



TRADE POLICY DEVELOPMENTS PAPER NO. 57

TRADE POLICY MONITORING REPORT OF THE UNITED STATES OF AMERICA

[For the Period July-September 2013]

VOLUME X

Authors: James J. Nedumpara, Rishab Raturi & Vandana Gyanchandani

This report has been prepared by the Centre for International Trade and Economic Laws (CITEL), Jindal Global Law School, Sonapat, NCR of Delhi under a consultancy project awarded by the Centre for WTO Studies, Indian Institute of Foreign Trade (IIFT).

TABLE OF CONTENTS

ABBREVIATIONS.....	3
AGENDA FOR NEXT QUARTER.....	4
SUMMARY OF THE REPORT	4
I. ECONOMIC ENVIRONMENT	4
I.1 FISCAL POLICY.....	4
I.2 MONETARY MEASURES.....	7
II. TRADE AND INVESTMENT PROMOTION	8
II.1. TRADE AGREEMENTS.....	8
II.2 ECONOMIC PARTNERSHIP DIALOGUES AND INITIATIVES	9
II.3. TRADE PROMOTION INITIATIVES.....	11
III. WTO UPDATE	11
IV. INTELLECTUAL PROPERTY	12
V. MEASURES AFFECTING IMPORTS AND EXPORTS.....	12
VI. ANTI-DUMPING PRACTICES	13
VII. AGRICULTURE	13
V. ANNEXURES	15
V.1. ANTI-DUMPING AND COUNTERVAILING DUTY UPDATE.....	15
V.2. TBT MEASURES.....	17
V.3. SPS MEASURES	28
V.4 WTO DISPUTE UPDATE.....	35

ABBREVIATIONS

1. BEA: Bureau of Economic Analysis
2. CBP: Customs and Border Protection
3. CNL: Competitive Need Limitation
4. DBIA: Doing Business in Africa
5. DSB: Dispute Settlement Body
6. DOC: Department of Commerce
7. EO: Executive Order
8. FOMC: Federal Open Market Committee
9. GDP: Gross Domestic Product
10. GSP: Generalized System of Preferences
11. HLED: High Level Economic Dialogue
12. HTS: Harmonized Tariff Schedule
13. IMCP: Investing and Manufacturing Communities Partnership
14. MoU: Memorandum of Understanding
15. MUSEIC: Mexico-US Entrepreneurship and Innovation Council
16. NME: Non-Market Economy
17. NV: Normal Value
18. PCE: Personal Consumption Expenditure
19. \$: Dollar
20. TTIP: Transatlantic Trade and Investment Partnership
21. TTP: Trans-Pacific Partnership
22. USTR: United States Trade Representative

SUMMARY OF THE REPORT

The report analyses aspects of the US trade and economy in the third quarter. It begins with a background on the economic events and growth data wherein the GDP growth was noted at 2.8% in the third quarter. Thereafter the financial policy of the US is assessed. Due to a slow moving economy, the Treasury has kept its \$85 billion asset purchase program intact to support the recovery.

Developments on the two critical trade agreements currently undergoing negotiations, namely, the Transatlantic Trade and Investment Partnership (TTIP) as well as the Trans-Pacific Partnership Agreement (TPP) have been noted. Furthermore, the economic partnership conference between Mexico and the US is discussed as well as various measures affecting imports of foreign goods into the US have also been clarified.

Indonesia's retaliation against the US has been noted as the US did not comply with the WTO ruling in the clove cigarettes dispute. Furthermore, the EU shall be providing the US farmers zero duty on its beef export in the EU for an extended period of time. Under the extension, the EU would maintain until 2 August 2015 its duty-free tariff rate quota for high-quality beef, established pursuant to the MoU between the US and the European Commission Regarding the Importation of Beef from Animals not Treated with Certain Growth Promoting Hormones, at the Phase 2 quantity of 45,000 metric tons per year.

The report provides data on AD/CVD in Annex I, TBT Measures in Annex II, SPS Measures in Annex III and the WTO Dispute update in Annex IV.

I. ECONOMIC ENVIRONMENT

I.1 Fiscal Policy

I.1.1. GDP

Real gross domestic product increased at an annual rate of 2.8% in the third quarter of 2013 (i.e. from the second quarter to the third quarter) according to the advance estimate by the *Bureau of Economic Analysis* [The BEA has emphasized that the advance estimate is based on incomplete or subject to revision, source data and the second estimate for the third quarter, based on more complete data, is due to be released on 5 December 2013].

The increase in real GDP during the third quarter is due to positive growth of personal consumption expenditures (PCE), private inventory investment, exports, residential fixed investment, nonresidential fixed investment, and state and local government spending that were partly offset by a negative contribution from federal government spending. Growth of imports was also noted during the third quarter.

The acceleration in real GDP growth primarily reflected a deceleration in imports and accelerations in private inventory investments, state and local government spending that were partly offset by decelerations in exports, nonresidential fixed investment and PCE.

Table I : Quarter-to-Quarter Growth in Real GDP



Source: Bureau of Economic Analysis

I.1.2 Gross Domestic Purchases

The price index for gross domestic purchases, which measures prices paid by US residents, increased 1.8% in the third quarter, compared with an increase of 0.2% in the second quarter. Excluding food and energy prices, the price index for gross domestic purchase increased by 1.5% in the third quarter, compared with an increase of 0.8% in the second quarter.

The price index for gross domestic purchases, which measures prices paid by US residents, increased by 1.8% in the third quarter, compared with an increase of 0.2% in the second quarter. Excluding food and energy prices, the price index for gross domestic purchases increased by 1.5% in the third quarter, compared with an increase of 9.8% in the second quarter.

I.1.3. Real Personal Consumption

Real personal consumption expenditures increased by 1.5% in the third quarter, compared with an increase of 1.8% in the second quarter. Durable goods increased by 7.8%, compared with an increase of 6.2% in the

second quarter. Nondurable goods increased 2.7%, compared with an increase of 1.6% in the second quarter. Services increased 0.1% as compared to 1.2% in the second quarter.

I.1.4. Real Non-residential Fixed Investment

Real nonresidential fixed investment increased by 1.6% in the third quarter, compared with an increase of 4.7% in the second quarter. Nonresidential structures increased by 12.3%, compared with an increase of 17.6% in the second quarter. Equipment decreased by 3.7%, in contrast to an increase of 3.3% in the second quarter. Intellectual property products increased by 2.2%, in contrast to a decrease of 1.5% in the second quarter. Real residential fixed investment increased by 14.6%, compared with an increase of 14.2% in the second quarter.

I.1.5. Real exports of goods and services

Real exports of goods and services increased 4.5% in the third quarter, compared with an increase of an 8% in the second quarter. Real imports of goods and services increased 1.9% as compared to the 6.9% in the second quarter.

I.1.6. Real federal consumption expenditures

Real federal government consumption expenditures and gross investment decreased by 1.7% in the third quarter, compared with a decrease of 1.6% in the second quarter. National defense decreased by 0.7%, compared with a decrease of 0.6% in the second quarter. Nondefense decreased by 3.3%, compared with a decrease of 3.1% in the second quarter. Real state and local government consumption expenditures and gross investment increased by 1.5%, compared with an increase of 0.4% in the second quarter.

I.1.7. Real private inventories

The change in real private inventories added 0.83% in the third quarter after adding 0.41% to the second quarter. Private businesses increased inventories by \$86 billion in the third quarter, following increases of \$56.6 billion in the second quarter and \$42.2 billion in the first quarter.

I.1.8. Real final sales of domestic products

Real final sales of domestic product (GDP less change in private inventories) increased by 2% in the third quarter as compared with an increase of 2.1% in the second quarter.

I.1.9. Real domestic purchases

Real gross domestic purchases (purchases by US residents of goods and services wherever produced) increased by 2.5% in the third quarter, the same increase as in the second quarter.

I.1.10. Current dollar personal income

Current-dollar personal income increased \$132.7 billion (3.8%) in the third quarter, compared with an increase of \$139.1 billion (4.1%) in the second quarter. The deceleration in personal income primarily reflected decelerations in personal dividend income and wages and salaries that were partly offset by an acceleration in government social benefits to persons and an upturn in farm proprietors' income.

I.1.11. Personal current taxes

Personal current taxes decreased by \$5.3 billion in the third quarter, in contrast to an increase of \$35.8 billion in the second quarter.

I.1.11. Disposable personal income

Disposable personal income increased by \$138.1 billion (4.5%) in the third quarter, compared with an increase of \$103.2 billion (3.4%) in the second quarter. Real disposable personal income increased by 2.5%, compared with an increase of 3.5% in the second quarter.

I.1.12. Personal outlays

Personal outlays increased \$109 billion (3.7%) in the third quarter, compared with an increase of \$42.1 billion (1.4%) in the second quarter. Personal saving – disposable personal income less personal outlays—was \$592.2 billion in the third quarter, compared with \$563.2 billion in the second quarter.

I.1.13. Personal saving rate

The personal saving rate (personal saving as a percentage of disposable personal income) was 4.7% in the third quarter, compared with 4.5% in the second quarter.

I.1.14. Current-dollar GDP

Current-dollar GDP (the market value of the nation's output of goods and services) increased by 4.8% or \$196.6 billion, in the third quarter to a level of \$16,857.6 billion. In the second quarter current-dollar GDP increased by 3.1%, or \$125.7 billion.¹

I.2 Monetary Measures

I.2.1. Federal Open Market Committee Minutes

The FOMC review on 17-18 September 2013 reflects that economic activity continued to increase at a moderate rate. Private sector employment rose further in July and August, but the unemployment rate was still elevated. Total consumer price inflation picked up in recent months but continued to be modest, and measures of longer-run inflation expectations remained stable.

Private nonfarm employment continued to expand in July and August, but at a slower pace than in the first half of the year, while total government employment decreased on balance. The unemployment rate declined further to 7.3% in August. The labor force participation rate also decreased, leaving the employment to population ratio essentially unchanged in recent months. Other indicators of labor market activity also were mixed.

Measures of firms' hiring plans increased, initial claims for unemployment insurance declined and the share of workers employed part time for economic reasons decreased to a lesser extent. However, household expectations of the labor market situation deteriorated, rates of job openings and gross private sector hiring were little changed on net and the rate of long duration unemployment rose slightly.

Manufacturing production increased in August after a decline in July, and the rate of manufacturing capacity utilization was unchanged, on balance, over those two months. Automakers' schedules indicated that the pace of motor vehicles assemblies would remain roughly flat in the coming months, but broader indicators of manufacturing production, such as the readings on new orders from the national and regional manufacturing surveys pointed to the moderate increase in factory output in the near term.

Total US inflation as measured by the Personal Consumption Expenditure (PCE) price index through July and by the consumer price index through August, was about 11.2% over the preceding 12-month period for each series. Consumer food prices only edged up in July and August, while energy prices were little changed, on net, over those two months and retail gasoline prices moved down in the first half of September. Core consumer price inflation which excluded food and energy was modest in July and August. Both near term and longer term inflation expectations from the Michigan survey were little changed in August and early September.

Measures of labor compensation indicated that increases in nominal wages were still subdued. Both compensation per hour and unit labor costs in the nonfarm business sector rose modestly over the year ending

¹ US DOC- BEA, 'National Income and Product Accounts: Gross Domestic Product, 3rd quarter 2013 (advance estimate)' <http://www.bea.gov/newsreleases/national/gdp/gdpnewsrelease.htm>

in the second quarter, as there were only slight gains in productivity. In July and August, increases in average hourly earnings for all employees were fairly slow on balance.

Given the slow growth of the economy the FOMC agreed that the Federal Reserve Bank of New York shall conduct a series of fixed rate, overnight reverse repurchase operations involving US Government securities and securities that are direct obligations involving the US Government or fully guaranteed as to principal and interest by any agency of the US, for the purpose of assessing operational readiness. The reverse repurchase operations authorized by this resolution shall be:

- (i) Offered at a fixed rate that may vary from zero to five basis points.
- (ii) Offered at up to a capped allotment per counterparty of \$1 billion per day.
- (iii) For an overnight term, or such longer term as is warranted to accommodate weekend, holiday and similar trading conventions.

The System Open Market Account Manager shall inform the FOMC in advance if the terms of the planned operations. Such operations may be announced when authorized by the Chairman on or after 23 September 2013 and shall be authorized through the FOMC meeting that ends on 29 January 2014.²

I.2.2. Currency

In the third quarter, \$'s nominal trade-weighted exchange value decreased by 3% as measured by the Federal Reserve Board's major currencies index. The dollar depreciated against major currencies on net as the slow economic growth and the continuation of the asset purchase program had an impact on investors' decisions. The dollar depreciated by 3.8% and 0.9% against the Euro and Yen respectively. Although the dollar performance against emerging market and cyclically sensitive currencies varied widely, the US monetary authorities did not intervene during this quarter.³

II. Trade and Investment Promotion

II.1. Trade Agreements

II.1.1 Transatlantic Trade and Investment Partnership [TTIP] Agreement

The Office of the United States Trade Representative (USTR) in collaboration with the EU Commission discussed the potential of the Transatlantic Trade and Investment Partnership Agreement (TTIP) to promote jobs, economic growth and international competitiveness in both economies, including the areas of intellectual property, government procurement and financial services along with other bilateral issues. They discussed the importance of the financial services sector of the transatlantic economy. USTR stated that the Administration supports the inclusion of financial market access issues in TTIP and that financial regulatory cooperation should continue to make progress in existing and appropriate global fora, such as the G-20 and international standard setting bodies, in parallel alongside the TTIP negotiations. USTR further emphasized that nothing should undermine the ability of regulators on both sides to regulate in the public interest.⁴

II.1.2 Trans-Pacific Partnership [TPP]

On 23 July 2013, the US and other TPP countries welcomed Japan as the 12th member of the negotiations, following the successful completion of respective domestic procedures of the US and other existing TPP members. Japan received detailed updates on the status of the negotiations and participated actively in the

² *Minutes of the Federal Open Market Committee*, Board of Governors of the Federal Reserve System (17 September 2013) <http://www.federalreserve.gov/monetarypolicy/fomcminutes20130918.htm>

³ *U.S. Third Quarter Foreign Exchange Operation (Text)*, Bloomberg (15 November 2013)

<http://www.bloomberg.com/news/2013-11-14/u-s-third-quarter-foreign-exchange-operations-text-.html>

⁴ *Readout of Meeting between U.S. Trade Representative Michael Froman and EU Internal Market and Services Commissioner Michael Barnier*, USTR (16 July 2013) <http://www.ustr.gov/about-us/press-office/press-releases/2013/july/readout-amf-barnier>

work of the negotiating groups that were meeting on those dates, expressing its commitment to integrate quickly and smoothly into the process. With Japan's entry, TPP countries now account for nearly 40% of global GDP and about 1/3rd of all world trade.⁵

On 23 August 2013, the Trans Pacific Partnership Ministers met in Brunei and considered to address the outstanding issues as negotiations toward a comprehensive, high-standard regional trade and investment agreement enter the final stage. Noting that the majority of issues are now at an advanced stage, the 12 countries – Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, US and Vietnam- have explored how to develop a multilaterally acceptable package, including possible landing zones on remaining sensitive and challenging issues and sequencing of issues in the final talks.

Particular areas of focus have included matters related to market access for goods, services/investment, financial services and government procurement as well as the texts covering intellectual property, competition and environmental issues. They also discussed the remaining outstanding issues on labor, dispute settlement and other areas. This meeting of TPP Ministers has taken place as the 19th round of TPP negotiations gets underway in order to offer guidance to negotiators and held drive the negotiations to conclusion on the 2013 timeframe instructed by our Leaders.

They discussed how best to achieve an outcome consistent with a common goal of achieving an ambitious and balanced 21st century agreement that will enhance trade and investment among the parties to promote innovation, economic development and support the creation and retention of jobs in our countries.

They agreed to maintain our active engagement in the lead up to the Asia-Pacific Economic Cooperation (APEC) Leaders meeting in Bali, Indonesia on the margins of which TPP Leaders are expected to meet as they have in past years. This meeting will be an important milestone as the 12 countries work intensively to conclude this landmark agreement.⁶

On 21 September 2013, the chief negotiators of the TTIP negotiations which concluded four days of meetings in Washington DC worked on a range of solutions and issues under the trade agreement negotiations. Important TPP chapters include customs, telecommunications, sanitary and phytosanitary issues, technical barriers to trade, cross border services and labor progress toward conclusions was made on many issues and the 12 countries discussed as to resolution of issues. Chief negotiators discussed approaches to resolve the challenges on e-commerce and legal and institutional issues. They met with the negotiating groups covering market access for goods and government procurement which also convened in order to advance ambitious packages on goods including industrial goods, agricultural products, and textiles, as well as government procurement.

The US also met with a number of other countries on the issue of state-owned enterprises. The chief negotiators also discussed plans for the TPP ministers' and leaders' meetings that will take place on the margins of the APEC meetings in Bali, Indonesia, in early October. Bali negotiations will be used to discuss the pathways forward on remaining issues and plans for concluding the negotiation. The Bali forum shall be the place wherein the parties will offer a status report on the negotiations to the US president and other TPP leaders, who have called on negotiators to complete the agreement this year. Various Trans-Pacific Partnership discussions will continue on investment, financial services and environment. Groups on intellectual property and rules of origin will be meeting intersessionally in Mexico and Canada.⁷

II.2 Economic Partnership Dialogues and Initiatives

II.2.1. U.S.-Mexico High Level Economic Dialogue

⁵ *Statement on the 18th Round of Trans-Pacific Partnership Negotiations*, USTR (Sept. 25, 2013) <http://www.ustr.gov/about-us/press-office/press-releases/2013/july/statement-18th-round-tpp>

⁶ *Trans Pacific Partnership*, Baker & McKensie (Sept. 2013) http://www.bakermckenzie.com/files/Uploads/Documents/Global%20Trade%20Commerce/nl_internationaltradecomplianceupdate_sep13.pdf

⁷ *Readout of this week's Trans-Pacific Partnership discussions in Washington, DC*, USTR (Sept. 2013) <http://www.ustr.gov/about-us/press-office/press-releases/2013/September/Readout-Washington-TPP-discussions>

The President of the US and Mexico led the formation of the High Level Economic Dialogue (HLED) in the first quarter to advance strategic economic and commercial priorities in order to promote mutual economic growth, job creation and global competitiveness. It is important to note in the backdrop of the recent meeting of the HLED in the third quarter that both Mexico and the US are long-time strategic allies and critical economic partners. Both the countries share the 2,000 mile border as well as a commercial relationship which generates more than \$500 billion in trade in goods and services. Such a relationship supports millions of jobs in both the economies. The Department of Commerce (DOC) stated that *the global competitiveness of both of our countries requires continued and deepened economic integration, commercial exchange and policy alignment.*

The HLED meets annually at the Cabinet level and brings together leaders from the public and private sectors to build on and promote sustained progress on a range of existing successful bilateral dialogues and working groups. Mexico and the US have developed an initial work plan which lays down potential areas for cooperation under three broad pillars:

1. Promoting Competitiveness and Connectivity
 - a. *Transportation*
 - b. *Telecommunications*
2. Fostering Economic Growth, Productivity, Entrepreneurship and Innovation
 - a. *Joint investment promotion*
 - b. *Economic development on the border and a Comprehensive Economic Development Strategy*
 - c. *Making effective use of the North American Development Bank (NADB)*
 - d. *Partnership on advanced manufacturing*
 - e. *Entrepreneurship*
 - f. *Workforce Development*
3. Partnering for Regional and Global Leadership
 - a. *Partnering to promote development in Central America*
 - b. *Regional trade priorities*
 - c. *Transparency and anti-corruption*

Both the countries affirmed to continue working towards *Mexico-US Entrepreneurship and Innovation Council (MUSEIC)* and expand entrepreneurship delegation exchanges as well as collaborate on organizing an information and communications technology road show. They also decided to cooperate to oversee regulatory workshop series and broadband innovation information exchanges; announce negotiations to modernize and expand bilateral air transport relationships and develop an agenda of ongoing cooperation on intelligent transportation and freight systems. Both countries also realized the need to make efficient use of the North American Development Bank by supporting new and ongoing cross-border initiatives and directing its Board to begin an assessment of the Bank's long-term capital need. They also wanted to explore means to effectively leverage private sector capital to support border infrastructure; and pursue joint investment initiatives.

Both the countries recognize that broad public engagement is essential to deepen our economic relationship. The HLED stated that it *will continually engage and solicit input from the private sector, including small business, civil society, and the Mexican-American diaspora community and labor organizations on an on-going basis as we develop cooperation efforts under the HLED pillars.*⁸

II.2.2. Doing Business in Africa (DBIA) Campaign

The President of the US stated that Africa is the next major economic success story as he issued the *US Strategy Toward Sub-Saharan Africa* in the second quarter, thereby committing the US to increase efforts in order to spur economic growth, trade and investment in the region. The DBIA campaign was launched in November 2012 in Johannesburg, South Africa, to help US businesses take advantage of many export and investment opportunities in sub-Saharan Africa.

Sub-saharan Africa is one of the fastest growing regions and ranks seven out of the ten fastest growing markets in the world. The International Monetary Fund (IMF) estimates that the economic growth in sub-

⁸ *Fact Sheet: U.S.-Mexico High Level Economic Dialogue*, DOC, Sept. 20, 2013, <http://www.commerce.gov/node/15983>

Saharan Africa will be 5.6% in 2013 and 6.1% in 2014. US trade to and from Africa has tripled over the past decade and the US exported \$22.6 billion in goods and services to the region last year.

DBIA is an unprecedented, whole-of-government approach to increase the US trade promotion in the region as well as to address market barriers and expand availability of trade financing. This campaign is spearheaded by the DOC and entails broad collaboration across government with the US Department of State, Export-Import (Ex-Im) Bank, the US Trade and Development Agency with the US Department of State, Export-Import (Ex-Im) Bank, the US Trade and Development Agency (USTDA), the Overseas Private Investment Corporation (OPIC) as well as other interagency parties.⁹

There are three core components to this effort:

- a. *Educating US businesses about the opportunities;*
- b. *Making it easier for the US companies to use US Government resources in order to gain a foothold in the African market;*
- c. *Shifting the perception of doing business in Africa to motivate an enduring US economic presence on the continent.*

The main objectives in brief of DBIA are as follows:

- a. *Trade Promotion;*
- b. *Financing trade;*
- c. *Export-Import Bank;*
- d. *US Trade and Development Agency (USTDA);*
- e. *Small Business Association (SBA);*
- f. *Overseas Private Investment Corporation;*
- g. *Communication;*
- h. *Making Connections;*
- i. *The Bigger Picture (National Export Initiative).*

II.3. Trade Promotion Initiatives

II.3.1. \$7 million in grants and investments to promote American manufacturing

The Investing and Manufacturing Communities Partnership (IMCP) is a program that challenges communities around the US to coordinate their resources for strategies on economic development. Such planning grants and investments provide an opportunity for communities to design plans that help revitalize the American manufacturing, attract investment and strengthen US' economy.

On 25 September 2013, the winners for the first round of IMCP funding were declared. Such investments shall build strengths in specific industries through:

- a. *Workforce training*
- b. *Specialized research*
- c. *Strengthen supply chains*
- d. *Improved transportation and energy infrastructure*
- e. *Export promotion*
- f. *Better access to capital*

The first phase of IMCP provides 44 planning grants and investments totaling \$7 million to various organizations [private/public].¹⁰

II.3.2. DOC invests \$21 million to support economic and job growth in 11 States

⁹ *Fact Sheet: Doing Business in Africa (DBIA) Campaign*, DOC, July 8, 2013, <http://www.commerce.gov/news/fact-sheets/2013/07/08/fact-sheet-doing-business-africa-dbia-campaign>

¹⁰ *Obama Administration Officials Announce \$7m In Grants and Investments to Revitalize American Manufacturing*, Sept. 25, 2013, <http://www.commerce.gov/news/press-releases/2013/09/25/obama-administration-officials-announce-7m-grants-and-investments-rev>

DOC promulgated that the Department's Economic Development Administration (EDA) gave \$21.1 million in grants to support economic development projects in *Alabama, California, Florida, Louisiana, Missouri, New York, Oklahoma, Pennsylvania, South Carolina, Texas and Utah*. Such projects are expected to create more than 2,500 jobs and attract \$505 million in private investment. The \$21.1 million in EDA investments announced includes 16 projects.¹¹

III. WTO Update

III.1. *Suspension of concessions by Indonesia in retaliation to US' noncompliance*

On 13 August 2013, the WTO circulated a document from the Government of Indonesia to the Chairperson of the Dispute Settlement Body (DSB) requesting DSB authorization to suspend the application to the US of tariff concessions and related obligations because the US failed to bring its ban on flavoured cigarettes obligations into compliance, by 24 July 2013, with the TBT Agreement or to otherwise comply with the recommendations and rulings of the DSB in *US- Measures Affecting the Production and Sale of Clove Cigarettes (DS406)*. The suspension of concessions and other obligations requested by Indonesia would consist of one or more of the following:

1. Suspension of tariff concessions and other obligations under the General Agreement on Tariffs and Trade 1994 on a list of US products to be established in due course.
2. Suspension of concessions and other obligations under the TBT Agreement; and
3. Suspension of concessions and other obligations under the Agreement on Import Licensing.

IV. Intellectual Property

IV.1. *No prohibition on the imports of Apple production*

On 3 August 2013, USTR informed through a letter to the Department of Commerce that the USTR on the policy grounds by the delegated authority of the President has disapproved to exclude certain Apple products from importation into the US. As it was determined by the International Trade Commission (ITC) that Apple Inc. had violated Section 337 of the Tariff Act of 1930 as amended by importing smartphones and tablets that infringe a US Patent owned by Samsung Electronics Co. and Samsung Telecommunications America, Inc. (Samsung). Following the determination a cease and desist order was issued as to the imports of such products within the US. Section 337 requires the President to engage in a 60-day policy evaluation of the ITC's determinations to issue exclusion and cease and desist orders. Therefore the order was evaluated and disapproved as it affects conditions of competition in the US and can have an effect on consumer choices. As the patent owner can continue to pursue its rights through the courts, any cease of imports could distort the market.¹²

V. Measures affecting imports and exports

V.1. Imports

V.1.1. *Uplifting prohibitions on Burmese imports into the US*

Customs and Border Protection (CBP) promulgated that the President issued a new Executive Order (EO 13651) which amended EO 13310 to remove the general ban of *any article that is a product of Burma* and as a

¹¹ US Department of Commerce Invests Approximately \$21 Million to Support Economic and Job Growth in 11 States, DOC (Sept. 25, 2013) <http://www.commerce.gov/news/press-releases/2013/09/25/us-department-commerce-invests-approximately-21-million-support-econo>

¹² USTR "vetoes" ITC decision to exclude certain Apple products, Baker & McKenzie (Sept. 2013) http://www.bakermckenzie.com/files/Uploads/Documents/Global%20Trade%20Commerce/nl_internationaltradecomplianceupdate_sep13.pdf

result, certain provisions of the Junta's Anti-Democratic Efforts (JADE) Act and the Presidential Proclamation 8294 of September 2008 will no longer be enforced. However, CBP will continue to enforce the import prohibition of Burmese jadeite and rubies, and articles containing Burmese jadeite and rubies as defined in EO 13651.¹³

V.1.2. Suspension of GSP for Bangladesh

The President signed a Proclamation: *To modify Duty-Free Treatment Under the Generalized System of Preferences and for Other Purposes* which suspends Bangladesh's designation as a Generalized System of Preferences (GSP) beneficiary developing country because it has not taken or is not taking steps to afford internationally recognized worker rights to workers in the country. The Proclamation takes into account the 2012 Annual Review of GSP and grants waivers of Competitive Need Limitations (CNLs) for over 100 products from 14 countries including both petitioned and *de minimum* waivers; removes eligibility for two products from two countries – a corn product from Brazil and passenger tires from Indonesia – which will no longer be eligible for duty free treatment under the GSP program because the relevant country is sufficiently competitive and exceeded CNLs for the product.

The changes to GSP eligibility for these products will become effective on 1 July 2013. The US Trade Representation reported that the Administration deferred decisions on petitions to add three products – cut roses, frozen broccoli and certain preserved artichokes 0 to duty-free treatment under GSP. Among other HTS modifications, the Proclamation also makes changes to the HTS to conform to the information technology agreement modifications that were proclaimed in Proclamation 8840 and to include articles omitted from the Proclamation implementing the HTS changes for the US-Colombia Trade Promotion Agreement.¹⁴

VI. Anti-Dumping Practices

VI.1. DOC adopts final rule on NME input prices

On 2 August 2013, the Import Administration, International Trade Administration and Department of Commerce published in the *Federal Register* a final rule which states that the Department normally will use a nonmarket economy (NME) price that a producer pays to a market economy supplier when a factor of production is purchased from a market economy supplier and paid for in market economy currency, in the calculation of normal value (NV) in antidumping proceedings involving NME countries.

The rule establishes a requirement that the input at issue should be produced in one or more market economy countries, and a revised threshold requiring that “substantially all” (i.e. 85%) of an input be purchased from one or more market economy suppliers before Commerce uses the purchase price to value the entire factor of production. Commerce is making this change because it finds that a market economy purchases of an input do not account for substantially all purchases of the output. The final rule is effective 3 September 2013. It is applicable for all proceedings or segments of proceedings initiated on or after 3 September 2013.¹⁵

VII. Agriculture

VII.1. Extension of EU-US Beef MOU

¹³ *CBP provides guidance on prohibited Burmese imports*, Baker & McKenzie (Sept. 2013) http://www.bakermckenzie.com/files/Uploads/Documents/Global%20Trade%20Commerce/nl_internationaltradecomplianceupdate_sep13.pdf

¹⁴ *President suspends GSP for Bangladesh*, Baker & McKenzie (July 2013) http://www.bakermckenzie.com/files/Uploads/Documents/Global%20Trade%20Commerce/nl_internationaltradecomplianceupdate_jul13.pdf

¹⁵ *US-Commerce adopts final rule on NME input prices*, Baker & McKenzie (6 August 2013) <http://www.internationaltradecomplianceupdate.com/blog.aspx?entry=865>

On 1 August 2013, the USTR and Secretary of Agriculture announced that the EU will continue to provide US beef producers with significant access at zero duty to the EU market for high-quality beef produced from non-hormone-treated cattle. The US and the EU are planning to extend Phase 2 of the MoU signed in 2009 for two years in connection with the US' long-running dispute with the EU over its ban on beef from cattle treated with certain growth-promoting hormones.

Since Phase 2 began, the US beef shipments under the quota were an estimated \$200 million, which had increased by 300% from the value of exports in the year before the MoU entered into force. Under the extension, the EU would maintain its duty-free tariff rate quota for high-quality beef until 2 August 2015, established pursuant to the MoU between the US and the European Commission Regarding the Importation of Beef from Animals not Treated with Certain Growth Promoting Hormones, at the Phase 2 quantity of 45,000 metric tons per year.¹⁶

¹⁶ USTR, *Secretary of Agriculture announce extension of EU Beef MOU*, Baker & McKenzie (Sept. 2013) http://www.bakermckenzie.com/files/Uploads/Documents/Global%20Trade%20Commerce/nl_internationaltradecomplianceupdate_sep13.pdf

ANNEXURES

V.1. ANTI-DUMPING AND COUNTERVAILING DUTY UPDATE

V.1.1. Active Investigations

Investigation No.	Matter Involved	Target Countries	Status of proceedings
701 TA-501 and 731-TA-1226 (Preliminary)	Active investigations on Chlorinated Isocyanurates	China and Japan	Active
731-TA-1224-1225 (Preliminary)	Active investigations on the import of Ferrosilicon	Russia and Venezuela	ITC instituted an antidumping investigation on the said import of Ferrosilicon from Russia and Venezuela. Start date: 19 July 2013 Determination: 3 September 2013
701-TA-505 and 7310-1231-1237 (Preliminary)	Active investigation on the imports of Grain-oriented electrical steel	China, Czech Republic, Germany, Japan, Korea, Poland and Russia.	ITC initiated antidumping investigation on the imports of grain-oriented electrical steel. State date: 18 September 2013 Determinations 20 October 2013
701-TA-503-504 and 731-TA-1229-1230 (Preliminary)	Active investigation on the imports of Monosodium Glutamate	China and Indonesia	ITC initiated anti-dumping and countervailing duty investigations on the imports of Monosodium Glutamate from China and Indonesia. State date: 16 September 2013 Determinations: 18 October 2013
701-TA-506-508 and 731-TA-1238-1243	Active investigations against non-oriented electrical steel.	China, Germany, Japan, Korea, Sweden and Taiwan.	ITC initiated antidumping and countervailing duty investigations against the imports of Non-Oriented steel. Start date: 30 September 2013 Determinations: 2 December 2013
701-TA-502 and 731-TA-1227-1228 (Preliminary)	Active investigation against the imports of Steel Concrete Reinforcing Bar.	Mexico and Turkey	ITC initiated antidumping and countervailing duties against the imports of Steel Concrete Reinforcing Bar. Start date: 4 September 2013 Determinations: 6 October 2013
701-TA-509 and 731-TA-1244 (Preliminary)	Active investigations against the import of Tetrafluoroethane	China	ITC initiated an antidumping and countervailing duty investigation against the imports of Tetrafluoroethane from China. Start date: 22 October 2013 Determinations: 6 December 2013.

V.1.2. Completed Investigations

Investigation No.	Matter Involved	Target Countries	Status of proceedings
701-TA-499-500 and 731-TA-1215-1223	Completed investigation against the imports of certain oil country tubular goods.	India, Korea, the Philippines, Saudi Arabia, Taiwan, Thailand, Turkey, Ukraine and Vietnam	ITC transmitted its determinations in these investigations to the Secretary of Commerce on 16 August 2013. Preliminary determinations are sought by the Secretary of Commerce.
731-TA-1210-1212	Completed investigations against the imports of welded stainless steel pipe.	Malaysia, Thailand and Vietnam	ITC completed its investigations against the said imports. Start date: 16 May 2013 Determinations 1 July 2013
701-TA-488 and 731-TA-1199-1200 (Final)	Completed investigations against the imports of large residential washers	Korea and Mexico	ITC submitted its finding to the DOC and the DOC identified appropriate countervailable duty rate as follows: KOREA Company Ad valorem net subsidy rate

		<p><i>Daewoo Electronic Corp. – 72.30%</i> <i>LG Electronics Inc. --- 0.01%</i> <i>Samsung Electronics Co., Ltd.--- 1.85%</i> <i>All Others--- 1.85%</i></p> <p>Antidumping Duty</p> <p>KOREA</p> <p>Company Weighted-average margin Percentage</p> <p><i>Daewoo Electronics Corp. – 82.41</i> <i>LG Electronics Inc. Ltd. – 13.02</i> <i>All Others – 11.86</i></p> <p>MEXICO</p> <p>Company – Weighted average margin Percentage</p> <p><i>Electrolux Home Products Corp. NV.Eletrolux Home Products De Mexico, S.A. de CV- 36.52%</i></p> <p><i>Samsung Electronics Mexico S.A. de C.V.- 72.41</i> <i>WhirlPool International S. de R.L. de C.V.- 72.41%</i></p> <p><i>All others – 36.52%</i></p>
--	--	---

V.2. TBT MEASURES

Document	Product	Measure	Objective	Date of Adoption	Date of entry into force	Agency Responsible
G/TBT/N/USA/841	Specially denatured spirits and completely denatured alcohol formulas; Udenatured ethyl alcohol of an alcoholic strength by volume of 80% vol or higher; ethyl alcohol and other spirits, denatured, of any strength. (HS 2207); Products of the chemical industry (ICS 71.100).	The measure aims to amend TTB's regulations concerning denatured alcohol and products made with industrial alcohol. The proposed amendments would eliminate outdated specially denatured spirits formulas from the regulations, reclassify some specially denatured spirits formulas for manufacturing products with specially denatured spirits. The proposed amendments would remove unnecessary regulatory burdens on the industrial alcohol industry as well as TTB, and would align the regulations with current industry practice. The proposed amendments would also make other needed improvements and clarifications, as well as a number of minor technical changes and corrections to the regulations. TTB invites comments on these proposed amendments to the regulations.	Prevention of deceptive practices and consumer protection.	To be determined	To be determined.	Alcohol and Tobacco Tax and Trade Bureau (TTB), Department of Treasury [858]
G/TBT/N/USA/840	Tobacco, tobacco products and related equipment (ICS 65.160)	This measure aims to amend TTB's regulations by means of a temporary rule by extending the duration of new permits from three years to five years for importers of tobacco products and processed tobacco. The temporary rule also makes several technical corrections by amending the definition of 'Manufacturer of tobacco products' to reflect a recent statutory change and by amending a reference to the sale price of large cigars to incorporate a clarification published in a prior TTB temporary rule. The temporary rule incorporates and reissues TTB regulations pertaining to importer permit requirements for tobacco products, and minimum manufacturing and marking requirements for tobacco products, and minimum manufacturing and marking	Protection of Human health or Safety; prevention of deceptive practices and consumer protection.	To be determined	To be determined.	Alcohol and Tobacco Tax and Trade Bureau (TTB), Department of Treasury.

		requirements for tobacco products and cigarette papers and tubes, and, as a result, that temporary rule replaces temporary regulations originally published in 1999. The text of the regulations in that temporary rule published elsewhere in this issue of the Federal Register serves as the text of the proposed regulations.				
G/TBT/N/USA/839	Dairy grading and inspection services; Services (ICS 03.080), Milk and milk products (ICS 67.100)	This measure aims to increase the fees for voluntary Federal dairy grading and inspection services. The fees will increase 10% effective August 2013 and an additional 10% effective February 2014. The fees applicable to EU Health cERTIFICATION program derogation requests are unchanged. Dairy grading and inspection services are voluntary and are financed in their entirety through user fees assessed to participants using the programs. Despite the adoption of technologies that have improved services, additional changes in operations that enhanced efficiencies and reduced employee numbers, increases in salaries, technology investments and general inflation have more than offset savings resulting in the need to increase fees. AMS estimates the fee increase will result in an overall cost increase to the industry of less than \$0.0004 per pound of dairy product graded.	Prevention of deceptive practices and consumer protection.	1 August 2013	1 August 2013	Agricultural Marketing Service (AMS), Department of Agriculture (USDA) [856]
G/TBT/N/USA/838	Electric motors; Environmental protection (ICS 13.020), and Electrical and electronic testing (ICS 19.080), Rotating machinery (ICS 29.160).	This measure aims to clarify aspects of certain US Department of Energy (DOE) energy efficiency regulations related to electric motors. DOE is considering establishing definitions, specifying testing set-up procedures necessary to test, and extending DOE's existing test procedures for electric motors to certain electric motor types that have not been regulated by DOE. These actions are being proposed to clarify the scope of regulatory coverage for electric motors and to ensure accurate and consistent measurements	Protection of the environment ; Prevention of deceptive practices and consumer protection.	To be determined.	To be determined.	Office of Energy Efficiency and Renewable Energy (OERE), Department of Energy (DOE) [855]

		when determining the energy efficiency of various types of electric motors. This notice seeks comment on this proposal and requests comments, data, and other information to assist DOE in deciding whether to finalize or modify these provisions.				
G/TBT/N/USA/837	Explosion protection (ICS 13.230), Electrical equipment for working in special conditions (ICS 29.260), Electrical equipment.	This measure aims to amend Coast Guard's regulations. This proposed subpart would be applicable to foreign Mobile Offshore Drilling Units (MODUs), floating facilities, and vessels that engage in OCS activities for the first time after the effective date of the regulations. The proposed subpart would also be applicable to newly constructed US MODUs, floating facilities and vessels, excluding offshore supply vessels (OSVs). The proposed regulations would expand the list of national and international explosion protection standards deemed acceptable, as well as add the international explosion protection standards deemed acceptable, as well as add the internationally accepted independent third-party certification system, the IEC System for Certification to Standards relating to Equipment for use in Explosive Atmospheres, as an accepted method of testing and certifying electrical equipment intended for use in hazardous locations. The proposed regulations would also provide owners and operators of existing US MODUs, floating OCS facilities and vessels other than OSVs, that engage in OCS activities and US tank vessels that carry flammable or combustible cargoes the option of choosing between the compliance regime contained in existing regulations. This proposal would support the US Coast Guard's maritime safety mission.	Protection of human health or safety.	To be determined	To be determined.	Coast Guard, Department of Homeland Security (DHS) [854]
G/TBT/N/USA/836	Medical equipment (ICS 11.040) Laser products.	The measure aims to amend the performance standard for laser products to achieve closer harmonization between the current standard and the	Protection of human health and safety.	To be determined	To be determined.	Food and Drug Administration (FDA), Health and Human Services (HHS) [852]

		International Electrotechnical Commission (IEC) standards for laser products and medical laser products, to reduce the economic burden on affected manufacturers, to improve the effectiveness of FDA's regulation of laser products, and to better protect and promote the public health.				
G/TBT/N/USA/835	Shipbuilding and marine structures in general (ICS 47.020), Seagoing vessels (ICS 47.040), Small craft (ICS 47.080) Passenger vessels.	This measure aims to provide guidelines for the construction and alteration of passenger vessels covered by the Americans with Disabilities Act (ADA) to ensure that the vessels are readily accessible to and usable by passengers with disabilities. Such guidelines would apply to passenger vessels, other than ferries and tenders, permitted to carry more than 150 passengers or more than 49 overnight passengers; ferries permitted to carry more than 99 passengers; and tenders permitted to carry more than 59 passengers. The US Department of Transportation and US Department of Justice are required to issue accessibility standards for the construction and alteration of passenger vessels covered by the ADA that are consistent with our guidelines. Passenger vessels owners and operators would not be required to comply with the guidelines until they are adopted by DOT and DOJ as accessibility standards for the construction and alteration of passenger vessels covered by the ADA.	Protection of human health and safety.	To be determined.	To be determined.	Architectural and Transportation Barriers Compliance Board [853]
G/TBT/N/USA/842	Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air conditioning machines of heading 84.15 (HS 8418) Environmental protection (ICS 13.020), Test	This notification is to issue a notice of proposed amendment of the test procedures for refrigerators, refrigerator-freezers, and freezers that will be required for the testing of products starting 15 September 2014. The notification aims to amend the test procedure to address products with multiple compressors and to allow an alternative method for measuring and calculating energy consumption for refrigerator-freezers and	Protection of environment .	To be determined.	To be determined.	Office of Energy Efficiency and Renewable Energy (OEERE), Department of Energy (DOE) (859)

	conditions and procedures in general (ICS 19.020), Kitchen equipment (ICS 97.040), Shop fittings (ICS 97.130). Refrigerators, refrigerator-freezers and freezers.	refrigerators with freezer compartments. It also proposes to amend certain aspects of the test procedure in order to ensure better test accuracy and repeatability. Additionally, DOC is also soliciting comment on a potential test procedure to measure the energy use associated with making ice with an automatic icemaker. If adopted, that procedure would become effective in conjunction with any parallel energy conservation standards rulemaking that DOE would need to conduct pursuant to the six-year review process mandated under Federal law.				
G/TBT/N/USA/844	Commercial feeds – Animal feeding stuffs (ICS 65.120)	This measure amends rules regarding commercial feed to continue uninterrupted regulation of the distribution and labeling of commercial feeds in the state.	Protection of animal or plant life or health.	1 July 2013	1 July 2013	State of New Mexico, Department of Agriculture [861]
G/TBT/N/USA/843	Catfish – Meat, meat products and other animal produce (ICS 67.120)	This measure aims to update labeling requirements which will enable the consumer to know the country of origin and the method of production for fish.	Prevention of deceptive practices and consumer protection.	1 July 2013	1 July 2013	State of Mississippi, Department of Agriculture and Commerce [860]
G/TBT/N/USA/846	Light duty truck lines; Road vehicles in general (ICS 43.020)	This notification announces NHTSA's determination that there are no new model year (MY) 2014 light duty truck lines subject to the parts-marking requirements of the Federal motor vehicle theft prevention standard because they have been determined by the agency to be high-theft prevention standard because they have been determined by the agency to be high-theft or because they have a majority of interchangeable parts with those of a passenger motor vehicle line. This final rule also identifies those vehicle lines that have been granted an exemption from the parts-marking requirements because the vehicles are equipped with antitheft devices determined to meet certain statutory criteria.	Prevention of deceptive practices and consumer protection.	23 July 2013.	23 July 2013.	National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT) [863]
G/TBT/N/USA/845	Kiwi Fruits Vegetables (ICS 67.080)	This measure aims to relax the minimum grade requirement under the marketing order for kiwifruit grown in California (order), and for kiwi fruit imported into the US that are shipped to the fresh market, by increasing the tolerance of	Prevention of deceptive practices and consumer protection.	25 July 2013	25 July 2013	Agricultural Marketing Service (AMS), Department of Agriculture (USDA) [862]

		kiwi fruit which is 'badly misshapen' from 7%-16%. The order is administered locally by Kiwifruit Administrative Committee (Committee). 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. The change in the import regulation is required under section 8e of the Agricultural Marketing Agreement Act of 1937.				
G/TBT/N/USA/847	Tobacco products. Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes (HS 2402) Tobacco, tobacco products and related equipment (ICS 65.160).	This notification aims to notify the proposed rulemaking in order to obtain information related to the potential regulation of menthol in cigarettes. FDA is also making available its preliminary scientific evaluation of public health issues related to the use of menthol in cigarettes. The preliminary scientific evaluation indicates there is likely a public health impact of menthol in cigarettes. Such notice is open for comments.	Protection of human health and safety.	To be determined.	To be determined.	Food and Drug Administration (FDA), Health and Human Services (HHS) [864]
G/TBT/N/USA/848	Residential central air conditioners and heat pumps. 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) Environmental protection (ICS 13.020): Ventilators, Fans, Air-conditioners (ICS 23.120): Heat pumps (ICS 27.080).	This notification aims to notify a petition in order to amend certification regulations applicable to residential central air conditioners and heat pumps (together 'CAC') to: collect Energy Efficiency Rating (EER) information from manufacturers through the Compliance, Certification Management System (CCMS) as part of annual certification reporting requirements; and publish the information in DOE's Compliance Certification Database (CCD). As an interim measure prior to the completion of the rulemaking, the petition requests DOE to collect EER information from the manufacturers on an expedited and voluntary basis and publish EER information in the CCD. They contend that voluntary collection and publication of EER information on an interim basis is necessary to prevent harm to manufacturers and consumers. To the extent	Protection of the environment	To be determined.	To be determined.	Office of Energy Efficiency and Renewable Energy (OOERE), Department of Energy (DOE) [865]

		that the collection of EER information is subject to OMB approval under the Paperwork Reduction Act, they further request that DOE seek OMB authorization for 'emergency' or expedited processing of DOE's request to collect EER information on a voluntary basis. DOE seeks comment on whether to grant the petition and proceed with a rulemaking on this matter.				
G/TBT/N/USA/849	Products of the chemical industry (ICS 71.100); Chemical substances.	The notification aims to promulgate significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for 53 chemical substances which were subject of premanufacture notices (PMNs). Seven of these chemical substances are subject to TSCA section 5(e) consent orders issued by EPA. This action requires persons who intend to manufacture or process any of these 53 chemical substances for an activity that is designated as a significant new use 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.	Protection of the environment	7 October 2013	7 October 2013.	Environmental Protection Agency (EPA) (866)
G/TBT/N/USA/850	Personal floatation devices – Life-jackets and life-belts (HS 630720); Protective equipment (ICS 13.340)	This measure proposes to remove references to type of codes in its regulations on the carriage and labeling of Coast Guard-approved personal flotation devices (PFDs). PFD type codes are unique to Coast Guard approval and are not well understood by the public. Removing these type codes from our regulations would facilitate future incorporation by reference of new industry consensus standards for PFD labeling that will more effectively convey safety information and is a step toward harmonization of our regulations with PFD requirements in Canada and in other countries.	Prevention of deceptive practices and consumer protection.	To be determined.	To be determined.	Coast Guard, Department of Homeland Security (DHS) [867]
G/TBT/N/USA/853	Cigarette lighters and other lighters,	The Consumer Product Safety Commission has a safety standard requiring	Prevention of deceptive practices	26 August 2013	26 August 2013	Consumer Product Safety Commission

	whether or not mechanical or electrical, and parts thereof other than flints and wicks (HS 9613); miscellaneous domestic and commercial equipment (ICS 97.180): Cigarette lighters.	that disposable and novelty lighters meet specific requirements for child resistance. The standard defines 'disposable lighters', in part, as refillable that use butane or similar fuels and have a Customs VALUE OR EX-FACTORY PRICE BELOW A THRESHOLD VALUE (INITIALLY SET AT \$2.00 IN 1993). The standard provides that the initial \$2.00 value adjusts every 5 years for inflations, as measured by the percentage change since June 1993, in the monthly Producer Price Index for Miscellaneous Fabricated Products. The adjustment is rounded to the nearest \$0.25 increment. The price adjusted in November 2003, when changes in the PPI from June 1993 to June 2003 indicated a revised Customs Value or ex-factory price of \$2.25. Due to an increase in the PPI, the Customs Value or ex-factory price has recently adjusted to \$2.50. This rule revises the cigarette lighter standard to state that the import value has adjusted to \$2.50 based on the change to the PPI.	and consumer protection.			(CPSC) (870)
G/TBT/N/USA/851	Processes in the food industry (ICS 67.020), Food products in general (ICS 67.040): National Organic Program.	This measure aims to amend the US Department of Agriculture's National List of Allowed and Prohibited Substances to reflect recommendations submitted to the Secretary of Agriculture by the National Organic Standards Board on 25 May 2012 and 18 October 2012. Such recommendations pertain to establishing exemptions for one substance in organic crop production and two substances in organic processing. Consistent with the recommendations from the NOSB, this proposed rule would add the following substances, along with any restrictive annotations, to the National List: biodegradable biobased mulch film; Citrus hystrix, leaves and fruit; and curry leaves (Murraya koenigii). This action also proposes a new definition for biodegradable biobased mulch film. This proposed rule would also remove two	Prevention of deceptive practices and consumer protection.	To be determined.	To be determined.	Agricultural Marketing Service (AMS), Department of Agriculture (USDA) [869]

		listings for nonorganic agricultural products on the National List, HOPS (<i>Humulus lupulus</i>) and unmodified rice starch, as their use exemptions expired on 1 January 2013 and 21 June 2009, respectively.				
G/TBT/N/USA/851	Fruits, Vegetables (ICS 67.080): Onions.	This measure aims to revise the US Standards for Grades of Onions (Other than of Bermuda-Granax-Grano AND Creole Type) and the US Standards for Grades of Bermuda-Granax-Grano Type Onions which were issued under the Agricultural Marketing Act of 1946. The Agricultural Marketing Service (AMS) is proposing to amend the 'similar varietal characteristic' and 'one type' requirements to allow mixed colors of onions when designated as a mixed or specialty pack. The purpose of this revision is to update and revise the standards to more accurately represent today's marketing practices and to provide the industry with greater flexibility.	Prevention of deceptive practices and consumer protection.	To be determined.	To be determined.	Agricultural Marketing Service (AMS), United States Department of Agriculture (USDA) (868)
G/TBT/N/USA/856	Fertilizers (ICS 65.080): Fertilizers and fertilizer products.	This measure aims to modify the Florida's fertilizer labeling requirements and use directions for specialty lawn fertilizer. The effect is to harmonize Florida's labeling requirements with national labeling standards and to conform and update use directions for specialty lawn fertilizers with recently published turf research.	Protection of environment .	To be determined.	To be determined.	State of Florida, Department of Agriculture and Consumer Services [873]
G/TBT/N/USA/855	Road vehicle systems (ICS 43.040): Motor vehicle lamps, reflective devices and associated equipment.	This measure aims to amend the Federal motor vehicle safety standard (FMVSS) on lamps, reflective devices and associated equipment to allow the license plate mounting surface on motorcycles to be at an angle of up to 30 degrees beyond vertical. Adoption of this proposal would increase manufacturer design flexibility without compromising safety or increasing costs. In addition, it would also make the requirements of the standard more in line with European regulations.	Protection of human health and safety.	To be determined.	To be determined.	National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT) [872]
G/TBT/N/USA/854	Environmental protection (ICS 13.020), Burners.	This measure aims to amend the energy conservation standards for commercial packaged boilers. The	Protection of the environment .	To be determined.	To be determined.	Office of Energy Efficiency and Renewable Energy (OEERE),

	Boilers (ICS 27.060): Commercial packaged boilers (HS Chapter 84).	rulemaking will satisfy the statutory requirement for DOE to review energy conservation standards for covered equipment every six years to determine whether such standards should be amended.				Department of Energy (DOE) [871]
G/TBT/N/USA/858	Commercial refrigeration equipment: Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air conditioning machines of heading 84.15. (HS 8418); Environmental protection (ICS 13.020); Shop fittings (ICS 97.130).	This measure aims to amend energy conservation standards for various consumer products and certain commercial and industrial equipment, including commercial refrigeration equipment (CRE). EPCA also requires the US 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 the notice, DOE proposes amended energy conservation standards for commercial refrigeration equipment. The notice also announces a public meeting to receive comment on these proposed standards and associated analyses and results.	Protection of the environment .	To be determined.	To be determined.	Office of Energy Efficiency and Renewable Energy (OEERE), Department of Energy (DOE) [875]
G/TBT/N/USA/857	Walk-in coolers and freezers: Refrigerators, freezers and other refrigerating or freezing equipment, electric or other, heat pumps other than air conditioning machines of heading 84.15. (HS 8418); Environmental protection (ICS 13.020), Shop fittings (ICS 97.130).	This measure aims to amend energy conservation standards for various consumer products and certain commercial and industrial equipment, including walk-in coolers and walk-in freezers. EPCA also requires the US 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 conservation standards for walk-in coolers and walk in freezers. The notice also announces a public meeting to receive comment on these proposed standards and associated analyses and results.	Protection of environment .	To be determined.	To be determined.	Office of Energy Efficiency and Renewable Energy, Department of Energy (874).
G/TBT/N/USA/859	Raw skins of sheep or lambs (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned,	This measure aims to amend FTC's rules and regulations under the Wool Products Labelling Act of 1939 to conform to the requirements of the Wool Suit Fabric Labeling Fairness and International Standards	Prevention of deceptive practices and consumer protection.	To be determined.	To be determined.	Federal Trade Commission (FTC) [876]

	<p>parchment-dressed or further prepared), whether or not with wool on or split, other than those excluded by Note 1 © to this Chapter (HS 4102); Products of the textile industry (ICS 59.080), Clothes (ICS 61.020); Wool products.</p>	<p>Conforming Act, which revised the labeling requirements for cashmere and certain other wool products; and align with the proposed amended rules and regulations under the Textile Fiber Products Identification Act.</p>				
--	---	---	--	--	--	--

V.3. SPS MEASURES

Document	Product	Measure	Target Country	Objectives	Relevant International Standard	Agency Responsible
G/SPS/N/US A/2593	Animal feed and pet food.	The measure aims to propose certain 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. It also proposes regulations to require that certain facilities establish and implement hazard analysis and risk-based preventive controls for food for animals. Food and Drug Administration of the us is taking this action to provide greater assurance that animal food is safe and will not cause illness that makes modern, science and risk-based preventive controls the norm across all sectors of the animal food system.	All trading partners.	Food safety, animal health and to protect humans from animal/plant pest or disease.	<p>Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text)</p> <p>-Codex Alimentarius Commission, "Principles for the Establishment and Application of Microbiological Criteria for Foods, CAC/GL 21-1997", 1997</p> <p>Codex Alimentarius Commission, Hazard Analysis and Critical Control Point (HACCP) System and Guidelines for Its Application, Annex to CAC/RCP 1-1969 (rEV. 4-2003), 2003</p> <p>-Codex Alimentarius Commission, Recommended International Code of Practice General Principles of Food Hygiene, CAC/RCP 1-1969 (rEV. 4-2003)", 2003.</p>	U.S. Food and Drug Administration [FDA]
G/SPS/N/US A/2592	Multiple products.	The measure aims to remove listings in the Code of Federal Regulations (CFR) for already expired tolerances for methyl parathion.	All trading partners.	Food safety.	None	US Environmental Protection Agency.
G/SPS/N/US A/2589	Canola, seed.	This measure aims to amend the established tolerance for residues of the herbicide glyphosate in or on canola.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/US A/2590	Multiple products.	This measure aims to establish tolerances for residues of	All trading partners.	Food safety.	None	US Environmental Protection

		methoxyfenozide in or on multiple commodities. Additionally, this regulation removes several established time-limited and permanent tolerances.				Agency
G/SPS/N/US A/2591	Potato; Potato, wet peel	This measure aims to establish tolerances for residues of sedaxane in or on potato and potato, wet peel.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/US A/2586	<ol style="list-style-type: none"> 1. Cattle, meat by-products; 2. Fruit, citrus group 10-10; 3. Fruit, pome, group 11-10; 4. Goat, meat by-products; 5. Grain, cereal, except rice and corn, group 15; 6. Grain, cereal, forage, fodder and straw, group 16; 7. Hog, fat; 8. Hog, meat; 9. Hog, meat by-products; 10. Horse, meat by-products; 11. Milk; 12. Poultry, fat; 13. Poultry, meat; 14. Poultry, meat by-products; 15. Sheep meat by-products. 	This measure aims to establish tolerances for residues of the insecticide chlorantraniliprole in or on multiple commodities. In addition, this regulation removes established tolerances for certain commodities/groups superseded by this action.	All trading partners.	Food safety.	None	US Environmental Agency.
G/SPS/N/US A/2587	<ol style="list-style-type: none"> 1. Berry, low growing, subgroup 13-07G 2. Fruit, small vine climbing, except fuzzy kiwifruit, subgroup 13-07F; 3. Vegetable, fruiting, group 8-10. 	This measure aims to establish tolerances of quinoxifen in or on multiple commodities. This regulation also deletes the established tolerances in or on grape, pepper, bell; pepper, nonbell; and strawberry as they will be superseded by crop group/subgroup tolerances established by this tolerance rule.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/US A/2588	Barley hay, wheat forage and wheat hay.	This measure aims to deny the objections by Amvac Chemical Corporation (AMVAC) to a Revocation Order EPA issued in May 2013 under the Federal Food, Drug, and Cosmetic Act (FFDCA) revoking all tolerances for the pesticide	All trading partners.	Food safety.	None	US Environmental Protection Agency

		difenzoquat. EPA revoked the tolerances, consistent with the terms of a previously issued Data Call-In Order, because no notices of intent to submit the required data were submitted, as directed by that Data Call-In Order. In its objections, AMVAC requested that EPA delay the effective date for revoking the difenzoquat tolerances for 4-1/2 years to allow for importation of food commodities that will be treated with the pesticide in Canada over the next 2 years. EPA denies AMVAC's objections because AMVAC has not filed a proper objection to the Revocation Order.				
G/SPS/N/US A/2585	Succulent snap bean, dill oil, fresh dillweed leaves, and dried dillweed leaves.	This measure aims to establish tolerances for residues of prometryn in or on succulent snap bean, dill oil, fresh dillweed leaves and dried dillweed leaves. This regulation additionally removes the established tolerance with regional restrictions on dill, since it is superseded by the tolerance on fresh dillweed leaves.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/US A/2581	Multiple products	This measure aims to amend the existing time-limited interim tolerances by converting them to permanent tolerances for the combined residues of the insecticide tetrachlorvinphos, including its metabolites, in or on multiple commodities.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/US A/2582	Artichoke and canberry subgroup 13-07A	This measure aims to establish tolerances for residues of halosulfuron-methyl in or on artichoke and canberry sub-group 13-07A.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/US A/2583	All food commodities.	This measure aims to establish an exemption from the requirement of a tolerance for residues of the biochemical pesticide ethyl-2E, 4Z-decadienoate (pear ester) in or on all food commodities.	All trading partners.	Food safety.	None.	US Environmental Protection Agency.
G/SPS/N/US A/2584	Multiple products.	This measure aims to establish tolerances for residues of pyraclostrobin in or on multiple commodities.	All trading partners.	Food safety.	None	US Environmental Protection Agency.
G/SPS/N/US A/2580	Meat products.	This measure aims to change procedures for <i>Salmonella</i> verification	All trading partners.	Food safety.	None	US Department of Agriculture – Food Safety and

		sampling program of raw beef products.				Inspection Service.
G/SPS/N/US A/2578	Grape, wine [There is no US registration for use of emamectin on grape, wine.]	This measure establishes a tolerance for residues of emamectin benzoate in or on wine grapes.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/US A/2579	Sugarcane, cane.	This measure aims to establish a tolerance for residues of imazapic in or on sugarcane, cane.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/US A/2576	Cape gooseberry.	This measure aims to amend the fruits and vegetables regulations to allow the importation of cape gooseberry from Colombia into the US. As a condition of entry, cape gooseberry from Colombia would be subject to a systems approach that would include requirements for establishment of pest-free places of production and the labeling of boxes prior to shipping. The cape gooseberry would also have to be imported in commercial consignments and accompanied by a phytosanitary certificate issued by the national plant protection organization of Colombia certifying that the fruit has been produced in accordance with the systems approach. This action would allow for the importation of cape gooseberry from the Colombia into the US while continuing to provide protection against the introduction of plant pests. [Federal Register: Vol. 78, No. 159, Friday, 16 August 2013, pages 49972-49975]	Colombia	Plant protection.	International Plant Protection Convention (eg. ISPM number)	Animal and Plant Health Inspection Service (APHIS)
G/SPS/N/US A/2577	Vitamin D2 and vitamin D3 as nutrient supplements in food.	This notification is to announce that the FDA has filed a petition submitted by the Dean Foods Company and the WhiteWave Foods Company proposing that the food additive regulations be amended to provide for the expanded safe uses of vitamin D2 and vitamin D3 as nutrient supplements in food. The food additive petition was filed on 27 June 2013.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/US A/2575	Papayas	This notification provides that APHIS is proposing to allow the importation of commercial consignments of fresh papayas from Peru under certain conditions. Such conditions include:	Peru	Plant protection.	International Plant Protection Convention	Animal and Plant Health Inspection Service (APHIS)

		requirements for approved production locations; field sanitations; hot water treatment; procedures for packing and shipping the importation of papayas from Peru while continuing to provide protection against the introduction of quarantine pests into the continental US. [Federal Register: Vol. 78, No. 154, Friday, 9 August 2013, p. 48628-48631].				
G/SPS/N/US A/2574	Multiple products.	This measure aims to establish tolerances for residues of topramezone in or on multiple commodities.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/US A/2571	Multiple products	This measure aims to establish temporary tolerances for residues of forchlorfenuron in or on multiple commodities.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/US A/2572	Multiple products.	This measure aims to establish tolerances for residues of pyroxasulfone in or on multiple commodities.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/US A/2573	Oilseed crop group 20	This measure aims to establish a tolerance for residues of trifluralin in or on the oilseed crop group 20.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/US A/2569	Human food under the jurisdiction of the US Food and Drug Administration which excludes meat, poultry and processed egg products. HS Codes: 04, 05, 07, 08, 09, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22; ICS Codes: 65, 67	This measure aims to adopt regulations on foreign supplier verification programs (FSVPs) for importers of food for humans and animals. The proposed regulations would require importers to help ensure that food imported into the US is produced in compliance with processes and procedures, including reasonably appropriate risk-based preventive controls, that provide the same level of public health protection as those required under the hazard analysis and risk-based preventive controls and standards for produce safety sections of the Federal Food, Drug and Cosmetic Act (the FD&C Act), is not adulterated and is not misbranded with respect to food allergen labeling. FDA is proposing these regulations in accordance with the FDA Food Safety Modernization Act (FSMA). The proposed measure would help to ensure that imported food is produced in a manner consistent with US requirements.	All trading partners.	Food safety.	Codex Alimentarius Commission (e.g. title or serial number of Codex Standard or related texts) Guidelines for food Import Control Systems (CAC/GL 47-2003)	US Food and Drug Administration.

G/SPS/N/US A/2570	Human food under the jurisdiction of the US Food and Drug Administration which excludes meat, poultry and processed egg products. HS Codes: 03, 04, 05, 07, 08, 09, 10, 11,12,15,16,16,18,19,20,21,22; ICS Codes: 65,67	This measure aims to amend certain regulations of FDA to provide an option of accreditation of third-party auditors/certification bodies to conduct food safety audits of foreign food entities, including registered foreign food facilities and to issue food and facility certifications under the FDA Food Safety Modernization Act (FSMA). Use of accredited third-party auditors/certification bodies and food and facility certifications would be voluntary and will help FDA prevent potentially harmful food from reaching US consumers and thereby improve the safety of the US food supply. Such regulations aim to reduce the redundant food safety audits. Importers will not generally be required to obtain certifications, but in certain circumstances the FDA may use certifications from accredited auditors in determining whether to admit certain imported food into the US that the FDA has determined poses a food safety risk or in determining whether an importer is eligible to participate in a voluntary program now under development for expedited review and entry of food.	All trading partners.	Food safety	Codex Alimentarius Commission: Principles for Food Import and Export Inspection and Certification (CAC/GL 20-1995)	US Food and Drug Administration (FDA)
G/SPS/N/US A/2565	Tangerine and walnut.	This measure aims to establish tolerances for residues of manozebe in or on walnuts and tangerines.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/US A/2566	Multiple products	This measure aims to establish tolerances for residues of imazosulfuron in or on the melon subgroup 9A and the tuberous and corm subgroup 1C.	All trading partner.	Food safety	None	US Environmental Protection Agency
G/SPS/N/US A/2567	Multiple products.	This measure aims to establish tolerances for residues of spirotetramat in or on persimmon and sweet corn, kernel plus cob with husks removed; and to revise established tolerances in or on feijoa, papaya and Spanish lime.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/US A/2568	Multiple products	This measure aims to establish new tolerances and revises existing tolerances for residues of hexythiazox in or on	All trading partners.	Food safety.	None	US Environmental Protection Agency

		multiple commodities.				
G/SPS/N/US A/2560	Peanut; Soybean, seed	This measure aims to establish tolerances for residues of novaluron in or on peanut and soybean, seed. Makhteshim-Agan of North America requested these tolerances under the Federal Food Drug and Cosmetic Act (FFDCA). This measure additionally deletes the time-limited tolerance for strawberry, as that tolerance expired on 31 December 2011.	All trading partners.	Food safety.	None	US Environmental Protection Agency
G/SPS/N/US A/2561	Pepper	This measure establishes tolerances for residues of fenbuconazole in or on pepper. Dow AgroSciences LLC requested these tolerances under the Federal Food, Drug and Cosmetic Act (FFDCA).	All trading partners.	Food safety.	None	US Environmental Agency
G/SPS/N/US A/2562	Mustard seed, rapeseed seed, safflower seed and sunflower seed.	This measure aims to establish tolerances for residues of ethafluralin in or on rapeseed subgroup 20A and subflower subgroup 20b. This measure additionally removes the established tolerances in or on mustard, seed; rapeseed seed, safflower seed and subflower seed as they will be superseded by the tolerances established by this final rule. Interregional Research Project Number 4 (IR-4) requested these tolerances under the Federal Food, Drug and Cosmetic Act (FFDCA).	All trading partners.	Food safety.	None	US Environmental Agency
G/SPS/N/US A/2563	Swiss chard	This notification aims to advise the public that APHIS have prepared a pest risk that evaluates the risks associated with the importation of Swiss chard from Colombia into the Continental United States. Based on an analysis, APHIS has concluded that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of Swiss chard from Colombia. APHIS is making the pest risk analysis available to the public for review and comment. [Federal Register, vol. 78, No. 130, Monday, 8 July 2013 (p. 40688-40687).	Colombia	Plant protection	International Plant Protection Convention	Animal and Plant Health Inspection Service (APHIS)

G/SPS/N/US A/2564	Blueberries	This notification aims to advise public that PHIS has determined that it is necessary to immediately add to the Plant Protection and Quarantine Treatment Manual an additional treatment schedule for methyl bromide fumigation of blueberries for Mediterranean fruit fly and South American fruit fly. APHIS has prepared a treatment evaluation document which describes the new treatment schedule and explains why have they determined that it is effective at neutralizing these fruit flies. Such document is available for public review and comment. [Federal Register, Vol. 78, No. 117, Tuesday, 18 June 2013, p. 36507-36508].	All trading partners.	Plant protection.	International Plant Protection Convention	Animal and Plant Health Inspection Service (APHIS)
-------------------	-------------	---	-----------------------	-------------------	---	--

V.4 WTO DISPUTE UPDATE

V.4.1. US as a complainant

<i>Indonesia- Importation of Horticultural Products, Animals and Animal Products</i>	On 30 August 2013, the US initiated consultations with Indonesia concerning certain measures it imposes on the importation of horticultural products, animals and animal products. On 10 September 2013, New Zealand requested to join the consultations. On 16 September 2013, Canada requested to join the consultations. On 18 September 2013, the EU and Thailand requested to join the consultations. On 19 September 2013, Australia requested to join the consultations. ¹⁷
<i>India – Measures Concerning the Importation of Certain Agricultural Products from the United States</i>	On 6 March 2012, the US requested consultations with India with respect to imports of various agricultural products from the US purportedly because of concerns related to Avian Influenza. On 15 March 2012, Colombia requested to join the consultations. On 11 May 2012, the US requested the establishment of a panel. At its meeting on 24 May 2012, the DSB deferred the establishment of a panel. On 25 June 2012, the DSB established a panel. China, Colombia, Ecuador, the European Union, Japan and Vietnam, reserved their third party rights. On 7 February 2013, the US requested the Director-General to determine the composition of the panel. On 18 February 2013, the Director-General composed the panel. On 5 August 2013, the Chair of the panel informed the DSB that the panel expects to issue its final report to the parties no sooner than June 2014, taking into account the scale and complexity of the dispute. ¹⁸
<i>China – Anti-Dumping and Countervailing Duty Measures on Broiler Products from the United States</i>	On 20 September 2011, the US requested consultations with China concerning measures imposing anti-dumping and countervailing duties on broiler products from the US. On 8 December 2011, the US requested the establishment of a panel. The Panel was established on 20 January 2012. The EU, Japan, Norway, Saudi Arabia, Chile, Mexico and Thailand reserved their third party rights. On 2 August 2013, the panel report was circulated to Members. The Panel upheld the US claims on the calculations of the anti-dumping and countervailing duties, claims on the ‘all others’ rate,, claims on the injury determinations and the

¹⁷ WTO, ‘Indonesia – Importation of Horticultural Products, Animals and Animal Products- DS465’, http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds465_e.htm

¹⁸ WTO, ‘India – Measures Concerning the Importation of Certain Agricultural Products from the United States- DS430’, http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds430_e.htm

	claims on the sufficiency of the public notices. On 25 September 2013, the DSB adopted the panel report. ¹⁹
<i>China – Certain Measures Affecting Electronic Payment Services</i>	On 15 September 2010, the US requested consultations with China with respect to ‘certain restrictions and requirements maintained by China pertaining to electronic payment services for payment card transactions and the suppliers of those services’. The US alleged that China permits only a Chinese entity (China UnionPay) to supply electronic payment services for payment card transactions denominated and paid in renminbii in China. Service suppliers of other Members can only supply such services for payment card transactions paid in the foreign currency. China requires all payment card processing devices to be compatible with that entity’s system and that payment cards must bear that company’s logo. The Panel was established on 25 March 2011. Australia, the EU, Guatemala, Japan, Korea, Ecuador and India reserved their third party rights. On 4 July 2011, the Director-General composed the panel. On 16 July 2012, the panel report was circulated to Members. China intended to comply with the DSB’s recommendations and ruling in a manner which respects its WTO obligations. The reasonable period of time expired on 31 July 2013. As the DSB meeting on 23 July 2013, China reported that it has fully implemented the DSB’s recommendations and rulings. The US stated that it would monitor and review China’s actions. On 19 August 2013, China and the US informed the DSB of Agreed Procedures under Article 21 and 22 of the DSU. ²⁰

V.4.2. US as a respondent

<i>United States – Anti-dumping and Countervailing Measures on large residential washers from Korea</i>	On 29 August 2013, Korea requested consultations with the US concerning anti-dumping and countervailing measures relating to large residential washers from Korea. On 10 September 2013, China requested to join the consultations. On 12 September 2013, Japan requested to join the consultations. ²¹
<i>United States – Measures Affecting the Importation of Animals, Meat and Other Animal Products from Argentina</i>	On 30 August 2012, Argentina requested consultations with the US concerning certain measures affecting the importation of animals, meat and other animal products from Argentina. On 6 December 2012, Argentina requested the establishment of a panel. At its meeting on 17 December 2012, the DSB deferred the establishment of a panel. At its meeting on 28 January 2013, the DSB established a panel. Australia, China, the EU, India and Korea reserved their third party rights. ²²
<i>United States – Anti-Dumping Measures on Certain Frozen Warmwater Shrimp from Viet Nam</i>	On 16 February 2012, Viet Nam requested consultations with the US concerning a number of anti-dumping measures on certain frozen warmwater shrimp from Vietnam. In addition to two administrative reviews and the five year ‘sunset review’, the request for consultations concerns several US laws, regulations, administrative proceedings and practices, including zeroing. On 13 January 2013, Vietnam requested the established of a panel. At its meeting on 28 January 2013, the DSB deferred the establishment of a panel. The panel was established on 27 February 2013, the DSB established a panel. China, the EU, Japan, Norway and Thailand reserved the third-party right. Subsequently, Ecuador reserved its third-party rights. Following the agreement of the parties, the panel was composed on 12 July 2013. ²³
<i>United States – Measures Affecting the Production and Sale of Clove Cigarettes</i>	On 7 April 2010, Indonesia requested consultations with the US with respect to a provision of the Family Smoking Prevention Tobacco Control Act of 2009 that bans clove cigarettes. The measure in question prohibits among other things, the production or sale in the US of cigarettes containing certain additives, including clove, but would continue to permit the production and sale of other cigarettes, including cigarettes containing menthol. On 4 April 2012, the Appellate Body circulated to Members. On 24 April 2012, the DSB adopted the Appellate Body report and the panel report as modified by the Appellate Body Report. At the

¹⁹ WTO, ‘China – Anti-Dumping and Countervailing Duty Measures on Broiler Products from the United States- DS427’, http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds427_e.htm

²⁰ WTO, ‘China – Certain Measures Affecting Electronic Payment Services- Dispute DS413’, http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds413_e.htm

²¹ WTO, ‘United States – Anti-dumping and Countervailing Measures on large residential washers from Korea- DS464’, http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds464_e.htm

²² WTO, ‘United States – Measures Affecting the Importation of Animals, Meat and Other Animal Products from Argentina- DS447’, http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds447_e.htm

²³ WTO, ‘United States – Anti-Dumping Measures on Certain Frozen Warmwater Shrimp from Viet Nam- DS429’, http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds429_e.htm

	DSB meeting on 24 May 2012, the US informed the DSB of its intention to implement the DSB recommendations and rulings in a manner that protects public health and respects its WTO obligations but that it would need a reasonable period of time to do so. On 12 August 2013, Indonesia requested the authorization of the DSB to suspend concessions on other obligations pursuant to Article 22.2 of the DSU. On 22 August 2013, the US objected to the level of suspension of concessions or other obligations and referred the matter to arbitration pursuant to Article 22.6 of the DSU. At the DSB meeting on 23 August 2013, it was agreed that the matter is referred to arbitration as required by Article 22.6 of the DSU. ²⁴
<i>United States – Certain Country of Origin Labelling Requirements</i>	On 17 December 2008, Mexico requested consultations with the US concerning the mandatory Country of Origin Labeling (COOL) provisions in the Agricultural Marketing Act of 1946, as amended by the Farm, Security and Rural Investment Act of 2002 and the Food, Conservation and Energy Act of 2008 and as implemented through the regulations published as 7 CFR Parts 60 and 65. According to Mexico, in the case of certain products, the determination of their nationality deviates considerably from international country of origin labeling standards, a situation which has not been justified as necessary to fulfill a legitimate objective. On 29 June 2012, the Appellate Body gave its final ruling. On 19 August 2013, Mexico requested the establishment of a compliance panel. At its meeting on 30 August 2013, the DSB deferred the establishment of a panel. At its meeting on 25 September 2013, the DSB agreed to refer to the original panel, if possible, the matter raised by Mexico pertaining to this dispute and the matter raised by Canada pertaining to dispute DS384. Brazil, China, the EU, India, Japan, Korea and New Zealand reserved their third-party rights. Subsequently, Guatemala reserved its third party rights. ²⁵

V.4.3 Third Party Disputes

<i>China – Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes (HP-SST) from the EU</i>	On 13 June 2013, the EU requested consultations with China concerning measures imposing anti-dumping duties on certain high-performance stainless steel seamless tubes from the EU as set forth in Ministry of Commerce of the PRC. On 27 June 2013, Japan requested to join the consultations. Subsequently, China informed the DSB that it has accepted the request of Japan, Korea, Turkey and the US reserved their third party rights. Subsequently, Russia and Saudi Arabia reserved their third party rights. Following the agreement of the parties, the panel was composed on 11 September 2013. ²⁶
--	---

²⁴ WTO, ‘United States – Measures Affecting the Production and Sale of Clove Cigarettes DS406’, http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds406_e.htm

²⁵ WTO, ‘United States – Certain Country of Origin Labelling Requirements- DS386’, http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds386_e.htm

²⁶ WTO, ‘China – Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes (“HP-SST”) from the European Union DS460’, http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds460_e.htm