ‘China-Definitive Anti-Dumping Duties on X-Ray Security Inspection Equipment from the European Union’, DS425, [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds425\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds425_e.htm)

<sup>148</sup> WTO, ‘Canada-Certain Measures Affecting the Renewable Energy Generation Sector’, DS412, [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds412\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds412_e.htm)

