



TRADE POLICY DEVELOPMENTS PAPER NO. 69

TRADE POLICY MONITORING REPORT

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UNITED STATES

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VOLUME XII

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ABBREVIATIONS

AD	–	Anti Dumping
CBR	–	Central Bank of Russia
DS	–	Dispute Settlement
EFTA	–	European Free Trade Association
EU	–	European Union
FCS	–	Federal Customs Service
FTA	–	Free Trade Agreement
GATT	–	General Agreement on Trade and Tariffs
GDP	–	Gross Domestic Product
IP	–	Intellectual Property
ITA	–	Information Technology Agreement
SPS	–	Sanitary and Phyto-Sanitary measures
TIR	–	Transports Internationaux Routiers
TBT	–	Technical Barriers to Trade
TRIMs	–	Trade Related Investment Measures
TRIPS	–	Trade Related Aspects of Intellectual Property Rights
US	–	United States
USITC	–	United States International Trade Commission
WTO	–	World Trade Organization

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EXECUTIVE SUMMARY

ECONOMIC ENVIRONMENT

- According to the IMF, the U.S. expected to grow at 2.8% in 2014.
- Unemployment rate during the quarter was recorded at 6.7%.
- United States' industrial production has been volatile during the quarter.
- The Treasury Department has stated that the US' International Reserve Assets is estimated at \$145,155 million on 21 March 2014

TRADE POLICY FORMULATION AND EVALUATION

- The United States has implemented various legislations that directly related to trade. These include: *Bipartisan Congressional Trade Priorities Act*, *United States Customs and Border Protection Authorization Act (2014)*, and the *Trade Adjustment Assistance Act (2014)*.

TRADE AND INVESTMENT AGREEMENTS AND ARRANGEMENTS

- The United States has actively participated in TISA, TPP and TTIP negotiations during the quarter
- Also during the quarter, United States has negotiated labour standards with Panama during a Trade Promotion Meeting.
- United States has declared its commitment to liberalize trade in environmental goods.
- Trade and Investment Framework Agreement have been held with Nigeria and Philippines
- The United States has entered into the 12th round of negotiations with China for an investment agreement during the quarter.

TRADE POLICY BY PRACTICE AND MEASURE

- Customs: The United States has modified the National Customs Automation Program test concerning Cargo Release functionality in the Automated Commercial Environment (ACE).
- Competition: During the quarter the heads of the antitrust agencies of the United States, Canada and Mexico met to discuss their mutual efforts to ensure continued effective antitrust enforcement cooperation in our increasingly interconnected markets.
- Taxation: US Department of the Treasury signed intergovernmental agreements with Canada, Hungary, Italy and Mauritius to implement the Foreign Account Tax Compliance Act (FATCA)

TRADE POLICY BY SECTOR

- Net farm income in 2014 had been forecasted at \$95.8 billion in 2014
- As per the Department of Agriculture, value of crop production is expected to decline substantially in 2014 and dairy receipts are expected to increase.

WTO DISPUTE SETTLEMENT UPDATE

- US files dispute against India concerning measures relating to solar cells and solar modules.
- On 27 March 2014, the WTO issued the panel report in the case “United States – Countervailing and Anti-Dumping Measures on Certain Products from China”

TRADE POLICY MONITORING REPORT OF UNITED STATES OF AMERICA
FOR THE QUARTERLY PERIOD: JANUARY 2014- MARCH 2014

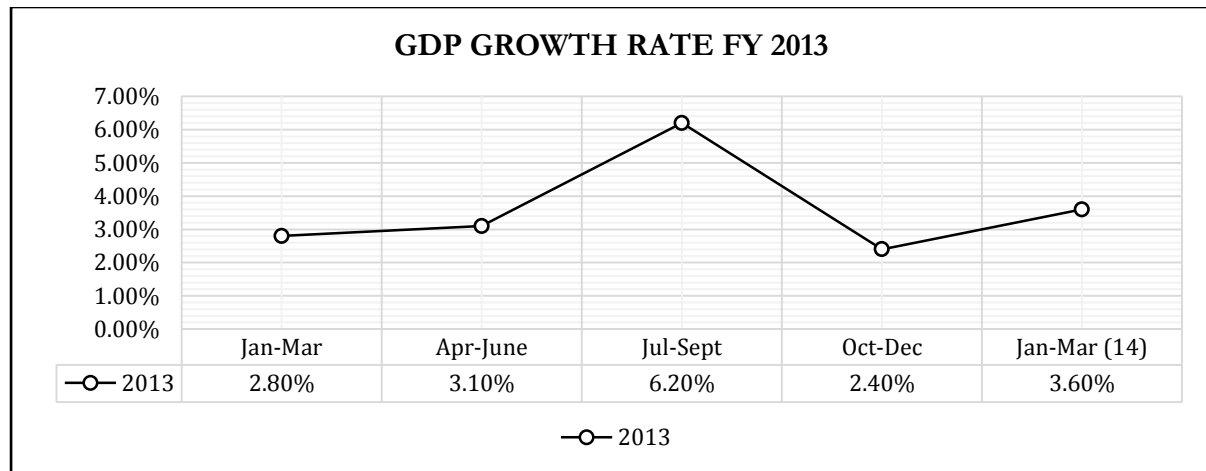
I. INTRODUCTION

This is the twelfth 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 the United States of America during the period of January-March, 2014.

II. ECONOMIC ENVIRONMENT

II.A. RECENT ECONOMIC DEVELOPMENTS

The Bureau of Economic Analysis [BEA] has declared a growth by 3.6% in Q4 2014.¹ However, the IMF has projected growth of 2.8% in 2014 with an increase against 1.9% in 2013.² It provided that given the increase in inventories in the second half of 2013, the increase in 2014 will be carried by final domestic demand as a result of decrease in fiscal debt and the recent budget agreement.



Source: *Bureau of Economic Analysis*

¹ Bureau of Economic Analysis, *2014 News Release Schedule*, <http://www.bea.gov/newsreleases/general/pdf/2014rd.pdf> [last visited April 12, 2014].
² International Monetary Fund, *World Economic Outlook (WEO): Is the Tide Rising?* (January 2014) <http://www.imf.org/external/pubs/ft/weo/2014/update/01/> [last visited April 12, 2014]

II.B. MONETARY, FISCAL AND OTHER POLICIES

II.B.1. Unemployment

The unemployment rate in January 2014 and February 2014 was recorded at 6.6% and 6.7% respectively.³

II.B.2. Payroll Employment

The total nonfarm (payroll employment) for January and February 2014 was \$129,000 and \$175,000 respectively. The private (payroll employment) for January and February 2014 was \$145,000 and \$162,000 respectively.⁴

II.B.3. Inflation

The consumer price index for January and February 2014 was 0.1% and 0.1% respectively. The consumer price index excluding food and energy for January and February 2014 was 0.1% and 0.1% respectively.

II.B.4. West Texas Intermediate crude oil

The West Texas Intermediate crude oil for January and February 2014 was \$95/barrel and \$101/barrel respectively.⁵

II.B.5. Industrial Production

The total industrial production for January and February 2014 was -0.2% and 0.6% respectively. While the growth in manufacture in January and February 2014 was -0.8% and 0.8% respectively.⁶

II.B.6. Exchange rates

The Market Rate of Dollar (USD/\$) for January and February 2014 was \$1.534 and \$1.547 respectively. The Real Effective Exchange Rate (CPI based) for January 2014 was 91.660.⁷

II.B.7. International Reserve Position

The Treasury Department stated that the US' International Reserve Assets totalled \$145,155 million on 21 March 2014 (last week update for the quarter).⁸

II.C. DEVELOPMENTS IN TRADE AND FOREIGN DIRECT INVESTMENT

³ US Department of Treasury, *U.S. Economic Statistics – Monthly Data* (March 27, 2014)

<http://www.treasury.gov/resource-center/data-chart-center/monitoring-the-economy/Documents/monthly%20ECONOMIC%20DATA%20TABLES.pdf> [last visited April 4, 2014].

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ International Financial Statistics, Data from the IMF warehouse [April 1, 2014].

⁸ U.S. Department of the Treasury, *U.S. International Reserve Position* (21 March 2014)

<http://www.treasury.gov/resource-center/data-chart-center/IR-Position/Pages/03212014.aspx> [April 12, 2014].

II.C.1. Trade In Goods and Services

January 2014

Exports and imports in January 2014 were \$192.5 billion and \$231.6 billion respectively. It resulted in a goods and services deficit of \$39.1 billion, with an increase from \$39 billion in December 2013.⁹ January 2014 imports and exports increased from December 2013 by \$1.2 billion and \$191.3 billion respectively. In January, the goods deficit increased \$0.7 billion from December to \$59.3 billion and the services surplus increased \$0.5 billion from December to \$20.2 billion. Exports of goods increased \$1.0 billion to \$133.8 billion, and imports of goods increased \$1.7 billion to \$193.1 billion. Exports of services increased \$0.2 billion to \$58.7 billion, and imports of services decreased \$0.4 billion to \$38.5 billion.

Increase in exports of goods from December 2013- January 2014 reflected increases in industrial supplies and materials (\$1.2 billion), capital goods (\$0.4 billion), and consumer goods (\$0.2 billion). Decreases occurred in foods, feeds, and beverages (\$0.8 billion); other goods (\$0.3 billion); and automotive vehicles, parts, and engines (\$0.2 billion).

The December 2013 to January 2014 increase in imports of goods reflected increases in industrial supplies and materials (\$3.7 billion); capital goods (\$0.4 billion), and consumer goods (\$0.2 billion). Decreases occurred in foods, feeds, and beverages (\$0.8 billion); other goods (\$0.3 billion); and automotive vehicles, parts, and engines (\$0.2 billion).

The December 2013 to January 2014 increase in imports of goods reflected increase in industrial supplies and materials (\$3.7 billion); capital goods (\$0.3 billion) and foods, feeds, and beverages (\$0.2 billion). Decreases occurred in automotive vehicles, parts, engines (\$1.4 billion); consumer goods (\$1.0 billion); and other goods (\$0.1 billion).

Exports of services increased \$0.2 billion from December 2013 to January 2014. Increases in other private services (\$0.2 billion) which includes items such as business, professional, and technical services, insurance services, and financial services, and in royalties and license fees (\$0.1 billion) were partly offset by decrease in passenger fares (\$0.1 billion), in travel (\$0.1 billion), and in other transportation (\$0.1 billion), which includes freight and port services. Changes in the other categories of services exports were relatively small.

Imports of services decreased \$0.4 billion from December 2013 to January 2014. The decrease was more than accounted for by decreases in travel (\$0.2 billion) and in passenger fares (\$0.2 billion). Partly offsetting these decreases was an increase in other private services (\$0.1 billion). Changes in the other categories of services imports were relatively small.

February 2014

⁹ Bureau of Economic Analysis, *US International Trade in Goods and Services January 2014* (7 March 2014) <http://www.bea.gov/newsreleases/international/trade/2014/trad0114.htm> [April 4, 2014].

Total exports and imports in February 2014 were \$190.4 billion and \$232.7 billion respectively.¹⁰ There was a goods and services deficit of \$42.3 billion with an increase from \$39.3 billion in January 2014. February imports were \$1.0% more than January imports of \$231.7 billion. In February 2014, the goods deficit increased \$2.2 billion from January to \$61.7 billion, and the services surplus decreased \$0.8 billion from January to \$19.4 billion. Exports of goods decreased \$2.0 billion to \$131.7 billion, and imports of goods increased \$0.2 billion to \$193.4 billion. Exports of services were virtually unchanged at \$58.7 billion, and imports of services increased \$0.8 billion to \$39.3 billion. The goods and services deficit decreased \$1.0 billion from February 2014. Exports increased by \$3.6 billion, or 1.9%, and imports were up \$2.6 billion, or 1.1%.

The January – February 2014 decrease in exports of goods reflected decrease in industrial supplies and materials (\$2.7 billion) and capital goods (\$0.9 billion). Increases occurred in consumer goods (\$1.2 billion); other goods (\$0.6 billion); and automotive vehicles, parts, and engines (\$0.1 billion). Foods, feeds and beverages were virtually unchanged.

The January-February 2014 decrease in imports of goods reflected decrease in capital goods (\$1.2 billion); industrial supplies and materials (\$0.3 billion); and foods, feeds and beverages (\$0.1 billion). Increases occurred in automotive vehicles parts, and engines (\$1.0 billion); consumer goods (\$0.1 billion); and other goods (\$0.1 billion).

Exports of services were virtually unchanged from January to February 2014. Increases in other private services (\$0.1 billion), which includes items such as business, professional, and technical services, insurance services, and financial services, and in royalties and license fees (\$0.1 billion) were mostly offset by a decrease in passenger fares (\$0.2 billion). Changes in the other categories of services exports were relatively small.

Imports of services increased \$0.8 billion from January to February. The increase was mainly accounted for by an increase in royalties and license fees (\$0.8 billion), which included payments for the rights to broadcast the 2014 Winter Olympic Games. Other private services increased (\$0.1 billion). Partly offsetting these increases was a decrease in other transportation (\$0.1 billion), which includes freight and port services. Changes in the other categories of services imports were relatively small.

¹⁰ Bureau of Economic Analysis, *US International Trade in Goods and Services February 2014* (3 April 2014) <http://www.bea.gov/newsreleases/international/trade/tradnewsrelease.htm> [April 12, 2014].

III. TRADE POLICY FORMULATION AND EVALUATION

III.A. TRADE POLICY FORMULATION AND IMPLEMENTATION

III.A.1. New Bills Introduced

a. Bipartisan Congressional Trade Priorities Act (2014)

It states the overall trade negotiating objectives of the US with respect to any agreement with a foreign country to reduce or eliminate tariffs or non-tariffs barriers of that country of the US that are unduly burdening and restricting US trade.

It includes among such objectives obtaining: (1) more open, equitable, and reciprocal market access; and (2) the reduction or elimination of trade barriers and distortions that are directly related to trade and investment and that decrease market opportunities for US exports or otherwise distort US trade. It provides the principal trade negotiating objectives of the US with respect to : (1) goods and services; (2) agriculture; (3) foreign investment; (4) intellectual property; (5) digital goods and services, as well as cross-border data flows; (6) regulatory practices (7) state-owned and state-controlled enterprise; (8) localization barriers to trade; (9) labor and environment; (10) currency (11) the World Trade Organization and multilateral trade agreements; (12) trade institution transparency; (13) anti-corruption; (14) dispute settlement and enforcement; (15) trade remedy laws; (16) border taxes and (17) textile negotiations.

It authorizes the President to enter into trade agreements with foreign countries for the reduction or elimination of tariff or nontariff barriers before 1 July 2018 or 1 July 2021, if trade authorities procedures are extended to implementing bills with (congressional approval) with respect to such agreements. Authorizes the President to proclaim necessary or appropriate modifications or continuation of any existing duty, continuation of existing duty-free or excise treatment, or additional duties to carry out any such agreement. It subjects trade agreements to congressional oversight and approval, consultations, and access to information requirements.

Further, it prescribes requirements for the treatment of trade agreements entered into under the auspices of the WTO or with TPP countries or the European Union which result from negotiations commenced before enactment of this Act. It expresses the sense of Congress that the USTR should facilitate participation of small businesses in the trade negotiation process.¹¹

b. United States Customs and Border Protection Authorization Act (2014)

Referred to the Subcommittee on Border and Maritime Security it amends the Homeland Security Act of 2002 with respect to the establishment in the Department of Homeland Security (DHS) of the US Customs and Border Protection.¹²

¹¹ Congress.Gov, *S.1900-Bipartisan Congressional Trade Priorities Act of 2014* (9 January 2014) <http://beta.congress.gov/bill/113th-congress/senate-bill/1900> [last visited April 4, 2014].

¹² Congress. Gov, *H.R. 3846- United States Customs and Border Protection Authorization Act* (10 January 2014) <http://beta.congress.gov/bill/113th-congress/house-bill/3846> [last visited on April 12, 2014].

c. To provide Israel a license exception to the Export Administration Regulations currently made available to 36 other nations

Referred to the House Committee on Foreign Affairs it directs the President to direct the Secretary of State to undertake discussions with Israel to identify the step necessary to include Israel within the list of countries eligible for the Strategic Trade Authorization exception to the requirement for a license for the export, re-export, or in-country transfer of an item subject to certain export controls.

This exception authorizes exports, re-exports, and transfers, including releases within a single country of software source code and technology to foreign nationals, in lieu of a license that would otherwise be required. The list of countries eligible for the license exception covers those countries with respect to which the reasons for control that would ordinarily impose the license requirement include national security, chemical or biological weapons, nuclear nonproliferation, regional stability, crime control, and/or significant items authorized for destinations in or nationals of a specified Country Group.¹³

d. Trade Adjustment Assistance Act (2014)

Referred to the House Committee on Ways and Means, TAA is an essential job training and worker assistance program that helps strengthen the American workforce to be better equipped and more competitive to compete in the 21st century economy. It extends all TAA programs that were in effect as of 31 December 2013, through the end of 2020 and restores certain benefits that Congress previously enacted in 2009.¹⁴

e. Increasing American Jobs through More Exports Act

Referred to the House Committee on Financial Services it authorizes the Export-Import Bank of the US to use 3% of its profits for administrative expenses.

IV. TRADE AND INVESTMENT AGREEMENTS AND ARRANGEMENTS

IV.A. MULTILATERAL/ PLURILATERAL AGREEMENTS

IV.A.1. 6th Round of Trade in Services Agreement [TISA]

The 6th round of talks for a Trade in Services Agreement [TISA] ended on 24 February 2014. It was chaired by the EU and it existed for 8 days in Geneva. 21 of the 23 participants tabled offers, with only Pakistan and Paraguay yet to forward their proposals. Negotiators discussed

¹³ Congress.Gov, H.R. 3961 – *To provide Israel a license exception to the Export Administration Regulations currently made available to 36 other nations* (29 January 2014) <http://beta.congress.gov/bill/113th-congress/house-bill/3961> [last visited April 12, 2014]

¹⁴ *Trade Adjustment Assistance Act of 2014*, <http://newdemocratcoalition-kind.house.gov/sites/newdemocratcoalition.house.gov/files/Trade%20Adjustment%20Assistance%20Act%20of%202014%20Fact%20Sheet.pdf> [last visited April 12, 2014].

maritime services, mode 4, financial services, domestic regulation, transparency, professional services, telecommunication services and electronic commerce. While the talks focused on technical issues and working groups have been set up to discuss texts based on participants' proposals. The next round, chaired by Australia, will take place the week from 28 April 2014.¹⁵

IV.A.2.4th Round of Trans-Atlantic Partnership Agreement [TTIP] Negotiations

The 4th Round of the US and the EU negotiations on TTIP were held from 10 March 2014 for a week in Brussels, Belgium. Negotiators aimed to discuss, services, labor, rules of origin, intellectual property and regulatory sectors in the meeting.

On 14 March 2014, the EU and the US committed to explore mechanism in a dedicated way to make it easier for smaller firms to take advantage of the gains from TTIP. In addition to the SMEs, the negotiators spent the week discussing all three pillars of a future agreement – market access, the regulatory cluster and so called rules issues. Under Market Access, the negotiators discussed three core elements, i.e. tariffs, trade in services and public procurement. On tariffs, the EU and the US already had an initial exchange of offers while on services and public procurement, negotiators examined how to move towards exchanging offers.

As regards 'regulations' the negotiators were joined by a broad cross-section of experts and regulators from both sides to discuss: regulatory coherence and increasing regulatory compatibility; technical barriers to trade (written proposals made by both the parties) and SPS measures wherein the written proposals are in due course. The EU and the US also continued to explore ways to achieve greater regulatory compatibility in certain key industries: pharmaceuticals, cosmetics, medical devices, automotive and chemicals. As regards, 'rules' the discussions included three areas where negotiations are developing innovative approaches like sustainable development, labour and environment, trade in energy and raw materials as well as customs and trade facilitation. As a part of these efforts, the EU also hosted two events from 12 March 2014 and listened to 90 different presenters from business, consumer, labour and environmental groups. Later, the EU officials met with 300 stakeholders to discuss the developments in TTIP.

The European Commission has also launched public consultation on investor protection and investor-to-state dispute settlement (ISDS) in the TTIP as a part of making its negotiations with US the most transparent and open talk till date.¹⁶

The public consultation also clarifies the points that EU aims to improve to ensure that ISDS in TTIP guarantees the right of governments to legislate in the public interest. The commission seeks to have state-of-the-art investment protection and ISDS provisions in TTIP which can set a precedent for the future.

IV. A. 3 Trans-Pacific Partnership (TPP) Negotiations

¹⁵ European Commission, *6th round of TISA talks end in Geneva* (24 February 2014) <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1030> [last visited on April 12, 2014].

¹⁶ European Commission launches public online consultation on investor protection in TTIP (11th April 2014) <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1052>

During 27 – 28 March 2014, US and Japan held meetings to continue bilateral market access negotiations in the Trans-Pacific Partnership (TPP). These negotiations are taking place in conjunction with the agreement between to seek to narrow gaps between United States and Japan in the TPP negotiations.¹⁷

IV.B. BILATERAL TRADE AGREEMENTS AND ARRANGEMENTS

IV.B.1. US-Afghanistan sign Market Access Agreement

On 19th January, 2014, US and Afghanistan signed a bilateral agreement which brings Afghanistan one step closer to accession to WTO. The U.S.-Afghanistan agreement, which includes bilateral tariff schedules, will ensure market access for U.S. producers and also bring Afghanistan into the multilateral trading system.¹⁸

Since 2009, the United States has supported Afghanistan's efforts to join the WTO through a whole of government approach, encompassing the USTR, the U.S. Department of Agriculture, U.S. Embassy Kabul and USAID.¹⁹

IV.B.2. Inaugural US-Panama Labour Affairs Council meeting under Trade Promotion Agreement

Government officials from the United States and Panama this week convened the inaugural meeting of the Labour Affairs Council (LAC) under the U.S.-Panama Trade Promotion Agreement. The Council works to promote labour rights and enhance technical cooperation on labour matters, such as labour inspections and subcontracting arrangements.²⁰

At the LAC meeting, officials reviewed implementation of the Labour Chapter of the U.S.-Panama Trade Promotion Agreement. The Council discussed the labour obligations of the agreement as well as areas of technical cooperation and capacity building, including on the topics of promoting fundamental labour rights, improving labour inspections and monitoring of temporary work contracts and subcontracting arrangements, and reducing child labour.

IV.B.3. US enters negotiations for liberalizing trade in “greener goods”

During the quarter, the US has declared its commitment to liberalize trade in environmental goods.

Global trade in environmental goods totals nearly a trillion dollars annually, and some countries apply tariffs as high as 35 %. Australia; Canada; China; Costa Rica; the European Union; Hong Kong, China; Japan; Korea; New Zealand; Norway; Singapore; Switzerland;

¹⁷ USTR Press Release, <http://www.ustr.gov/about-us/press-office/press-releases/2014/March/Acting-Deputy-USTR-Cutler-to-host-US-Japan-bilateral-meetings-on-TPP>

¹⁸ USTR Press Release, <http://www.ustr.gov/about-us/press-office/press-releases/2014/January/US-Afghanistan-Sign-Market-Access-Agreement>

¹⁹ *Id.*

²⁰ USTR Press Release, <http://www.ustr.gov/about-us/press-office/press-releases/2014/January/US-Panama-Hold-Inaugural-Meeting-of-Labor-Affairs-Council-under-US-Panama-TPA>

Chinese Taipei; and the United States supported Asia-Pacific Economic Cooperation (APEC) Leaders to reduce tariffs on the APEC List of Environmental Goods by the end of 2015.

One of the most concrete, immediate contributions that the WTO and its Members can make to protect the planet is to seek agreement to eliminate tariffs for goods that are need to protect environment and address climate change.

Building on the momentum created by the agreement reached in Bali, this effort in the WTO will add impetus and energy to the multilateral trading system and support its mission to liberalize trade, and make a significant contribution to the international environmental protection agenda, including efforts in the ongoing United Nations Framework Convention on Climate Change negotiations to combat climate change and transition to a green economy.²¹

IV.B.4. US-Nigeria TIFA Meeting

During the quarter, the eighth meeting of the U.S.-Nigeria Trade and Investment Framework Agreement (TIFA) Council was held. Nigeria and the United States have a long history of productive and mutually beneficial trade and investment ties. As the largest market in West Africa and one of the largest economies in Africa, Nigeria plays a central role in the regional economy.²²

The TIFA Council plays a key role in advancing the common trade and investment interests of the United States and Nigeria and in strengthening the overall U.S.-Nigeria relationship. It is a critical part of comprehensive U.S. engagement with the Nigerian Government to promote sound trade policies, attract investment to Nigeria, and advance sustainable and inclusive development.²³

The United States and Nigeria signed the TIFA in 2000. The TIFA Council serves as a mechanism for regular, high-level dialogue on enhancing U.S.-Nigeria trade and investment ties and improving coordination between the United States and Nigeria on multilateral and bilateral trade and investment issues.

IV.B.5. US-Philippines TIFA Meeting

In March, the United States and the Philippines concluded a two-day meeting under the Trade and Investment Framework Agreement (TIFA). US recognized the need to establish a new work program on labour affairs under the TIFA.

Detailed discussions were held on agricultural trade, including related to rice and meat. In response to Philippine interest in the Trans-Pacific Partnership (TPP) agreement, the United States briefed the Philippines on the goals and objectives that the twelve TPP countries are seeking to achieve. The two sides began a program of technical consultations to provide the

²¹ USTR Press Release, <http://www.ustr.gov/about-us/press-office/press-releases/2014/January/US-From-remarks-on-new-talks-towards-increased-trade-environmental-goods>

²² USTR Press Release, <http://www.ustr.gov/about-us/press-office/press-releases/2014/March/US-and-Nigeria-hold-8th-Trade-Investment-Framework-Agreement-meeting>

²³ *Id.*

Philippine government the detailed information it will need to consider whether to seek to join the TPP agreement.²⁴

IV.C. INVESTMENT PROMOTION MEASURES

IV.C.1. 12th Round of China-US Investment Treaty Negotiation

On 4 March 2014, the 12th round of China-US Investment Treaty Negotiation was held in Washington DC, US. Earlier, in January 2014 the 11th round of negotiation had taken place in Shanghai, China during which both countries began material negotiations on the text for the first time. In this round of negotiation, the two parties continued to consult and negotiate on the text. Since 2008, China and the US have held 11 rounds of investment treaty negotiations.²⁵ The U.S. and China announced in early July that they have set a timetable to move their talks for a bilateral investment treaty into a new phase, aiming to close negotiations on the text of the pact by the end of this year in order to clear the way for deliberations on the agreement's scope

China-US investment treaty negotiations have important significance on strengthening guarantee of rights and interests of investors, boosting bilateral investment and promoting the healthy development of China-US economic and trade relation.²⁶

IV.C.2. US-Iraq Hold Inaugural Trade and Investment Framework Agreement Meeting

United States and Iraq held the inaugural meeting in Washington of the United States-Iraq Council on Trade and Investment (TIFA Council), which was established under the United States-Iraq Trade and Investment Framework Agreement (TIFA). Both governments place strong importance on broadening their strategic partnership beyond military and security ties. In a number of areas, the United States is providing technical assistance to help Iraq improve its capacity to regulate trade in a way that does not unnecessarily burden commerce.²⁷

The bilateral government discussions during TIFA Council meeting covered the following areas:²⁸

- investment climate issues;
- business development;
- government procurement;
- import policies;

²⁴ USTR Press Release, <http://www.ustr.gov/about-us/press-office/press-releases/2014/March/US-and-Philippines-commit-to-intensified-engagement-on-trade>

²⁵ UNCTAD, UN, March 2014, Investment Policy Monitor, Issue No. 12, Page 6, http://unctad.org/en/PublicationsLibrary/webdiaepcb2014d1_en..

²⁶ MOFCOM, 6 March 2014, available at:

<http://english.mofcom.gov.cn/article/newsrelease/significantnews/201403/20140300509595.shtml>

²⁷ USTR Press Release, <http://www.ustr.gov/about-us/press-office/press-releases/2014/March/US-and-Iraq-hold-inaugural-Trade-and-Investment-Framework-Agreement-Meeting>

²⁸ *Id.*

- labour issues;
- agricultural trade; and
- services sector issues.

IV.C.3. Energy Business Development Mission to West Africa

The USTR announced an Energy Business Development Mission to West Africa with stops in Ghana and Nigeria from 18-23 May 2014. The mission will promote US exports to Africa by helping US companies launch or increase their business in the energy sector in West Africa. It will help the African region develop and manage energy resources and systems, build out power generation and transmission, and distribution. This is an opportunity to connect US products, services and expertise to support Africa's enormous power potential. The President approved the Presidential Policy Directive (PPD) on Sub-Saharan Africa on 14 June 2012 which has come to be known as the US Strategy toward Sub-Saharan Africa. The Strategy recognizes that Africa holds the promise to be the "world's next major economic success story" and this is the first time that promoting US trade and investment has been a cornerstone of a PPD on Sub-Saharan Africa.²⁹

V. TRADE POLICY BY PRACTICE AND MEASURE

V.A. CUSTOMS

V.A.1. Efforts for trade compliance enforcement actions

Trade compliance enforcement actions - import, export, IPR, FCPA CBP and US Immigration and Customs Enforcement (ICE) have been stepping up enforcement of trade compliance violations, as have the other agencies that enforce import safety, standards, export and munitions control, sanctions and FCPA laws. Rather than reproduce articles on these penalties, seizures and arrests, we have decided to list the links to the agency press releases which give details. Child pornography, controlled substance and currency related seizures and arrests will not be listed, unless connected to trade violations.³⁰

V.A.2. CBP modifies NCAP test of ace cargo release for ocean and rail carriers

On 3 February 2014, US Customs and Border Protection (CBP) published in the *Federal Register* a general notice announcing CBP plan to modify the National Customs Automation Program (NCAP) test concerning Cargo Release functionality in the Automated Commercial Environment (ACE). Originally, the test was known as the Simplified Entry Test because the test simplified the entry process by reducing the number of data elements required to obtain release for cargo transported by air. The test continues to be modified to provide more

²⁹ Department of Commerce, *US Secretary of Commerce Penny Pritzker Announces Energy Business Development Mission to West Africa* (22 January 2014) <http://www.commerce.gov/news/press-releases/2014/01/22/us-secretary-commerce-penny-pritzker-announces-energy-business-develo> [last visited on April 12, 2014].

³⁰ Baker & McKenzie, *International Trade Compliance Newsletter* (February 2014).

capabilities to test participants allowing CBP to deliver enhanced functionality. The notice modifies the ACE Cargo Release test to include expansion to the ocean and rail modes of transportation. This notice invites more participants to join the test. The ACE Cargo Release test modifications set forth in this document are effective no earlier than 5 January 2014. The test will run until approximately 1 November 2015.³¹

V.A.3. CBP publishes quarterly interest rates

On 15 January 2014, CBP published in the *Federal Register* a general notice advising the public of the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (over-payments) of customs duties. For the calendar quarter beginning 1 January 2014, the interest rates for overpayments will be 2 % for corporations and 3 % for non-corporations, and the interest rate for underpayments will be 3 % for both corporations and non-corporations. The notice is published for the convenience of the importing public and CBP personnel.

V.B. GOVERNMENT PROCUREMENT AND OTHER EMERGENCY/BOYCOTT LEGISLATIONS

- On 26 February 2014, the Federal Register published the President's Notice of 25 February 2014- Continuation of the National Emergency with Respect to Cuba and of the Emergency Authority Relating to the Regulation of the Anchorage and Movement of Vessels. The notice continues the national emergency with respect to Cuba and the emergency authority relating to the regulation of anchorage and movement of vessels set out in Proclamation 6867 (1 March 1996) as amended by Proclamation 7757 (26 February 2004) because: *The Cuban government has not demonstrated that it will refrain from the use of excessive force against US vessels or aircraft that may engage in memorial activities or peaceful protest north of Cuba. In addition, the authorized entry of any US-registered vessel into Cuban territorial waters continues to be detrimental to the foreign policy of the United States.* The original national emergency was declared to address the disturbance or threatened disturbance of international relations caused by the 24 February 1996, destruction by the Cuban government of two unarmed US-registered civilian aircraft in international airspace north of Cuba. Proclamation 7757 extended the national emergency and expanded its scope to deny monetary and material support to the Cuban government.³²
- On 24 February 2014, the Federal Register published the President's Notice of 20 February 2014 – Continuation of the National Emergency with Respect to Libya. The notice recognizes that the US is in process of winding down sanctions in response to developments in Libya, including the fall of Qadhafi and his government and the establishment of a democratically elected government. The US is working closely with the new Libyan government and with the international community to effectively and appropriately ease restrictions on sanctioned entities, including by taking action

³¹ *Id.*

³² Baker and McKenzie, International Trade Compliance, *President extends National Emergency with respect to Cuba and regulation of vessel movements and anchorage* (March 2014).

consistent with the UN Security Council's decision to lift sanctions against the Central Bank of Libya and two other entities on 16 December 2011. However, the notice states that the situation in Libya continues to pose an unusual and extraordinary threat to the national security and foreign policy of the US and there is a need to protect against this threat and the diversion of assets or other abuse by certain members of Qadhafi's family and other former regime officials. Accordingly, the President has decided in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1662(d)), to continue for an additional year the national emergency declared on 25 February 2011, and the measures adopted on that date to deal with that emergency.³³

- On 14 February 2014, the President signed a document to continue the national emergency with respect to the situation in or in relation to Cote d'Ivoire. On 7 February 2006, by Executive Order 133396, the President declared a national emergency, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701-1706), to deal with the unusual and extraordinary threat to the national security and foreign policy of the US constituted by the situation in or in relation to Cote d'Ivoire and ordered related measures blocking the property of certain persons contributing to the conflict in Cote d'Ivoire. The situation in or in relation to Cote d'Ivoire, which has been addressed by the UNSC in Resolution in the massacre of large numbers of civilians, widespread human rights abuses, significant political violence and unrest, and fatal attacks against international peacekeeping forces. Since the inauguration of President Alassane Ouattara in May 2011, the Government of Cote d'Ivoire has made progress in advancing democratic freedoms and economic development. While the Government of Cote d'Ivoire and its people continue to make progress towards peace and prosperity, the situation in or in relation to Cote d'Ivoire continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. The national emergency was declared to be continues for 1 year starting from 7 February 2014.³⁴
- On 24 February 2014, the Treasury Department published in the Federal Register, in accordance with section 999(a)(3) of the Internal Revenue Code of 1986, a 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). On the basis of the best information currently available to the Department of Treasury, the following countries require or may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3): Iraq, Kuwait, Lebanon, Libya, Qatar, Saudi Arabia, Syria, United Arab Emirates, and Yemen.³⁵

³³ Baker and Mckenzie, International Trade Compliance, *President extends National Emergency with respect to Libya* (March 2014).

³⁴ Presidential Documents, *Continuation of the National Emergency with Respect to the Situation in or in Relation to Cote d'Ivoire*, <http://www.gpo.gov/fdsys/pkg/FR-2014-02-06/pdf/2014-02683.pdf> (last visited on 20 May 2014).

³⁵ Baker and Mckenzie, International Trade Compliance, *Treasury lists countries cooperating with an international boycott* (March 2014).

V.C. TECHNICAL BARRIERS TO TRADE

Kindly refer to Annexure A.

V.D. ANTI-DUMPING ACTIONS

Kindly refer to Annexure B.

V.E. SANITARY AND PHYTOSANITARY MEASURES

Kindly refer to Annexure C.

V.F. COMPETITION LAW AND POLICY

V.F.1. Second US-China Intergovernmental Meeting On Anti-Trust Laws

Officials from the Federal Trade Commission and the Department of Justice's Antitrust Division held high-level meetings with officials from China's three antitrust agencies – Ministry of Commerce (MOFCOM), National Development and Reform Commission (NDRC) and State Administration for Industry and Commerce (SAIC).³⁶

The meetings took place in Beijing, China, on January 9, and allowed the five principals to exchange information and views on antitrust developments and priorities. These were the second joint, high-level meetings of the agencies since the FTC and Justice Department signed The antitrust MOU with Chinese antitrust agencies on July 27, 2011³⁷. The MOU is designed to promote communication and cooperation among the agencies. The MOU provides for periodic high-level consultations among all five agencies.

V.F.2. US and Canada Issue “Best Practices” Guidelines For Mergers

On 25 March, 2014, the Federal Trade Commission, the Department of Justice, and the Competition Bureau Canada today issued a set of “best practices” to make more transparent how they coordinate merger reviews that affect the United States and Canada. The countries have a long record of successful cooperation between the two jurisdictions, and noted that cross-border coordination and cooperation in merger matters have steadily increased over the last decades.³⁸

The best practices set forth how effective day-to-day cooperation works between the two U.S. agencies and the Competition Bureau. The best practices also seek to promote cooperation and coordination between the U.S. and Canadian agencies in order to enhance the likelihood of consistent outcomes when the same merger is reviewed in both countries. The best practices, which do not modify existing law, build upon the framework of the 1995 antitrust cooperation

³⁶ FTC Press Release, <http://www.ftc.gov/news-events/press-releases/2014/01/ftc-justice-department-officials-meet-officials-chinese-antitrust>

³⁷ *Id.*

³⁸ FTC Press Review, <http://www.ftc.gov/news-events/press-releases/2014/01/ftc-justice-department-officials-meet-officials-chinese-antitrust>

agreement between the United States and Canada and the experience gained under that framework.

V.F.3. US, Canada and Mexico Trilateral Meeting For Enforcement of Anti-Trust Laws

During the quarter, on 14 February, 2014, the heads of the antitrust agencies of the United States, Canada and Mexico met in Washington, D.C., to discuss their mutual efforts to ensure continued effective antitrust enforcement cooperation in our increasingly interconnected markets.³⁹

The discussions covered a wide range of topics, including recent enforcement developments, cooperation and mutual support, and priority setting and efficiency in resource constrained environments.

The meetings build on the foundations laid by the 1995 antitrust cooperation agreement between the United States and Canada, the 1999 agreement between the United States and Mexico, and the 2001 agreement between Canada and Mexico. The three nations also are parties to the North American Free Trade Agreement, which includes a competition chapter that provides for cooperation among them in antitrust investigations.⁴⁰

V.G. TAXATION

V.G.1. US Signs Intergovernmental Agreements To Eradicate Offshore Tax Evasion

On 5 February, 2014, the US Department of the Treasury announced that the United States signed intergovernmental agreements (IGAs) with Canada and Hungary to implement the Foreign Account Tax Compliance Act (FATCA). Agreements were also signed with Italy and Mauritius, the latter of which also signed a new tax information exchange agreement.⁴¹

FATCA requires U.S. financial institutions to withhold a portion of certain payments made to foreign financial institutions (FFIs) that do not agree to identify and report information on U.S. account holders. Governments have two options for complying with FATCA: they can either permit their FFIs to enter into agreements with the IRS or they can themselves enter into one of two alternative Model IGAs with the United States.

Under a Model 1 agreement, FFIs report the relevant information to their respective governments, which then relay that information to the IRS. By contrast, a Model 2 agreement contemplates that FFIs will provide relevant information to the IRS themselves, with government-to-government cooperation serving to facilitate reporting when necessary to overcome specific legal impediments. Canada, Hungary, Italy, and Mauritius – signed reciprocal Model 1 agreements.

³⁹ FTC Press Release, <http://www.ftc.gov/news-events/press-releases/2014/02/us-canada-mexico-antitrust-officials-participate-trilateral>

⁴⁰ *Id.*

⁴¹ U.S. Department of Treasury Press Release, <http://www.treasury.gov/press-center/press-releases/Pages/jl2285.aspx>.

V.G.2. US Treasury Amends FACTA

On 20 February, 2014, the U.S. Department of the Treasury and Internal Revenue Service released the last substantial package of regulations necessary to implement the Foreign Account Tax Compliance Act.⁴²

Congress enacted FATCA in 2010 with bipartisan support to target these illicit activities, and the provision has since become the global standard for promoting tax transparency. The proposed temporary regulations make additions and clarifications to previously issued FATCA regulations and provide guidance to coordinate FATCA rules with pre-existing due diligence, reporting, and withholding requirements under other provisions of the Internal Revenue Code (Code).

The United States has signed agreements with 22 countries, and many more have either reached agreements in substance that are awaiting signature, or are well along in the process. Although FATCA was added to the Code in 2010, financial institutions and other withholding agents have long been required under other sections of the Code to perform due diligence, report and, in certain cases, withhold with respect to certain payments.

VI. TRADE POLICY BY SECTORS

VI.A. AGRICULTURE

Net farm income is forecast to be \$95.8 billion in 2014, a decline by 26.6 % from 2013's forecast of \$130.5 billion. The 2014 forecast would be the lowest since 2010, but would remain \$8 billion above the previous 10-year average. Lower crop cash receipts, and, to a lesser degree, a change in the value of crop inventories and reduced government farm payments, drive the expected drop in net farm income. Net cash income is forecast at \$101.9 billion, down almost 22 % from the 2013 forecast. Net cash income is projected to decline less than net farm income primarily because it reflects the sale of more than \$6 billion in carryover stocks from 2013.⁴³

Crop receipts are expected to decrease more than 12 % in 2014, led by a projected \$11-billion decline in corn receipts and a \$6-billion decline in soybean receipts. Livestock receipts are forecast to increase in 2014 largely due to higher milk prices. The elimination of direct payments under the Agricultural Act of 2014 and uncertainty regarding enrollment and payments during 2014 result in a projected 45-% decline in government payments. On the other hand, total production expenses are forecast to decline \$3.9 billion in 2014, which would be only the second time expenses declined in the last 10 years.

⁴² U.S. Department of Treasury Press Release, <http://www.treasury.gov/press-center/press-releases/Pages/jl2296.aspx>.

⁴³ United States Department of Agriculture, Farm Sector Income and Finances 2014, available at: <http://www.ers.usda.gov/topics/farm-economy/farm-sector-income-finances/2014-farm-sector-income-forecast.aspx#.U4mGR3KSwcA>.

The rate of growth in farm assets, debt and equity is forecast to slow in 2014 compared to recent years. The slowdown in growth is a result of expected lower net income, higher borrowing costs, and moderation in the growth of farmland values. As a result, the value of farm assets is expected to rise 2.4 % in 2014, while farm sector debt is expected to increase 2.3 %. This represents a noticeable reduction in the average annual growth in each of these measures compared with the last 10 years. Nonetheless, the historically low levels of debt relative to assets and equity reaffirm the sector's strong financial position.⁴⁴

VI.A.1. Farm sector forecast in 2014

Net farm income is forecast to be \$95.8 billion in 2014, down 26.6 % from 2013's forecast of \$130.5 billion. The 2014 forecast would be the lowest since 2010, but would remain \$8 billion above the previous 10-year average. After adjusting for inflation, 2013's net farm income is expected to be the highest since 1973. In comparison, the 2014 net farm income forecast would be the seventh highest. Net cash income is forecast at \$101.9 billion, down almost 22 % from the 2013 forecast. Net cash income is projected to decline less than net farm income primarily because it reflects the sale of more than \$6 billion in carryover stocks from 2013. Net farm income reflects only the earnings from production that occurred in the current year.⁴⁵

VI.A.2. Highlights in 2014

- The projected \$3.9-billion (1.1 %) decrease in total production expenses in 2014 would be only the second time expenses declined in the last 10 years.
- Livestock receipts are expected to increase 0.7 % in 2014, largely due to a 7-% increase in dairy receipts.
- Crop receipts are expected to decrease more than 12 % in 2014, with an almost \$11-billion decline in corn receipts and a decline in soybean receipts of more than \$6 billion.
- The elimination of direct payments under the Agricultural Act of 2014 and uncertainty regarding enrollment and payments during calendar-year 2014 result in a projected 45-% decline in government payments.
- Farm equity is projected to reach another nominal record, despite the substantial slowdown in asset growth and the expectation of higher debt levels.
- Farm financial risk indicators are expected to continue at historically low levels.

VI.A.3. Decline in crop prices expected in 2014

The value of crop production is expected to decline substantially in 2014, falling back to pre-2011 levels. Commensurate with this drop is an expected decline in both crop cash receipts and the value of crop inventory adjustment. Declines in cash receipts are expected across almost all major crop categories: food grain, feed, oil, fruits/tree nuts, and vegetables/melons. In particular

⁴⁴ *Id.*

⁴⁵ *Id.*

large anticipated declines in the 2014 price of corn are impacting farm operator decisions regarding a number of their major crops. Cash receipts for livestock and products are forecast to increase slightly, reflecting higher milk prices. In addition, the value of farm animal inventories is expected to increase.⁴⁶

Large U.S. corn production increases are expected as U.S. farm operations continue bouncing back from the 2012 drought. Both sales receipts and value of inventory change for corn in 2014 are expected to decline significantly, reflecting a large forecast decline in the average price of corn for grain. The world corn market has become much more competitive. Use of corn for ethanol is expected to rise. Hay receipts are expected to increase reflecting increased production, but a decline in the annual price of hay is expected to result in a small decline in hay's overall value of production in 2014.⁴⁷

U.S. wheat's annual price is expected to decline significantly in 2014, reflecting a large world crop and significant declines in competing feed grain (particularly corn) prices, reducing domestic demand for feed wheat. Wheat receipts and value of production are expected to decline significantly in calendar-year 2014. Rice receipts and value of production are expected to increase, reflecting a predicted increase in price.⁴⁸

Soybean receipts and value of production are expected to decline significantly, reflecting a large expected decline (19.3 %) in the annual price. The soybean-to-corn calendar-year price ratio is predicted to rise from 2.4 in 2013 to 2.7 in 2014. The 2014 calendar-year price of soybean meal is expected to decline about 15 %. Peanut receipts are expected to continue their decline from the 2012 record crop amid falling peanut prices and quantities sold.⁴⁹

U.S. cotton farmers face a world market dominated by large stocks as world production has exceeded use for the last several years. Production of relatively cheap polyester, a cotton substitute, has helped depress cotton prices. Marketing decisions by China regarding its large stocks add to the price risk faced by U.S. cotton producers, who are expected to significantly increase production in 2014, increasing receipts and inventories for both cotton seed and lint, despite anticipated price declines in both.⁵⁰

Cash receipts for vegetables and melons are expected to decline in 2014. The return to trend after a banner 2013 mostly reflects a decline in the vegetable annual price index from its 2013 spike. Declines are also expected in receipts for dry beans and potatoes, both of which are predicted to experience falls in their annual price and quantities sold. Cash receipts from the sale of fruits and nuts are expected to decline in 2014, reflecting a forecast double-digit decline in the all fruit price index. Declines in quantities sold are expected for grapefruit, lemons, and oranges.⁵¹

VI.A.4. Dairy Receipts expected to increase in 2014

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

Increased dairy receipts are expected to more than offset forecast declines in hog and egg receipts in 2014. Predicted milk receipts benefit from increased dairy cattle numbers, milk per cow, and price. Production of pork is expected to increase slightly, reflecting producers' farrowing intentions in the first half of 2014 and higher expected slaughter rates. The predicted lower hog receipts reflect a lower expected hog annual price. Porcine Epidemic Diarrhea (PED) remains a significant source of production uncertainty. While more eggs are expected to be sold in 2014, reflecting higher production and lower poultry feed costs, ERS anticipates eggs will be sold at a lower price than in 2013.⁵²

Receipts for cattle and receipts for calves are expected to remain stable in 2014 as price gains offset a decline in beef and veal production. For broilers, higher stock levels at the beginning of 2014 and higher production is expected during the year. Combined with the impact of higher beef prices on demand for broiler products, these factors indicate a lower predicted annual broiler price. Higher turkey receipts reflect higher anticipated price and production. Expectations of increased turkey production reflect lower expected feed costs. However, lower cost broiler products and their ability to substitute for turkey products will affect export markets for both. Beef and veal export quantities are expected to decline in 2014. Export quantities of pork, broilers, and turkeys are each expected to increase.⁵³

VII. WTO DISPUTE SETTLEMENT UPDATE

VII.A. WTO ISSUES PANEL REPORT ON US MEASURES ON CHINESE PRODUCTS

On 27 March 2014, the WTO issued the panel report in the case "United States – Countervailing and Anti-Dumping Measures on Certain Products from China" (WT/DS449/R).⁵⁴

VII.A.1. Summary of key findings

This dispute concerns two different US measures:

- (1) Section 1 of US Public Law (PL) 112-99 entitled "An act to apply the countervailing duty provisions of the US Tariff Act of 1930 to nonmarket economy countries, and for other purposes", which was enacted on 13 March 2012;
- (2) United States' alleged failure to investigate whether so-called "double remedies" arose from 25 parallel countervailing duty (CVD) and anti-dumping proceedings, initiated over the period 2006-2012, involving imports from China as a nonmarket economy country under US law.

In respect of Section 1, China raised claims under Articles X:1, X:2, and X:3(b) of the GATT 1994. The Panel disagreed with China that Section 1 was made effective in 2006 and

⁵² *Id.*

⁵³ *Id.*

⁵⁴ WTO Dispute Settlement Update, available at: http://www.wto.org/english/news_e/archive_e/dis_arc_e.htm

determined that it was made effective in 2012. The Panel thus concluded that Section 1 was published promptly after it had been made effective because it was made effective and published on the same date. Accordingly, the United States did not act inconsistently with Article X:1 of the GATT 1994.⁵⁵

As regards Article X:2, the majority of the Panel determined that although Section 1 is a measure of general application that has been “enforced” prior to its official publication, Section 1 falls outside the scope of Article X:2 because it neither effects an “advance” in a rate of duty or other charge on imports under an established or uniform practice, nor imposes a “new” or “more burdensome” requirement or restriction on imports. According to the Panel majority, the United States did not therefore act inconsistently with Article X:2 of the GATT 1994.⁵⁶

One panelist disagreed in part, finding that Section 1 does effect an advance in a rate of duty or other charge on imports under an established and uniform practice, and imposes a new or more burdensome requirement or restriction on imports, and that therefore, Section 1 falls within the scope of Article X:2. The dissenting panelist thus concluded that the United States had acted inconsistently with Article X:2 of the GATT 1994.⁵⁷

Finally, the Panel ruled that Article X:3(b) does not prohibit legislation similar in nature to PL 112-99. In other words, the requirement in Article X:3 that tribunals “shall be independent of the agencies entrusted with administrative enforcement and their decisions shall be implemented by, and shall govern the practice of, such agencies unless an appeal is lodged” does not prohibit legislation superseding decisions of domestic courts or tribunals that are pending when the legislation comes into force. In the Panel’s view, the United States did not therefore act inconsistently with Article X:3(b) of the GATT 1994.

As regards China’s claims relating to “double remedies”, the Panel determined that the United States did not investigate whether “double remedies” arose in the proceedings at issue, and that it was therefore acting inconsistently with Articles 19.3, 10 and 32.1 of the SCM Agreement.⁵⁸

VII.A.2. US files dispute against India over measures relating to solar cells and solar modules

In a communication received on 11 February 2014, the United States notified the WTO Secretariat of a request for consultations with India concerning certain measures relating to domestic content requirements for solar cells and solar modules. The measures correspond to Phase II of the Jawaharlal Nehru National Solar Mission programme.⁵⁹

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ WTO Dispute Settlement Update, available at: http://www.wto.org/english/news_e/archive_e/dis_arc_e.htm

India adopted this programme to promote development of solar power generation facilities. According to the United States, India requires solar power developers to purchase and use solar cells and solar modules of domestic origin.⁶⁰

The United States adds that solar power developers receive certain benefits and advantages, such as long term tariffs for electricity, contingent on their purchase and use of solar cells and solar modules of domestic origin.⁶¹

The claim states that India provides less favourable treatment to imported solar cells and solar modules than that accorded to like products originated in India and they are trade-related investment measures inconsistent with India's obligations under the GATT.⁶²

ANNEXURE A

ANTI-DUMPING

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

NUMBER	PRODUCT	ACTION
A-570-967 C-570-968	Aluminium extrusions from China	Final results of changed circumstances reviews; partial revocation of AD and CVD orders
A-428-820	Certain small diameter carbon and alloy seamless standard, line, and pressure pipe From Germany	Rescission of ADD administrative review; 2012-2013
A-570-928	Uncovered innerspring units from China	Rescission of ADD administrative review; 2012-2013
A-557-815	Welded stainless pressure pipe from Malaysia	Preliminary determination of sales at LTFV, affirmative preliminary determination of critical circumstances, in part, and postponement of final determination
A-549-830	Welded stainless pressure pipe from Thailand	Preliminary determination of sales at LTFV and postponement of final determination
A-552-816	Welded stainless pressure pipe from Vietnam	Preliminary determination of sales at LTFV and postponement of final determination
A-583-837	Polyethylene terephthalate film from Taiwan	Partial rescission of ADD administrative review; 2012-2013
A-570-905	Certain polyester staple fibre from China	Partial rescission of ADD administrative review; 2012-2013
A-552-802	Certain frozen warm water shrimp from Vietnam	Initiation and preliminary results of changed

		circumstances review
A-351-841	Polyethylene terephthalate film, sheet, and strip from Brazil	Final results of ADD administrative review; 2011-2012
A-405-803	Purified carboxymethylcellulose from Finland	Final results of ADD administrative review; 2011-2012
A-570-909	Certain steel nails from China	Continuation of ADD order
A-570-918	Steel wire garment hangers from China	Final results of expedited sunset review of the ADD order
A-570-912	Certain new pneumatic off-the-road tires from China	Final results of the expedited sunset review of the ADD order
A-570-008	Calcium hypochlorite from China	Initiation of ADD investigation
C-570-009	Calcium hypochlorite from China	Initiation of CVD investigation
C-570-968	Aluminium extrusions from China	Notice of partial rescission of CVD administrative review
A-570-941	Certain kitchen appliance shelving and racks from China	Final results and partial rescission of ADD administrative review; 2011-2012
C-570-913	Certain new pneumatic off-the-road tires from China	Rescission of CVD administrative review; 2012
A-570-886	Polyethylene retail carrier bags from China	Rescission of ADD administrative review; 2012-2013
C-570-999	1,1,1,2- Tetrafluoroethane from	Notice of postponement of preliminary determination in

	China	the CVD investigation
A-570-928	Uncovered innerspring units from China	Affirmative final determination of circumvention of the ADD order
A-533-843	Certain lined paper products from India	Initiation of changed circumstances review
A-570-891	Hand trucks and certain parts thereof from China	Preliminary results of ADD administrative review; 2011-2012
A-201-836	Light-walled rectangular pipe and tube from Mexico	Rescission of ADD administrative review; 2012-2013
A-549-822	Certain frozen warm water shrimp from Thai-land	Amended final results of ADD administrative review
A-570-601	Tapered roller bearings and parts thereof, finished and unfinished, from China	Final results of the 2011-2012 ADD administrative review and new shipper reviews
C-570-971	Multilayered wood flooring from China	Preliminary results of CVD administrative review; 2011
C-533-858 C-489-817	Certain oil country tubular goods from India and Turkey	Preliminary determination of critical circumstances in the CVD investigations
A-570-010 A-583-853	Certain crystalline silicon photovoltaic products from China and Taiwan	Initiation of ADD investigations
C-570-011	Certain crystalline silicon photovoltaic products from China	Initiation of CVD investigations
A-583-841	Polyvinyl Alcohol From Taiwan	Notice of court decision not in harmony with final determination of sales at LTFV

		and revocation of ADD order
A-570-898	Chlorinated Isocyanurates from China	Final results of ADD administrative review; 2011-2012
A-570-970	Multilayered wood flooring from China	Initiation of ADD new shipper review
A-201-836	Light-walled rectangular pipe and tube from Mexico	Final results of ADD administrative review; 2011-2012
C-570-911	Circular welded carbon quality steel pipe from China	Rescission of CVD administrative review; 2012
C-533-844	Certain lined paper products from India	Notice of partial rescission of CVD administrative review: 2012
C-580-818	Corrosion-resistant carbon steel flat products from S. Korea	Final results of CVD administrative review; 2011
A-552-801	Certain frozen fish fillets from Vietnam	Partial rescission of ADD administrative review; 2012-2013
C-570-913	Certain new pneumatic off-the-road tires from China	Notice of correction to the rescission of the 2012 CVD administrative review
A-570-919 A-602-806	Electrolytic manganese dioxide from Australia and China	Final results of the expedited first sunset reviews of the ADD orders
C-570-913 A-570-912	Certain new pneumatic off-the-road tires from China	Continuation of AD and CVD orders
A-201-844 A-489-818	Steel concrete reinforcing bar from Mexico and Turkey	Postponement of preliminary determination in the ADD

		investigations
A-570-992 A-560-826	Monosodium glutamate from China and Indonesia:	Postponement of preliminary determinations in the ADD investigations
A-570-922 A-583-842 C-570-923	Raw flexible magnets from China and Taiwan	Continuation of AD and CVD orders
A-533-820 A-560-812 A-570-865 A-583-835 A-549-817 A-823-811 C-533-821 C-560-813 C-549-818	Certain hot-rolled carbon steel flat products from India, Indonesia, China, Tai-wan, Thailand, and Ukraine	Continuation of AD and CVD orders
A-427-818	Low enriched uranium from France	Initiation of changed circumstances review
A-570-967	Aluminium extrusions from China	Correction of the final results of ADD administrative review and rescission, in part, 2010/12
A-588-870	Chlorinated isocyanurates from Japan	Postponement of preliminary determination of ADD investigation
A-428-840	Lightweight thermal paper from Germany	Preliminary results of the first full sunset review of the ADD order

A-428-840	Lightweight thermal paper from Germany	Partial rescission of ADD administrative review; 2012-2013
C-570-942	Certain kitchen appliance shelving and racks from China	Rescission of CVD administrative review; 2012
A-570-912	Certain new pneumatic off-the-road tires from China	Final results of ADD changed circumstances review
A-570-875	Non-malleable cast iron pipe fittings from China	Continuation of ADD order
A-570-925 A-428-841	Sodium nitrite from Germany and China	Continuation of ADD orders
C-533-856	Steel threaded rod from India	Preliminary affirmative determination of critical circumstances for the CVD investigation
A-533-855	Steel threaded rod from India	Preliminary determination of sales at LTFV, affirmative preliminary determination of critical circumstances, in part, and postponement of final determination
A-570-920	Lightweight thermal paper from China	Final results of expedited first sunset review of the ADD order
A-122-853	Citric acid and certain citrate salts from Canada	Preliminary results of ADD administrative review; 2012-2013
A-351-841 A-570-924 A-520-803	Polyethylene terephthalate film, sheet and strip from Brazil, China, and the United Arab Emirates	Final results of the expedited sunset reviews of the ADD orders

A-588-845	Stainless steel sheet and strip in coils from Japan	Final results of ADD changed circumstances review
C-570-991	Chlorinated isocyanurates from China	Preliminary determination and alignment of CVD final determination with final AD determination
C-570-944	Certain oil country tubular goods from China	Partial rescission and preliminary results of CVD administrative review; 2012
A-570-832	Pure magnesium from China	Preliminary results of ADD administrative review; 2012-2013
C-570-921	Lightweight thermal paper from China	Final results of the expedited first sunset review of the CVD order
A-533-857	Certain oil country tubular goods from India	Preliminary determination of sales at LTFV, preliminary affirmative determination of critical circumstances, in part, and postponement of final determination
A-517-804	Certain oil country tubular goods from Saudi Arabia	Preliminary determination of sales at LTFV, and postponement of final determination
A-583-850	Certain oil country tubular goods from Taiwan	Affirmative preliminary determination of sales at LTFV, and postponement of final determination
A-549-832	Certain oil country tubular goods from Thai-land	Preliminary determination of sales at LTFV, and postponement of final determination

A-580-870	Certain oil country tubular goods from S. Korea	Negative preliminary determination of sales at LTFV, negative preliminary determination of critical circumstances and postponement of final determination
A-565-802	Certain oil country tubular goods from Philip-pines	Preliminary affirmative determination of sales at LTFV, negative preliminary determination of critical circumstances, and postponement of final determination
A-489-816	Certain oil country tubular goods from Turkey	Preliminary affirmative determination of sales at LTFV, negative preliminary determination of critical circumstances, and postponement of final determination
A-552-817	Certain oil country tubular goods from Vietnam	Preliminary determination of sales at LTFV, affirmative preliminary determination of critical circumstances, in part, and postponement of final determination
A-823-815	Certain oil country tubular goods from Ukraine	Preliminary determination of sales at LTFV, negative preliminary determination of critical circumstances, and postponement of final determination
A-570-890	Wooden bedroom furniture from China	Preliminary results of ADD administrative review and new shipper reviews; 2012
C-489-819	Steel concrete reinforcing bar from Turkey	Preliminary negative CVD determination, preliminary negative critical circumstances determination, and alignment of final determination with final

		AD determination
A-549-830	Welded stainless pressure pipe from Thailand	Amended preliminary determination of sales at LTFV
A-570-916	Laminated woven sacks from China	Preliminary results of ADD administrative review; 2012-2013
A-570-012	Carbon and certain alloy steel wire rod from China	Initiation of ADD investigation
A-570-994 A-851-803 A-428-842 A-588-871 A-580-871 A-455-804 A-821-821	Grain-oriented electrical steel from China, the Czech Republic, Germany, Japan, S. Korea, Poland, and the Russian Federation	Postponement of preliminary determinations in the ADD investigations
A-570-890	Wooden bedroom furniture from China	Initiation of antidumping duty new shipper review
A-570-985	Xanthan gum from China	Initiation of antidumping duty new shipper review
C-570-013	Carbon and certain alloy steel wire rod from China	Initiation of CVD investigation
A-533-824	Polyethylene terephthalate film, sheet, and strip from India	Final results of ADD administrative review; 2011-2012
A-583-837	Polyethylene terephthalate film, sheet, and strip from Taiwan	Final results of ADD administrative review; 2011-2012

A-475-818	Certain pasta from Italy	Final results of 16th ADD administrative review; 2011-2012
A-552-802	Certain frozen warm water shrimp from Vietnam	Final results of changed circumstances review
C-533-825	Polyethylene terephthalate film, sheet, and strip from India	Final results of CVD administrative review; 2011
A-588-704	Brass sheet and strip from Japan	Rescission of ADD administrative review; 2012-2013
A-570-851	Certain preserved mushrooms from China	Final results of ADD administrative review; 2012-2013
A-533-824 A-583-837	Polyethylene terephthalate film, sheet and strip from India and Taiwan	Final results of the second sunset review of the ADD orders and correction to the preliminary results
C-475-819	Pasta from Italy	Final results of CVD administrative review; 2011
A-570-893	Certain frozen warm water shrimp from China	Notice of court decision not in harmony with the final determination and amended final determination of the ADD investigation
C-570-968	Aluminium extrusions from China	Notice of court decision not in harmony with final affirmative CVD determination and notice of amended final affirmative CVD determination
A-489-805	Certain pasta from Turkey	Notice of initiation of ADD new shipper review

A-580-836	Certain cut-to-length carbon-quality steel plate products from S. Korea	Preliminary results of ADD administrative review; 2012-2013
A-570-848	Freshwater crawfish tail meat from China	Final results of the third expedited sunset review of the ADD order
A-570-928 A-791-821 A-552-803	Uncovered innerspring units from China, South Africa, and Vietnam	Final results of the expedited sunset reviews of the ADD orders
A-570-918	Steel wire garment hangers from China	Continuation of ADD order
C-570-993	Monosodium glutamate from China	Preliminary affirmative CVD determination; and preliminary affirmative determination of critical circumstances
C-560-827	Monosodium glutamate from Indonesia	Preliminary negative CVD determination; and preliminary negative determination of critical circumstances
C-570-011	Certain crystalline silicon photovoltaic products from China	Postponement of preliminary determination in the CVD investigation
C-570-995	Grain-oriented electrical steel from China	Preliminary CVD determination and alignment of final determination with final ADD determination
A-307-824	Ferrosilicon from Venezuela	Preliminary determination of sales at LTFV and postponement of final determination
A-821-820	Ferrosilicon from the Russian	Preliminary determination of

	Federation	sales at not LTFV
A-570-996 A-428-843 A-588-872 A-580-872 A-401-809 A-583-851	Non-oriented electrical steel from China, Germany, Japan, S. Korea, Sweden and Taiwan	Postponement of preliminary determinations of ADD investigations
A-570-873 A-791-815	Ferrovanadium from China and South Africa	Final results of the expedited second sunset reviews of the ADD orders
A-549-831	Steel threaded rod from Thailand	Final determination of sales at LTFV and affirmative final determination of critical circumstances
A-570-806	Silicon metal from China	Rescission of ADD administrative review; 2012-2013
A-570-928	Uncovered innerspring units from China	ADD administrative review; 2012-2013
C-570-942	Certain kitchen appliance shelving and racks from China	Final results of CVD administrative review; 2011
A-583-844	Narrow woven ribbons with woven selvedge from Taiwan	Rescission, in part, of ADD administrative review; 2012-2013
C-570-995	Grain-oriented electrical steel from China	Preliminary CVD determination and alignment of final determination with final ADD determination - correction
A-552-802	Certain frozen warm water	Final results of reconducted administrative review of

	shrimp from Vietnam	Grobest & I-Mei Industrial (Vietnam) Co., Ltd. and intent not to revoke; 2008 - 2009
C-570-936	Circular welded carbon quality steel line pipe from China	Final results of expedited sunset review of the CVD order
A-552-802	Certain frozen warm water shrimp from Vietnam	Notice of reopening of the first five-year "sunset" review of the ADD order
A-549-822	Certain frozen warm water shrimp from Thai-land	Preliminary results of ADD administrative review, partial rescission of review, preliminary determination of no shipments; 2012-2013
A-570-893	Certain frozen warm water shrimp from China	Preliminary results of ADD administrative review; 2012-2013
A-552-802	Certain frozen warm water shrimp from Vietnam	Preliminary results of ADD administrative review; 2012-2013
A-821-820	Ferrosilicon from the Russian Federation	Postponement of final AD determination
A-427-818	Low-enriched uranium from France	Preliminary results of ADD administrative review; 2012-2013
A-570-929	Small diameter graphite electrodes from China	Preliminary results of ADD administrative review and partial re-scission; 2012-2013
A-351-825	Stainless steel bar from Brazil	Preliminary results of ADD administrative review; 2012-2013
A-570-934	1-Hydroxyethylidene-1, 1-	Preliminary results of ADD administrative review; 2012-

	diphosphonic acid from China	2013
C-580-837	Certain cut-to-length carbon-quality steel plate from S. Korea	Preliminary results of CVD administrative review; 2012
A-533-840	Certain frozen warm water shrimp from India	Preliminary results of ADD administrative review; 2012-2013
A-533-810	Stainless steel bar from India	Preliminary results and partial rescission of ADD administrative review; 2012-2013
C-583-852	Non-oriented electrical steel from Taiwan	Preliminary CVD determination and alignment of final determination with final AD determination
C-570-997	Non-oriented electrical steel from China	Preliminary affirmative CVD determination, preliminary affirmative critical circumstances determination, and alignment of final CVD determination with final ADD determination
C-580-873	Non-oriented electrical steel from S. Korea	Preliminary negative CVD determination, preliminary negative critical circumstances determination, and alignment
A-570-886	Polyethylene retail carrier bags from China	Affirmative final determination of circumvention of the ADD order
A-570-916	Laminated woven sacks from China	Continuation of ADD order
A-588-804 A-412-801	Ball bearings and parts thereof from Japan and the United Kingdom:	Final results of sunset reviews and revocation of ADD orders

C-570-917	Laminated woven sacks from China	Continuation of CVD order
A-469-814	Chlorinated isocyanurates from Spain	Preliminary no shipments determination of ADD administrative review; 2012-2013
A-580-816	Corrosion-resistant carbon steel flat products from S. Korea	Final results of ADD administrative review; 2011-2012
A-570-851	Certain preserved mushrooms from China	Initiation of ADD new shipper review; 2013-2014
A-570-847	Persulfates from China	Continuation of ADD order
A-570-910	Circular welded carbon quality steel pipe from China	Rescission of ADD administrative review; 2012-2013

ANNEXURE B
TECHNICAL BARRIERS TO TRADE

NOTIFICATION/ DATE OF NOTIFICATION	PRODUCT	DESCRIPTION	OBJECTIVE
<p>G/TBT/N/USA/876 13 January 2014</p>	<p>Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated. (HS 8415);</p> <p>Environmental protection (ICS 13.020), Ventilators. Fans. Air-conditioners (ICS 23.120), Heat pumps (ICS 27.080).</p>	<p>The U.S. Department of Energy (DOE or the "Department") proposes to adopt into the Code of Federal Regulations the definitions for "through-the-wall central air conditioner" and "through-the-wall central air conditioning heat pump" that were established in section 5 of the American Energy Manufacturing Technical Corrections Act. This notice also proposes to remove the standards for air conditioners that were superseded effective in 2006, and the now defunct references to the "through-the-wall air conditioner and heat pump" product class, including the definition and standards.</p>	<p>Protection of the environment</p>
<p>G/TBT/N/USA/87 13 January 2014</p>	<p>Televisions. Transmission apparatus for radio-telephony, radio-telegraphy, radio-Broadcasting or television, whether or not incorporating reception apparatus or sound recording or reproducing apparatus; television cameras; still image video cameras and other video camera recorders; digital cameras (HS 8525);</p> <p>Environmental</p>	<p>The Commission proposes conforming amendments to the Energy Labeling Rule ("Rule") to require a new Department of Energy (DOE) test procedure for televisions and establish data reporting requirements for those products.</p>	<p>Protection of the environment; Prevention of deceptive practices and consumer protection.</p>

	protection (ICS 13.020), Audio, video and audiovisual engineering (ICS 33.160).		
G/TBT/N/USA/87 13 January 2014	Hazardous materials Protection against dangerous goods (ICS 13.300)	PHMSA is proposing to amend the Hazardous Materials Regulations applicable to the design, construction, certification, recertification and maintenance of cargo tank motor vehicles, cryogenic portable tanks and multi-unit tank car tanks (ton tanks) in response to petitions for rulemaking from the American Society of Mechanical Engineers (ASME), the National Board of Boiler and Pressure Vessel Inspectors (National Board), and the Pressure Vessel Manufacturers Association (PVMA). Specifically, this NPRM proposes to allow the use of the 2013 edition of the ASME's Boiler and Pressure Vessel Code, Section XII (Section XII) for the design, construction, and certification of cargo tank motor vehicles, cryogenic portable tanks and ton tanks. PHMSA also proposes to authorize the use of the 2013 edition of the National Board of Boiler and Pressure Vessel Inspectors' National Board Inspection Code (NBIC), as it applies to the continuing qualification and maintenance of ASME constructed cargo tank motor vehicles, cryogenic portable tanks, and ton tanks constructed to standards in ASME's Section XII, and existing cargo tank motor vehicles and portable tanks constructed to Section VIII, Division 1. If adopted, these	Protection of the environment

		amendments will allow for regulatory flexibility, without compromising safety.	
G/TBT/N/USA/879 15 January 2014	Hearth products. Domestic, commercial and industrial heating appliances (ICS 97.100).	The U.S. Department of Energy (DOE or the "Department") has tentatively determined that hearth products qualify as a covered product under Part A of Title III of the Energy Policy and Conservation Act (EPCA), as amended. More specifically, DOE has tentatively determined that hearth products meet the criteria for covered products because classifying products of such type as covered products is necessary or appropriate to carry out the purposes of EPCA (which is to improve the efficiency of covered consumer products to conserve the energy resources of the Nation), and the average annual U.S. household energy use for hearth products is likely to exceed 100 kilowatt-hours (kWh) per year.	Prevention of deceptive practices and consumer protection; Protection of the environment.
G/TBT/N/USA/880 31 January 2014	Vehicles. Road vehicle systems (ICS 43.040).	In this rulemaking action, NHTSA proposes to amend its procedures for obtaining an exemption from the vehicle theft prevention standard for vehicles equipped with immobilizers. NHTSA proposes to simplify the exemption procedure for immobilizer-equipped vehicles by adding performance criteria for immobilizers. The adoption of the proposed performance criteria for immobilizers would have the effect of bringing the U.S. anti-theft requirements more into line with those of Canada. This harmonization of U.S. and Canadian requirements is being undertaken pursuant to ongoing bilateral regulatory cooperation efforts.	Prevention of deceptive practices and consumer protection

<p>G/TBT/N/USA/81</p> <p>31 January 2014</p>	<p>Tobacco products. Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes (HS 2402); Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes (HS 2402); Tobacco, tobacco products and related equipment (ICS 65.160).</p>	<p>In accordance with the National Environmental Policy Act of 1969 (NEPA) and the Council on Environmental Quality (CEQ) Regulations Implementing NEPA (CEQ Regulations), the Food and Drug Administration (FDA) is proposing to revise its NEPA implementing regulations to provide categorical exclusions for certain actions related to substantial equivalence (SE) reports, SE exemption requests, and tobacco product applications, and the rescission (order withdrawing an order) or suspension of orders regarding the marketing of tobacco products under the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act). FDA is also proposing to amend its NEPA implementing regulations to include tobacco products, where appropriate, in light of its new authority under the Tobacco Control Act.</p>	<p>Protection of the environment</p>
<p>G/TBT/N/USA/82</p> <p>31 January 2014</p>	<p>Child restraint systems. Road vehicle systems (ICS 43.040), Equipment for children (ICS 97.190).</p>	<p>This NPRM proposes to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 213, "Child restraint systems," to adopt side impact performance requirements for all child restraint systems designed to seat children in a weight range that includes weights up to 18 kilograms (kg) (40 pounds (lb)). NHTSA is issuing this NPRM to ensure that child restraints provide a minimum level of protection in side impacts by effectively restraining the child, preventing harmful head contact with an intruding vehicle door or child restraint structure, and by attenuating crash forces to the child's head</p>	<p>Protection of Human health or Safety, Prevention of deceptive practices and consumer protection</p>

		and chest. This NPRM is also issued toward fulfilment of a statutory mandate set forth in the "Moving Ahead for Progress in the 21st Century Act" (6 July 2012), directing the Secretary of Transportation to issue a final rule amending FMVSS No. 213 to improve the protection of children seated in child restraint systems during side impacts.	
<p>G/TBT/N/USA/883</p> <p>10 February 2014</p>	<p>Residential heaters. Air quality (ICS 13.040), Domestic, commercial and industrial heating appliances (ICS 97.100).</p>	<p>The EPA is proposing to amend the Standards of Performance for New Residential Wood Heaters and to add two new subparts: Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces and Standards of Performance for New Residential Masonry Heaters. This proposal is aimed at achieving several objectives for new residential wood heaters and other wood-burning appliances, including applying updated emission limits that reflect the current best systems of emission reduction; eliminating exemptions over a broad suite of residential wood combustion devices; strengthening test methods as appropriate; and streamlining the certification process. This proposal does not include any requirements for heaters solely fired by gas, oil or coal. In addition, it does not include any requirements associated with appliances that are already in use. The EPA continues to encourage state, local, tribal, and consumer efforts to changeout (replace) older heaters with newer, cleaner, more efficient heaters, but that is not part of this federal rulemaking.</p>	<p>Protection of the environment.</p>

		<p>Particulate pollution from wood heaters is a significant national air pollution problem and human health issue. Health benefits associated with these proposed regulations are valued to be much greater than the cost to manufacture cleaner, lower emitting appliances. These proposed regulations would significantly reduce particulate matter (PM) emissions and many other pollutants from these appliances, including carbon monoxide (CO), volatile organic compounds (VOC), and hazardous air pollutants (HAP). Emissions from wood stoves occur near ground level in residential communities across the country, and setting these new requirements for cleaner stoves into the future will result in substantial reductions in exposure and improved public health.</p>	
<p>G/TBT/N/USA/884 14 February 2014</p>	<p>Chemical substances. Environmental protection (ICS 13.020), Products of the chemical industry (ICS 71.100).</p>	<p>EPA is proposing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for three chemical substances which were the subject of premanufacture notices (PMNs). This action would require persons who intend to manufacture (including 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 the environment</p>

<p>G/TBT/N/USA/885 14 February 2014</p>	<p>Infant formula. Quality (ICS 03.120), Processes in the food industry (ICS 67.020).</p>	<p>The Food and Drug Administration (FDA, the Agency, or we) is revising our infant formula regulations to establish requirements for current good manufacturing practices (CGMP), including audits; to establish requirements for quality factors; and to amend FDA's quality control procedures, notification, and record and reporting requirements for infant formula. FDA is taking this action to improve the protection of infants who consume infant formula products.</p>	<p>Protection of Human health or Safety</p>
<p>G/TBT/N/USA/886 18 February 2014</p>	<p>Commercial clothes washers. Household or laundry-type washing machines, including machines which both wash and dry. (HS 8450); Laundry appliances (ICS 97.060).</p>	<p>The U.S. Department of Energy (DOE) proposes to revise its test procedures and certification reporting requirements for commercial clothes washers established under the Energy Policy and Conservation Act. The proposed amendments provide numerical equations for translating modified energy factor and water factor values as measured using DOE's new clothes washer test procedure into their equivalent values as measured using the current test procedure. The proposed amendments also clarify the dates for which the current and new test procedures can be used to determine compliance with existing energy conservation standards and any future revised energy conservation standards for commercial clothes washers.</p>	<p>Protection of the environment</p>
<p>G/TBT/N/USA/887 19 February 2014</p>	<p>Chemical substances. Environmental protection (ICS 13.020), Products of the chemical industry</p>	<p>EPA is promulgating significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for 35 chemical substances which were the subject of premanufacture notices (PMNs). Fourteen of</p>	<p>Protection of the environment</p>

	(ICS 71.100).	these chemical substances are subject to TSCA section 5(e) consent orders issued by EPA. This action requires persons who intend to manufacture (including import) or process any of these 35 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 that activity. The required notification will provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs.	
G/TBT/N/USA/88 24 February 2014	Commercial heating, ventilating, air-conditioning, water heating, and refrigeration equipment: Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated. (HS 8415), Furnace burners for liquid fuel, for pulverized solid fuel or for gas; mechanical stokers, including their mechanical grates, mechanical ash dischargers and similar appliances. (HS 8416), Industrial or laboratory furnaces and ovens, including	The U.S. Department of Energy is proposing to revise and expand its existing regulations governing certifying compliance with the applicable energy conservation standards and the reporting of related ratings for commercial heating, ventilating, air-conditioning, water heating, and refrigeration equipment covered by EPCA.	Protection of the environment

	<p>incinerators, non-electric. (HS 8417), Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air conditioning machines of heading 84.15. (HS 8418), Machinery, plant or laboratory equipment, whether or not electrically heated (excluding furnaces, ovens and other equipment of heading 85.14), for the treatment of materials by a process involving a change of temperature such as heating, cooking, roasting, distilling, rectifying, sterilising, pasteurising, steaming, drying, evaporating, vaporising, condensing or cooling, other than machinery or plant of a kind used for domestic purposes; instantaneous or storage water heaters, non-electric. (HS 8419)</p> <p>Ventilators. Fans. Air-conditioners (ICS 23.120), Burners. Boilers (ICS 27.060), Heat pumps (ICS 27.080), Domestic, commercial and industrial heating appliances (ICS</p>		
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	97.100), Shop fittings (ICS 97.130)		
G/TBT/N/USA/889 24 February 2014	Alternative fuel vehicles. Road vehicles in general (ICS 43.020)	<p>NHTSA is proposing to require badges, labels and owner's manual information for new passenger cars, low speed vehicles (LSVs) and light-duty trucks rated at not more than 8,500 pounds gross vehicle weight in order to increase consumer awareness regarding the use and benefits of alternative fuels. In the Energy Independence and Security Act of 2007 (EISA), Congress directed the Secretary of Transportation to develop and implement varied and wide-ranging consumer information and education initiatives related to fuel economy, greenhouse gas, alternative fuels and thermal management technologies. NHTSA is implementing these new information and education initiatives through several different rulemakings.</p> <p>This proposed rule would implement specific statutory mandates that manufacturers be required to: Identify each vehicle capable of running on an alternative fuel by means of a permanent and prominent display affixed to the exterior of the vehicle; add proposed text describing the capabilities and benefits of using alternative fuels to the owners' manuals provided for alternative fuel vehicles; and identify each vehicle that is capable of running on an alternative fuel by means of a label in the fuel filler compartment.</p>	Prevention of deceptive practices and consumer protection
G/TBT/N/USA/890 27 February 2014	Potatoes. Fruits, Vegetables (ICS 67.080)	This rule exempts red types of potatoes from minimum quality, maturity, pack, marking, and	Prevention of deceptive practices and

		<p>inspection requirements of the Washington potato marketing order for the remainder of the 2013-2014 fiscal period and subsequent fiscal periods. The marketing order regulates the handling of Irish potatoes grown in Washington and is administered locally by the State of Washington Potato Committee (Committee). During the exemption period, reports will be required from handlers of red types of potatoes to obtain information necessary to administer the marketing order. As required under section 8e of the Agricultural Marketing Agreement Act of 1937, this action also exempts imported red- skinned, round type potatoes from minimum grade, size, quality, and maturity requirements. This rule is expected to reduce overall industry expenses and increase net returns to producers and handlers while giving the industry the opportunity to explore alternative marketing strategies.</p>	consumer protection
<p>G/TBT/N/USA/891 5 March 2014</p>	<p>Oranges and grapefruit. Fruits, Vegetables (ICS 67.080).</p>	<p>This rule relaxes the minimum size currently prescribed for oranges under the marketing order for oranges and grapefruit grown in Lower Rio Grande Valley in Texas (order). The order is administered locally by the Texas Valley Citrus Committee (Committee). The corresponding change in the orange import regulation is required under section 8e of the Agricultural Marketing Agreement Act of 1937. This rule relaxes the minimum size requirement for oranges from 2-6/16 inches to 2-3/16 inches in diameter. This rule will</p>	<p>Prevention of deceptive practices and consumer protection</p>

		provide additional oranges to meet market demand, helping to maximize fresh shipments.	
G/TBT/N/USA/892 5 March 2014	Grapefruit and oranges. Fruits, Vegetables (ICS 67.080).	This rule relaxes the minimum size and grade requirements currently prescribed for grapefruit under the marketing order for oranges and grapefruit grown in Lower Rio Grande Valley in Texas (order). The order is administered locally by the Texas Valley Citrus Committee (Committee). This rule relaxes the minimum size requirement for grapefruit from 3 ⁵ / ₁₆ inches to 3 inches in diameter and reduces the minimum grade requirement for small-sized grapefruit. This rule will provide additional grapefruit to meet market demand, helping to maximize fresh shipments.	Prevention of deceptive practices and consumer protection
G/TBT/N/USA/893 10 March 2014	Food products, labelling. Processes in the food industry (ICS 67.020), Food products in general (ICS 67.040)	The Food and Drug Administration (FDA, the Agency, or we) is proposing to amend its labeling regulations for conventional foods and dietary supplements to provide updated nutrition information on the label to assist consumers in maintaining healthy dietary practices. The updated information is consistent with current data on the associations between nutrients and chronic diseases or health-related conditions, reflects current public health conditions in the United States, and corresponds to new information on consumer behavior and consumption patterns. We are proposing to update the list of nutrients that are required or permitted to be declared; provide updated Daily Reference Values and Reference Daily Intake values that are	Protection of Human health or Safety, Prevention of deceptive practices and consumer protection

		based on current dietary recommendations from consensus reports; amend requirements for foods represented or purported to be specifically for children under the age of 4 years and pregnant and lactating women and establish nutrient reference values specifically for these population subgroups; and revise the format and appearance of the Nutrition Facts label.	
G/TBT/N/USA/894 10 March 2014	Food products, labeling, serving sizes. Processes in the food industry (ICS 67.020), Food products in general (ICS 67.040).	The Food and Drug Administration (FDA or we) is proposing to amend the definition of a single-serving container; require dual-column labeling for certain containers; update and modify several reference amounts customarily consumed (RACCs or reference amounts); add several food products and food product categories to the reference amounts customarily consumed per eating occasion for the general food supply; amend the label serving size for breath mints; and make technical amendments to various aspects of the serving size regulations. These actions are being taken, in part, in response to recommendations of the 2003 FDA Obesity Working Group and FDA's recognition that portion sizes have changed since the original serving size regulations were published in 1993. This proposal also discusses six citizen petitions. The intended effect of this rulemaking is to provide consumers with more accurate and up-to-date information on serving sizes.	Protection of Human health or Safety, Prevention of deceptive practices and consumer protection.
G/TBT/N/USA/8	Kiwi fruit. Fruits.	The Department of Agriculture	Prevention of

<p>95 10 March 2014</p>	<p>Vegetables (ICS 67.080).</p>	<p>(USDA) is adopting, as a final rule, without change, an interim rule that relaxed the minimum grade requirement under the marketing order for kiwifruit grown in California (order), and for kiwifruit imported into the United States that are shipped to the fresh market, by increasing the tolerance of kiwifruit which is "badly misshapen" from 7% to 16%. This change is intended to facilitate the packing of fruit to meet the minimum grade requirement of "KAC No. 1," and reduce costs associated with re-sorting and repacking this grade of fruit.</p>	<p>deceptive practices and consumer protection</p>
<p>G/TBT/N/USA/896 10 March 2014</p>	<p>Commercial clothes washers. Household or laundry-type washing machines, including machines which both wash and dry (HS 8450), Environmental protection (ICS 13.020), Laundry appliances (ICS 97.060)</p>	<p>The Energy Policy and Conservation Act of 1975 (EPCA), as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including commercial clothes washers. EPCA also requires the U.S. Department of Energy (DOE) to determine whether amended standards would be technologically feasible and economically justified, and would save a significant amount of energy. In this notice, DOE proposes to amend the energy conservation standards for commercial clothes washers. The notice also announces a public meeting to receive comment on these proposed standards and associated analyses and results.</p>	<p>Protection of the environment</p>
<p>G/TBT/N/USA/897 18 March 2014</p>	<p>Packaged terminal air conditioners (PTACs) and packaged terminal heat pumps (PTHPs);</p>	<p>In this notice of proposed rulemaking (NOPR), the U.S. Department of Energy (DOE) proposes to revise its test procedures established under the Energy Policy and</p>	<p>Protection of the environment</p>

	<p>Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated. (HS 8415), -- Compression type units whose condensers are heat exchangers (HS 841861);</p> <p>Environmental protection (ICS 13.020), Ventilators. Fans. Air-conditioners (ICS 23.120), Heat pumps (ICS 27.080).</p>	<p>Conservation Act (EPCA) for packaged terminal air conditioners (PTACs) and packaged terminal heat pumps (PTHPs). The proposed amendments would specify an optional break- in period, explicitly require that wall sleeves be sealed, allow for the pre-filling of the condensate drain pan, require that ASHRAE Standard 16 be the sole method of test when measuring the cooling capacity for PTACs and PTHPs under ANSI/AHRI Standard 310/380-2004, and require testing with 14-inch deep wall sleeves and the filter option most representative of a typical installation. These updates fulfil DOE's obligation under EPCA to review its test procedures for covered equipment at least once every 7 years and either amend the applicable test procedures or publish a determination in the Federal Register not to amend them. DOE will hold a public meeting to discuss and receive comments on the issues presented in this notice.</p>	
<p>G/TBT/N/USA/898 21 March 2014</p>	<p>Automatic commercial ice makers, Other (HS 841869); Environmental protection (ICS 13.020), Shop fittings (ICS 97.130)</p>	<p>The Energy Policy and Conservation Act of 1975 (EPCA), as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including automatic commercial ice makers (ACIM). EPCA also requires the U.S. Department of Energy (DOE) to determine whether more-stringent, amended standards would be technologically feasible and economically justified, and would save a significant amount of energy. In this notice, DOE proposes amended energy</p>	<p>Protection of the environment</p>

		conservation standards for automatic commercial ice makers. The notice of proposed rulemaking also announces a public meeting to receive comment on these proposed standards and associated analyses and results.	
G/TBT/N/USA/899 24 March 2014	School buses, Buses (ICS 43.080.20)	Amends rules pertaining to school bus minimum standards including general provisions, construction standards, and school buses used to transport pupils with special needs.	Protection of Human health or Safety
	Packaging and labelling. Packaging and distribution of goods in general (ICS 55.020)	The Commission systematically reviews its rules and guides to ensure they continue to achieve their intended purpose without unduly burdening commerce. As part of this systematic review, the Commission requests public comment on the overall costs, benefits, necessity, and regulatory and economic impact of the FTC's Rules, Regulations, Statements of General Policy or Interpretation and Exemptions under the Fair Packaging and Labeling Act ("FPLA" or "Act").	Prevention of deceptive practices and consumer protection

ANNEXURE C
SANITARY AND PHYTOSANITARY MEASURES

NOTIFICATION	PRODUCT	PURPOSE	DESCRIPTION
<p>G/SPS/N/USA/2542</p> <p>13 May 2013</p>	<p>Jackfruit, pineapple, and starfruit</p>	<p>Plant protection</p>	<p>The Animal and Plant Health Inspection Service (APHIS) is proposing to amend the fruits and vegetables regulations to allow the importation of fresh jackfruit, pineapple, and starfruit from Malaysia into the continental United States.</p> <p>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 additional, commodity-specific 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</p>
<p>G/SPS/N/USA/2593</p> <p>30 October 2013</p>	<p>Animal feed and pet food</p>	<p>Food safety, animal health, protect humans from animal/plant pest or disease</p>	<p>The US Food and Drug Administration (FDA) is proposing regulations for domestic and foreign facilities that are required to register under the Federal Food, Drug, and Cosmetic Act (the FD&C Act) to establish requirements for current good manufacturing practice in manufacturing, processing, packing, and holding of animal food.</p> <p>FDA also is proposing regulations to require that certain facilities establish and implement hazard analysis and risk-based preventive controls for food for animals. FDA is taking this action to provide greater assurance that animal food is safe and will not cause illness or injury to animals or humans and is intended to build an animal food safety system for the future that makes modern, science and risk-based preventive controls the norm</p>

			across all sectors of the animal food system.
G/SPS/N/USA/2619 13 January 2014	Multiple products	This regulation extends time-limited tolerances for multiple Pesticides	Food safety
G/SPS/N/USA/2617 13 January 2014	Beef	Animal Protection	The Animal and Plant Health Inspection Service is proposing to amend the regulations governing the importation of certain animals, meat, and other animal products by allowing, under certain conditions, the importation of fresh (chilled or frozen) beef from a region in Brazil (the States of Bahia, Distrito Federal, Espirito Santo, Goias, Mato Grosso, Mato Grossodo Sul, Minas Gerais, Parana, Rio Grande do Sul, Rio de Janeiro, Rondonia, Sao Paulo, Sergipe, and Tocantins). assessment, we have determined that fresh (chilled or frozen) beef can be safely imported from those Brazilian States provided certain conditions are met. This action would provide for the importation of beef from the designated region in Brazil into the United States while continuing to protect the United States against the introduction of foot-and-mouth disease.
G/SPS/N/USA/2616 13 January 2014	Fresh blueberry fruit	Plant protection	The Animal and Plant Health Inspection Service (APHIS) is proposing to amend the regulations concerning the importation of fruits and vegetables to allow the importation of fresh blueberry fruit from Morocco into the continental United States. As a condition of entry, the blueberries would have to be produced under a systems approach employing a combination of mitigation measures for two quarantine pests, <i>Ceratitis capitata</i> and <i>Monilinia fructigena</i> , and would have to be inspected prior to exportation from Morocco and found free of these pests. The blueberries would have to be

			imported in commercial consignments only and would have to be treated with one of two approved postharvest treatments to mitigate the risk of <i>C. capitata</i> . The blueberries would also have to be accompanied by a phytosanitary certificate with an additional declaration stating that the conditions for importation have been met. This action would allow the importation of blueberries from Morocco while continuing to protect against the introduction of plant pests into the United States.
G/SPS/N/USA/2615 13 January 2014	Almond, hulls	Food safety	This regulation amends the current tolerance for combined residues of pendimethalin and its metabolite, expressed as pendimethalin equivalents in or on almond, hulls.
G/SPS/N/USA/2614 13 January 2014	Multiple products	Food Safety	This regulation establishes tolerances for residues of indoxacarb in or on multiple commodities and removes previously established commodities.
G/SPS/N/USA/2613 13 January 2014	Multiple products	Food safety	This regulation establishes tolerances in or on multiple commodities and removes several established tolerances.
G/SPS/N/USA/2612 13 January 2014	Apple; Apple, wet pomace	food safety	This regulation establishes tolerances for residues of endosulfan in or on apple and apple, pomace.
G/SPS/N/USA/2611 13 January 2014		Food safety	On 16 January 2013, the Food and Drug Administration (FDA) announced the availability of, and requested comment on, a document entitled "Draft Qualitative Risk Assessment of Risk of Activity/Food Combinations for Activities (Outside the Farm Definition) Conducted in a Facility Co-Located on a Farm" (the draft RA). FDA is now announcing the availability of, and requesting comment on, a document entitled "Appendix 4 to Draft Qualitative Risk Assessment of Risk of Activity/Food Combinations for Activities (Outside the Farm Definition) Conducted in a Facility Co-Located on a Farm" (the draft RA Appendix). The purpose of the draft RA

			<p>Appendix is to provide a science-based risk analysis of those foods whose production would be considered low risk with respect to the risk of intentional adulteration caused by acts of terrorism. The appendix supplements the science-based risk analysis already included in the draft RA, which does not consider the risk of intentional adulteration caused by acts of terrorism. FDA conducted this evaluation to satisfy requirements of the FDA Food Safety Modernization Act (FSMA) to conduct a science-based risk analysis and to consider the results of that analysis in rulemaking that is required by FSMA.</p>
<p>G/SPS/N/USA/2610 13 January 2014</p>	<p>Multiple products - HS Codes: 03, 04, 05, 09, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22; ICS Codes: 65, 67</p>	Food Safety	<p>The Food and Drug Administration is proposing to require domestic and foreign food facilities that are required to register under the Federal Food, Drug, and Cosmetic Act (the FD&C Act) to address hazards that may be intentionally introduced by acts of terrorism. These food facilities would be required to identify and implement focused mitigation strategies to significantly minimize or prevent significant vulnerabilities identified at actionable process steps in a food operation. FDA is proposing these requirements as part of our implementation of the FDA Food Safety Modernization Act (FSMA). Further, as part of the proposal, FDA discusses an approach to addressing economically motivated intentional adulteration. We expect the proposed rule, if finalized as proposed, would help to protect food from intentional adulteration caused by acts of terrorism.</p>
<p>G/SPS/N/USA/2620 16 January 2014</p>	Multiple Products	Food Safety	<p>This regulation establishes tolerances for residues of tolfenpyrad in or on multiple commodities.</p>
<p>G/SPS/N/USA/2621 17 January 2014</p>	Market hogs/Porcine	Food Safety	<p>The Food Safety and Inspection Service (FSIS) is announcing the availability of a compliance guideline for official establishments to control and reduce the spread of Salmonella in hog slaughter facilities. The guidance provides information on best practices that may be</p>

			applied at a hog slaughter facility to prevent, eliminate, or reduce levels of Salmonella on hogs at all stages of slaughter and dressing. This guideline will help hog slaughter establishments better comply with the relevant regulatory requirements.
G/SPS/N/USA/2622 28 January 2014	Animals and animal products	Animal Health	The Animal and Plant Health Inspection Service is advising the public that we have determined that a region of Argentina, consisting of the areas of Patagonia South and Patagonia North B, is free of foot-and-mouth disease. We are making that determination, as well as an evaluation we have prepared in connection with this action, available for review and comment. In addition, we have prepared an evaluation assessing the rinderpest status of South America, which includes Argentina, and have determined, based on our evaluation, that rinderpest is not present in the entirety of Argentina. We are also making that determination, as well as our evaluation, available for review and comment.
G/SPS/N/USA/2624 29 January 2014	Sugar beets and peanuts	Food Safety	This regulation establishes tolerances for residues of acetochlor in or on sugar beets and peanuts.
G/SPS/N/USA/2623 29 January 2014	Fruit, pome, Group 11; Fruit, stone, Group 12	Food Safety	This regulation modifies existing time-limited tolerances for residues of dinotefuran in or on pome fruit and stone fruit.
G/SPS/N/USA/2629 6 February 2014	Fruit, citrus, group 10-10 and citrus, oil	Food Safety	This regulation establishes tolerances for residues of diflubenzuron in or on fruit, citrus, group 10-10 and citrus, oil.
G/SPS/N/USA/2628 6 February 2014	Poultry	Animal Health	The Animal and Plant Health Inspection Service (APHIS) is proposing to amend the National Poultry Improvement Plan (NPIP, the Plan) and its auxiliary provisions by removing the descriptions of specific tests and sanitation procedures from the regulations. Instead, we would require tests to be performed and sanitation to be maintained in a manner approved by the Administrator.

			<p>Approved procedures would be listed in an NPIP Program Standards document, which we would make available on the NPIP Web site. In addition, we are proposing to establish new compartment classifications for defined subpopulations of primary breeding turkeys, primary egg-type chickens, and primary meat-type chickens. We would also provide new or modified sampling and testing procedures for Plan participants and participating flocks. The proposed changes were voted on and approved by the voting delegates at the Plan's 2010 and 2012 National Plan Conferences. These changes would streamline the provisions of the Plan, keep those provisions current with changes in the poultry industry, and provide for the use of new sampling and testing procedures.</p>
<p>G/SPS/N/USA/2627</p> <p>6 February 2014</p>	Bananas	Plant Protection	<p>The Animal and Plant Health Inspection Service (APHIS) is proposing to amend the regulations concerning the importation of fruits and vegetables to allow the importation of fresh bananas from the Philippines into Guam, Hawaii, and the Northern Mariana Islands. As a condition of entry, the bananas would have to be produced in accordance with a systems approach that would include requirements for importation of commercial consignments, monitoring of fruit flies to establish lowprevalence places of production, harvesting only of hard green bananas, and inspection for quarantine pests by the national plant protection organization of the Philippines. The bananas would also have to be accompanied by a phytosanitary certificate with an additional declaration stating that they were grown, packed, inspected, and found to be free of quarantine pests in accordance with the proposed requirements. This action would allow the importation of bananas from the Philippines while continuing to protect against the introduction of plant pests into Guam, Hawaii, and the Northern Mariana Islands.</p>

G/SPS/N/USA/2626 6 February 2014	Kumquats	Plant Protection	The Animal and Plant Health Inspection Service is advising the public that we have determined that it is necessary to immediately add to the Plant Protection and Quarantine Treatment Manual a treatment schedule for methyl bromide fumigation of kumquats to control certain fruit flies.
G/SPS/N/USA/2630 7 February 2014	Multiple products	food safety	This regulation establishes tolerances for residues of cyantraniliprole in or on multiple commodities.
G/SPS/N/USA/2631 10 February 2014	HS Codes: 03, 04, 05, 07, 08, 09, 10, 12, 15, 17, 18, 19, 20, 21, 22. Food for human and animal consumption except meat, poultry, and processed egg products. However, shelf stable foods, live food animals, and raw agricultural commodities transported by farms are exempt from the requirements of this proposed rule.	Food safety	The Food and Drug Administration (FDA) is proposing to establish requirements for shippers, carriers by motor vehicle and rail vehicle, and receivers engaged in the transportation of food, including food for animals, to use sanitary transportation practices to ensure the safety of the food they transport. This action is part of FDA's larger effort to focus on prevention of food safety problems throughout the food chain and is part of FDA's implementation of the Sanitary Food Transportation Act of 2005 and the FDA Food Safety Modernization Act of 2011
G/SPS/N/USA/2633 12 February 2014	Banana	Food Safety	This regulation establishes tolerances for residues of fenpropidin in or on banana.
G/SPS/N/USA/2632 12 February 2014	Multiple products	Food Safety	This regulation establishes tolerances for residues of the insecticide chlorantraniliprole in or on multiple commodities. In addition, this regulation revises existing tolerances in or on papaya, passion fruit, and spice subgroup 19B, and removes several previously

			established tolerances that will be superseded by tolerances established by this action.
G/SPS/N/USA/2636 13 February 2014	Multiple Products	Food Safety	This regulation establishes tolerances for residues of linuron in or on multiple commodities. This regulation additionally removes a tolerance with regional registrations in or on parsley leaves, as it will be superseded by a tolerance without regional registrations.
G/SPS/N/USA/2635 13 February 2014	Strawberry	Food Safety	This regulation establishes tolerances for residues of thiram in or on strawberry.
G/SPS/N/USA/2637 25 February 2014	Sugarcane, cane; Sugarcane, molasses; Fish-freshwater finfish; Fish-shellfish, crustacean.	Food Safety	This regulation establishes tolerances for residues of saflufenacil in or on multiple commodities.
G/TBT/N/USA/890 27 February 2014	Potatoes. Fruits, Vegetables (ICS 67.080)	Food Safety	<p>This rule exempts red types of potatoes from minimum quality, maturity, pack, marking, and inspection requirements of the Washington potato marketing order for the remainder of the 2013-2014 fiscal period and subsequent fiscal periods. The marketing order regulates the handling of Irish potatoes grown in Washington and is administered locally by the State of Washington Potato Committee (Committee). During the exemption period, reports will be required from handlers of red types of potatoes to obtain information necessary to administer the marketing order.</p> <p>As required under section 8e of the Agricultural Marketing Agreement Act of 1937, this action also exempts imported red- skinned, round type potatoes from minimum grade, size, quality, and maturity requirements. This rule is expected to reduce overall industry expenses and increase net returns to producers and handlers while giving the industry the opportunity to explore alternative marketing strategies.</p>

G/TBT/N/USA/892 5 March 2014	Grapefruit and oranges. Fruits, Vegetables (ICS 67.080).	Food Safety	This rule relaxes the minimum size and grade requirements currently prescribed for grapefruit under the marketing order for oranges and grapefruit grown in Lower Rio Grande Valley in Texas (order). The order is administered locally by the Texas Valley Citrus Committee (Committee). This rule relaxes the minimum size requirement for grapefruit from 3\5/16\ inches to 3 inches in diameter and reduces the minimum grade requirement for small-sized grapefruit. This rule will provide additional grapefruit to meet market demand, helping to maximize fresh shipments.
G/SPS/N/USA/2640 10 March 2014	Multiple products	Food Safety	This regulation establishes tolerances for residues of triflumizole in or on multiple commodities
G/SPS/N/USA/2639 10 March 2014	Corn, field, forage; corn, field, grain; corn, field, stover	Food Safety	This regulation establishes tolerances for indirect or inadvertent residues of fluopicolide in or on corn, field, forage; corn, field, grain; corn, field, stover.
G/SPS/N/USA/2641 11 March 2014	Corn, field, stover; corn, pop, stover	Food Safety	This regulation amends the current tolerances for residues of metconazole in or on corn, field, stover and corn, pop, stover.
G/SPS/N/USA/2642 14 March 2014	Multiple Products	Food Safety	This regulation establishes tolerances for residues of fenamidone in or on multiple products. This regulation additionally removes several individual tolerances that are superseded by inclusion in crop subgroup tolerances.
G/SPS/N/USA/2643 24 March 2014	Vegetable, legume, group 6	Food Safety	This regulation establishes tolerances for residues of ipconazole in or on vegetable, legume, group 6.
G/SPS/N/USA/2646 31 March 2014	Potatoes	Food Safety	The Animal and Plant Health Inspection Service is amending the regulations concerning the importation of fruits and vegetables to allow the importation of fresh potatoes (<i>Solanum tuberosum</i> L.) from Mexico into the United States. As a condition of entry, the potatoes must be produced in accordance with a systems approach employing a combination of

		<p>mitigation measures to prevent the introduction and dissemination of plant pests into the United States. The potatoes must be imported in commercial consignments, must be produced by a grower who is registered in a certification program, must be packed in registered packinghouses, must be washed, cleaned, and treated with a sprout inhibitor, and must be inspected after packing for quarantine pests. The potatoes must also be accompanied by a phytosanitary certificate that declares that the conditions for importation have been met. Finally, the national plant protection organization (NPPO) of Mexico must provide a bilateral workplan to the Animal and Plant Health Inspection Service (APHIS) that details the activities that the NPPO of Mexico will carry out to meet these requirements, subject to APHIS' approval. This action allows the importation of potatoes from Mexico while continuing to protect against the introduction of plant pests into the United States.</p>
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