



# 2023 TRADE POLICY AGENDA

A N D

# 2022 ANNUAL REPORT

*of the* PRESIDENT *of the* UNITED STATES  
*on the* TRADE AGREEMENTS PROGRAM

UNITED STATES TRADE REPRESENTATIVE







# FOREWORD

The 2023 Trade Policy Agenda and 2022 Annual Report of the President of the United States on the Trade Agreements Program are submitted to the Congress pursuant to Section 163 of the Trade Act of 1974, as amended (19 U.S.C. § 2213). Chapter IV and Annex III of this document meet the requirements of Sections 122 and 124 of the Uruguay Round Agreements Act with respect to the World Trade Organization. This report includes an annex listing trade agreements entered into by the United States since 1984. This report also includes an annex on U.S. trade in 2022, for which goods trade data by country are for full year 2022 and full-year services data by country are for 2021 (latest data available).

The Office of the United States Trade Representative (USTR) is responsible for the preparation of this document and gratefully acknowledges the contributions of all USTR staff to its writing and production. We note, in particular, the contributions of Laura Buffo, Teresa Howes, Daniel Leibowitz, Amy Morris, and Andrew O'Neil. Appreciation is extended to partner Trade Policy Staff Committee agencies.

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# LIST OF FREQUENTLY USED ACRONYMS

AD.....	Antidumping
AfCFTA.....	African Continental Free Trade Area
AGOA.....	African Growth and Opportunity Act
APEC.....	Asia-Pacific Economic Cooperation
APEP.....	American Partnership for Economic Prosperity
ASEAN.....	Association of Southeast Asian Nations
CAFTA-DR.....	Dominican Republic–Central America–United States Free Trade Agreement
CBERA.....	Caribbean Basin Economic Recovery Act
CBI.....	Caribbean Basin Initiative
CBP.....	U.S. Department of Homeland Security Customs and Border Protection
CVD.....	Countervailing Duty
DOL.....	U.S. Department of Labor
DSB.....	WTO Dispute Settlement Body
DSU.....	WTO Dispute Settlement Understanding
DST.....	Digital Services Tax
EU.....	European Union
FOIA.....	Freedom of Information Act
GATT.....	General Agreement on Tariffs and Trade
GATS.....	General Agreement on Trade in Services
GDP.....	Gross Domestic Product
GI.....	Geographical Indication
GPA.....	WTO Agreement on Government Procurement
GSP.....	Generalized System of Preferences
ICTIME.....	Interagency Center on Trade Implementation, Monitoring, and Enforcement
ILO.....	International Labor Organization
IP.....	Intellectual Property
IPEF.....	Indo-Pacific Economic Framework for Prosperity
ITA.....	WTO Information Technology Agreement
KORUS.....	United States–Korea Free Trade Agreement
MENA.....	Middle East and North Africa
MFN.....	Most-Favored-Nation
MOU.....	Memorandum of Understanding
NAFTA.....	North American Free Trade Agreement
OECD.....	Organization for Economic Cooperation and Development
SBA.....	U.S. Small Business Administration
SCM.....	WTO Agreement on Subsidies and Countervailing Measures
SME.....	Small and Medium-Sized Enterprise

SPS.....	Sanitary and Phytosanitary
TAA.....	Trade Adjustment Assistance
TBT.....	Technical Barriers to Trade
TFA.....	WTO Trade Facilitation Agreement
TIFA.....	Trade and Investment Framework Agreement
TPRG.....	Trade Policy Review Group
TPSC.....	Trade Policy Staff Committee
TRIMS.....	Trade-Related Investment Measures
TRIPS.....	Trade-Related Aspects of Intellectual Property Rights
TRQ.....	Tariff-Rate Quota
USAID.....	U.S. Agency for International Development
USITC.....	U.S. International Trade Commission
USMCA.....	United States–Mexico–Canada Agreement
USTR.....	United States Trade Representative
WTO.....	World Trade Organization

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**THE PRESIDENT'S  
2023 TRADE POLICY AGENDA**



# THE PRESIDENT'S TRADE POLICY AGENDA

## I. INTRODUCTION

The Biden Administration promised to build the economy from the bottom up and the middle out, and we are doing just that. Unemployment is at its lowest rate in over 50 years. This Administration has seen more jobs created in two years than any other Administration has seen in four. Manufacturing is rebounding faster than it has in almost 40 years, while wages are rising, and rising even faster for lower- and middle-income workers. The American Rescue Plan, the Bipartisan Infrastructure Law, the CHIPS and Science Act, and the Inflation Reduction Act were historic investments in America, and they are working.

The Biden Administration continues to believe that trade can—and should—be a force for good. Done right, and in coordination with other policy disciplines, it can grow the middle class, address inequality, tackle the climate crisis, and level the playing field by promoting fair competition. We remain committed to upholding a fair and open global trading system—one that puts working families first, raises living standards, ensures full employment, and promotes sustainable development.

We are continuing to rewrite the story on trade by bringing more people into the process and developing policies and initiatives that are resilient and sustainable and create broad-based growth. In 2023, our trade agenda will continue to focus on unlocking new opportunities for American workers and families—while also supporting and strengthening the middle class, driving decarbonization, and creating good-paying jobs across the American economy. In the aftermath of the COVID-19 pandemic and Russia's brutal, illegal attack on Ukraine, it also means fortifying relationships with our partners and allies and strengthening critical supply chains to withstand shocks and disruptions to the system and to defend democratic values.

To realize this vision, we are continuing to forge the partnerships necessary to update and enforce the rules governing the global economy and trade.

In the Indo-Pacific and the Western Hemisphere, the United States is leading with a positive economic vision through the Indo-Pacific Economic Framework for Prosperity and the Americas Partnership for Economic Prosperity. With the European Union, we continue to deepen our relationship and intensify cooperation on pressing challenges, such as the People's Republic of China's (PRC) non-market policies and practices. Further, we are intensifying negotiations on a first-of-its-kind trade arrangement to address non-market excess capacity and the greenhouse gas emissions of imported steel and aluminum. We are also continuing to build out the Trade and Technology Council, and the Trade and Labor Dialogue under its umbrella, to pursue shared priorities, including supply chain resilience, challenges posed by non-market economies, inclusive digital trade, and the elimination of forced labor.

Additionally, in 2022, we kicked off ambitious initiatives with Taiwan and Kenya to deepen our trade and economic relationships with both partners, and we aim to make rapid progress on both initiatives in 2023. At the World Trade Organization (WTO), after working with WTO Members to deliver key outcomes during the Twelfth Ministerial Conference, the United States is driving the conversation on transforming the institution to be more responsive to the rapidly changing global economic environment and to the needs of everyday people.

Moreover, following the successful U.S. Africa Leaders Summit last year, the Administration will continue to strengthen our partnerships with the African continent and to support regional and continental integration efforts, with the well-being of workers, women, and youth to inform our work.



Our Administration is also fully committed to continued enforcement of our existing trade agreements to hold our trading partners accountable. This includes utilizing the United States-Mexico-Canada Agreement’s Rapid Response Mechanism to raise labor standards across North America and drive a race to the top. We are also using other mechanisms to open, maintain, and enhance access to markets and address unfair trade practices that harm our workers and businesses and ensure that they enjoy the benefits that they were promised.

Finally, a vital element of our effort to build an inclusive trade policy agenda is understanding the effects of our policies on underrepresented and underserved workers and communities, and ensuring that they have a say in how our policies are designed and implemented going forward. We know that an important part of making trade work for all Americans is having a better understanding of the effects of past trade policies.

At the Administration’s request, the United States International Trade Commission (USITC) conducted a first-of-its-kind study of the distributional effects of goods and services trade and trade policy on U.S. workers. Through an extensive information gathering process, the investigation brought to light what many already knew: while trade has benefited many, devastating effects have been concentrated in certain communities. The report also illustrated the gaps around data, and particularly disaggregated data, that can further inform a more equitable trade policy. USTR will continue working with the USITC and other partners to design trade policy that addresses inequality and supports the goals and aspirations of all Americans. USTR will also continue to implement its Equity Action Plan to ensure that racial and gender equity is embedded in its ecosystem.

By placing workers and everyday people at the center of our trade policy, the Biden Administration will continue to use trade as a force for good, to build a durable and fair tomorrow by pursuing resilience, sustainability, and inclusive prosperity.

## **II. ADVANCING A WORKER-CENTERED TRADE POLICY**

### **A. Standing up for Workers’ Rights**

Trading partners should compete on the merits, not on the basis of exploitation. Through the Biden Administration’s efforts to promote fair competition, we will continue to level the playing field for American workers. One of the Administration’s top priorities is effective enforcement of the United States-Mexico-Canada Agreement (USMCA). The USMCA includes the strongest labor provisions in any trade agreement ever, as well as a ground-breaking enforcement tool, the rapid response mechanism (RRM). The RRM allows the United States to quickly take action and target specific facilities in Mexico where workers are being denied their rights to freedom of association and collective bargaining.

From March 2022 through February 2023, the United States successfully used the mechanism to secure concrete wins for workers at four different facilities.

In April 2022, Mexican labor union Sindicato Nacional Independiente de Trabajadores de Industrias y de Servicios Movimiento 20/32 (SNITIS) and a U.S.-based policy organization filed an RRM petition concerning Panasonic Automotive Systems, an automotive parts producer in Reynosa, Mexico. The petition alleged that workers at the Reynosa facility were being denied the right of free association and collective bargaining. At the United States’ request, the facility took several actions, including renouncing a collective bargaining agreement it had signed with a union that lacked lawful bargaining authority; reimbursing workers for dues the company had deducted from workers’ paychecks on that union’s behalf; offering reinstatement and backpay to twenty-six workers who were allegedly terminated for participating in union activity; and reimbursing workers for wages unpaid as a result of a work stoppage at the facility.

SNITIS has since won a representation election at the facility and negotiated a collective bargaining agreement that includes a substantial wage increase.

In May 2022, the United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), and Sindicato Nacional de Trabajadores Mineros, Metalúrgicos, Siderúrgicos y Similares de la República Mexicana (SNTMMSSRM) filed an RRM petition concerning Teksid Hierro, an automotive parts producer in Frontera, Mexico. The petition alleged that workers at the Teksid Hierro automotive parts facility were being denied the right of free association and collective bargaining. The facility took several actions, including providing access to the facility for the purpose of carrying out worker representation, paying union dues withheld from workers and owed to the independent union, and reinstating and offering back pay to thirty-six workers. SNTMMSSRM has since prevailed in a union representational challenge and continues to represent workers at the facility for purposes of bargaining.

In June 2022, La Liga Sindical Obrera Mexicana (LSOM), an independent Mexican union, and Comité Fronterizo de Obreras, a labor organization, filed an RRM petition alleging that workers at the VU automotive components facility in Piedras Negras were being denied the right of free association and collective bargaining. As a result of the review, the Government of Mexico and the company took several actions that remediated identified issues, including educating workers on their rights, providing training to company personnel, facilitating a written commitment from the employer to remain neutral in a future union representation election, and holding a supervised union representation election on August 31, 2022, in which VU workers voted in favor of LSOM. Despite this facility taking positive actions in 2022, there appears to be backsliding and new denials of rights at the facility. Therefore, on January 30, 2023, the United States asked Mexico to conduct a second review.

In September 2022, the AFL-CIO, United Steelworkers, and Sindicato Independiente de las y los Trabajadores Libres y Democráticos de Saint Gobain México, a Mexican union, filed an RRM petition regarding the Saint Gobain México, S.A. de C.V. Nicolas Bravo 8, a facility in Cuautla, Mexico that exports automotive glass. The petition contained allegations regarding denials of workers' rights of free association and collective bargaining pertaining to a collective bargaining agreement approval vote in July 2022 and an upcoming vote to determine which union would represent the workers in collective bargaining agreement negotiations. Workers at the facility elected a new, independent union to represent them in collective bargaining agreement negotiations, which contributed to the resolution of the concerns in the petition and resulted in another historic win for workers.

These five actions show that we can work with trading partners to promote workers' rights and workplace democracy and form a strong foundation for our ongoing work to advance labor rights in 2023. USTR, working with the U.S. Department of Labor and other agencies that make up the USMCA Interagency Labor Committee for Monitoring and Enforcement, will continue to support workers and work with the Government of Mexico to closely monitor situations that may involve violations of workers' rights.

In addition to our work under the USMCA, the Administration undertook several efforts that will provide the foundation for further action in 2023 to advance workers' rights and raise labor standards to create sustainable growth, including on addressing forced labor.

- On January 25, 2022, USTR announced that it will develop its first-ever focused trade strategy to combat forced labor. Following that announcement, on July 6, 2022, USTR published a Federal Register notice seeking public comments on the strategy. USTR is conducting a thorough interagency review of USTR's existing trade policies and tools to combat forced labor, to determine areas that may need strengthening, and to identify gaps that need to be filled. USTR will use this analysis to establish objectives, priorities, new tools, and key action items to advance development

of the strategy. The strategy will bring attention to the U.S. Government toolkit to combat forced labor, which has been cultivated over the last twenty-five years to prevent this harmful practice, as well as to protect and provide appropriate remedies for those affected by forced labor, through trade policy and engagement. As part of the Administration's commitment to inclusive trade policy development, USTR has sought to maximize input from stakeholders, including labor organizations, civil society, survivors of forced labor and human trafficking, and the private sector.

- In September 2022, the G7 Trade Ministers reiterated their joint commitment to use trade policy to combat forced labor and build upon the 2021 G7 Trade Ministers' Statement on Forced Labor expressing their shared interest in tackling forced labor and child labor in global supply chains. The United States will continue to work with our trading partners through multilateral fora to highlight, and spur progress on, the scourge of forced labor.
- In addition to our work in the G7, the Administration is working bilaterally with trading partners to address forced labor in supply chains. In September 2022, we launched the Trade and Labor Dialogue with the European Union. Through this new mechanism, we are convening labor, business, and government representatives from both sides of the Atlantic to focus on eliminating forced labor in global supply chains and understanding the impacts of digital trade on workers. In January 2023, the United States also signed a Memorandum of Cooperation with Japan to launch a Task Force on the Promotion of Human Rights and International Labor Standards in Supply Chains under the U.S.-Japan Partnership on Trade.
- Since the Uyghur Forced Labor Prevention Act was enacted on December 23, 2022, as a member of the U.S. Department of Homeland Security-led (DHS) Forced Labor Enforcement Task Force (FLETF), USTR continues to work with DHS to monitor and block the importation of goods made in whole, or in part, with forced labor. As a result, on June 17, 2022, the FLETF published the *Strategy to Prevent the Importation of Goods Mined, Produced, or Manufactured with Forced Labor in the People's Republic of China*, which demonstrates our Administration's commitment to fully enforce our laws prohibiting the import of goods made by forced labor. It also highlights our resolve to fight against the economic exploitation and human rights abuses committed against Uyghurs and other ethnic and religious minorities in the People's Republic of China (PRC).
- Eliminating forced labor will also require cooperation and leadership from the private sector. In July 2021, the United States issued an updated advisory for U.S. businesses whose supply chains run through the Xinjiang Uyghur Autonomous Region, China, where the PRC and associated enterprises continue to subject Uyghurs and other ethnic and religious minorities to forced labor. Signatory agencies of the advisory regularly engage with the private sector on this guidance. The United States will continue to work with industry to rid supply chains of forced labor and hold bad actors accountable.

The Biden Administration is also bringing its worker-centered trade policy and commitment to fair competition to other multilateral fora and to bilateral discussions.

During 2022, the United States continued to support including labor issues in the next generation of trade agreements by the Asia-Pacific Economic Cooperation (APEC) economies. To further this goal, USTR established an APEC work program in the Committee on Trade and Investment examining the importance of multi-stakeholder engagement in trade policy and proposed a project on labor-related technical assistance and capacity building provisions in regional trade arrangements and free trade agreements. In addition, the United States supported efforts to promote the importance of multi-stakeholder engagement and hosted an APEC Economic Committee Panel on Tripartism based on an APEC policy report on the Future of Work.

As the host of the APEC this year, the United States will build on this progress and work with other APEC economies to drive the conversation on making trade work for workers, consumers, and businesses throughout our region.

In March 2022, USTR and the Association of Southeast Asian Nations (ASEAN) organized the second United States–ASEAN Trade and Labor Dialogue. The dialogue focused on inclusive approaches to trade and economic recovery, improving working conditions and business competitiveness, and workforce development and labor protections in a digital era. Further, USTR continued to support U.S. Government efforts to address forced labor associated with fishing, including in the context of work with ASEAN governments, industry, and other stakeholders.

The United States continues to call upon other regional and multilateral organizations to consider how they can more effectively hear from workers and be relevant in addressing the needs of regular people. In 2023 and beyond, the United States will continue advocating for workers’ rights on the world stage and collaborating with our partners and allies to improve outcomes for workers across the globe.

## **B. Accelerating Decarbonization and Promoting Sustainable Environmental Practices**

Combating the climate crisis and promoting environmentally sustainable practices continue to be top priorities for the Biden Administration. Trade is an indispensable tool to achieve these goals. In 2023, the United States will continue to use a range of available tools, including new and existing trade initiatives, to seek higher levels of environmental protection from our trading partners and promote decarbonization efforts necessary to limit global temperature increase to 1.5 degrees Celsius.

### **New Agreements and Approaches to Advance Our Climate Goals and Protect the Environment**

Collaborating with key trading partners to forge new partnerships and create new approaches is critical to promote a sustainable trade agenda.

In October 2021, the United States and the EU launched negotiations on the world’s first emissions-based sectoral arrangement on steel and aluminum trade, known as the Global Arrangement on Sustainable Steel and Aluminum (Global Arrangement). This will be a paradigm-shifting model that drives decarbonization while limiting anti-competitive and non-market practices that contribute to worldwide excess capacity. It will drive investment in green steel and aluminum production in the United States, Europe, and around the world, reducing emissions in two of the most carbon-intensive industrial sectors and ensuring a competitive U.S. steel and aluminum industry for decades to come.

In 2023, we will intensify our work to conclude negotiations of the Global Arrangement. This arrangement will be proof that trade policy is an important part of our climate agenda, and that effective climate action can—and must—support good-paying, quality jobs.

Another example is our work with Canada on solar panels. In July 2022, the United States and Canada signed a memorandum of understanding to settle a dispute on trade in solar products under the USMCA. The MOU also contains a mechanism to ensure that solar product imports from Canada do not undermine the effectiveness of the existing U.S. safeguard measure on imports of solar products. In 2023, we will use this MOU to promote greater deployment of solar energy in the United States using products from one of our closest allies, and foster a more resilient North American supply chain for clean energy products made without forced labor.

Through regional engagements, such as the Indo-Pacific Economic Framework for Prosperity (IPEF) and the Americas Partnership for Economic Prosperity (Americas Partnership), and our bilateral negotiations with Kenya and Taiwan, we will pursue opportunities to maintain and improve levels of environmental protection of our trading partners and increase climate ambition, including to decarbonize our respective economies. We will seek commitments by our trading partners that will enable and mobilize the technologies, public and private investment, and technical resources needed to scale up clean energy infrastructure and facilitate trade in climate-friendly goods, services, and technologies, while generating high-quality jobs that power economic growth and advance progress toward the goals of the Paris Agreement commitments.

Additionally, in 2023, the United States will continue to advance our priorities on trade and environment under the U.S.-EU TTC. This will include continuing work to scope the recently-launched Transatlantic Initiative on Sustainable Trade, in particular to advance our respective priorities to address the climate crisis and create a resilient, sustainable, and inclusive trade agenda.

The United States will also continue working to address unsustainable and illegal, unreported, and unregulated (IUU) fishing practices that are destroying the marine ecosystem. For decades, IUU fishing has been a global problem affecting ocean ecosystems, threatening economic and food security, and putting law-abiding fishermen and seafood producers at a disadvantage. The United States has been a leader in combating IUU fishing and, through implementation of our National Strategy for Combating Illegal, Unreported, and Unregulated Fishing, we will continue to work to curtail the global trade in seafood and seafood products derived from IUU fishing and promote global maritime security. We will also enhance existing activities with new initiatives to form a comprehensive set of actions to address IUU fishing and associated forced labor, including working to prevent importation of IUU fish and fish products or those associated with forced labor.

Additionally, in June 2022, we worked with other WTO Members to conclude the Agreement on Fisheries Subsidies, the first ever multilateral trade agreement with the environment at its core. The Agreement prohibits subsidies to vessels or operators engaged in IUU fishing, for fishing overfished stocks, and for fishing on the unregulated high seas. Further, the Agreement contains strong transparency provisions that will add significant understanding of the universe of fish subsidies. The Biden Administration will work with other Members to both bring this new Agreement into force and to continue negotiations to build on this Agreement with additional disciplines on subsidies that contribute to overfishing and overcapacity and to enhance transparency related to forced labor on fishing vessels.

The United States also seeks to continue to protect our shared environment, including oceans and marine resources, and those whose livelihoods depend on them, from the harm caused by plastic pollution. In 2022, the United States supported the launch of multilateral negotiations for an international agreement on ocean plastic pollution. In 2023, we will continue this effort, recognizing the role that trade plays as both a contributor to the problem of plastic pollution, and its potential to serve as an important part of the solution.

Further, the United States will continue to support and promote more resource-efficient and circular economy approaches in other international fora, including the WTO's Committee on Trade and Environment and the Trade and Environmental Sustainability Structured Discussions, and at the Organization for Economic Co-operation and Development (OECD).

The environment will also be a priority during our APEC host year this year, under the theme of "Creating a Resilient and Sustainable Future for All." APEC 2023 provides the United States a unique opportunity

to promote efforts that advance APEC economies' contributions to addressing environmental and climate challenges.

For example, we are leading a Recyclable Materials Policy Program (RMPP) under the Committee on Trade and Investment. Under this program, the United States will host a workshop on compostable bioplastics and will continue to support and expand the work of the RMPP to help develop the capacity of APEC economies to identify and frame domestic policies that promote solid waste management and recycling infrastructure. In 2023, we will also further APEC work in areas such as remanufactured goods; verifying the environmental contributions of certain goods, services, and technologies; and enabling the development, deployment, and uptake of relevant new technologies, such as zero-emission and autonomous vehicles.

### **Enforcing Environmental Provisions Through Existing Agreements and Tools**

We will also continue to take innovative approaches through our existing agreements and tools to advance our climate and environmental goals.

The USMCA provides another important example of how trade policy, when done right, is a powerful tool to advance responsible climate action. The Agreement includes the most comprehensive environmental commitments of any U.S. trade agreement, including provisions to address wildlife trafficking, illegal logging and IUU fishing, fisheries subsidies, marine litter, and air and water pollution. The Biden Administration is using the full range of tools at its disposal to confront these issues.

On February 10, 2022, USTR requested consultations with Mexico under the environment chapter of the USMCA, concerning the effectiveness of Mexico's enforcement of its environmental laws and compliance with its USMCA environment commitments relating to the protection of the vaquita, the prevention of illegal fishing, and trafficking of totoaba fish. Since that time, USTR has led a number of technical-level consultations, working through an extensive list of questions regarding Mexico's efforts and capacity to enforce its laws and regulate fishing activities in the Upper Gulf of California. As a result, USTR developed and submitted a draft plan of action to Mexico in August 2022, to which we received a counterproposal in January 2023. USTR will continue to work closely with Mexico on the development, implementation, and monitoring of this plan of action.

Another example is our work on illegally-harvested timber, which harms the environment, depletes natural resources, and disadvantages U.S. workers and businesses who use lawful and sustainable means to make their goods.

In October 2021, the United States announced an agreement with Vietnam that addresses U.S. concerns in the Vietnam Timber Section 301 investigation. This was the first Section 301 investigation to address an environmental concern, and the agreement secures commitments that will help keep illegally harvested or traded timber out of the supply chain and protect the environment and natural resources.

In April 2022, the United States and Vietnam convened the first meeting of the Timber Working Group (TWG) under that agreement, which was established to facilitate coordination between the parties and oversee the implementation of the Timber Agreement. The second meeting of the TWG was convened in November 2022. These meetings established a strong basis for further collaboration on implementation of the Timber Agreement. In 2023, the Biden Administration will continue to closely monitor Vietnam's implementation of this agreement. Further, we will also work to identify other trading partners that engage in practices related to the import and use of illegal timber, and we are prepared to take action to address this serious environmental concern, as needed.

Moreover, the United States will continue to monitor implementation of environmental provisions of all our trade agreements, including the United States – Chile Free Trade Agreement, the United States – Peru Trade Promotion Agreement, and the United States – Panama Trade Promotion Agreement.

The Biden Administration will continue to use all available tools—and create new ones as needed—to use trade policy to tackle the climate crisis and to protect the environment.

## **C. Supporting U.S. Agriculture**

The Biden Administration also recognizes that farmers, ranchers, fishers, and food manufacturers are key to our worker-centered trade policy, and we are fighting to achieve quick, economically meaningful wins for them. From 2000 to 2022, annual U.S. agricultural exports grew from \$58 billion to a record \$202 billion.

In 2023, our Administration will continue to improve economic opportunities for U.S. farmers, ranchers, and food manufacturers by expanding market access opportunities in foreign markets through the negotiation of agreements that include provisions intended to eliminate or reduce nontariff barriers that can hamper market access for U.S. agricultural products. The Administration will seek to include in these agreements enforceable provisions that build on WTO obligations, including provisions to ensure that sanitary and phytosanitary (SPS) measures are science-based, developed through transparent, predictable processes, and implemented in a nondiscriminatory manner.

U.S. farmers are integral to the Biden Administration’s worker-centered trade policy, and they will see more open trade in 2023 as a result of our ongoing efforts.

- In January 2023, we brought into force an amendment to Japan’s beef safeguard mechanism under the U.S. – Japan Trade agreement. The updated agreement will allow U.S. beef exporters to more reliably meet Japan’s growing demand for high-quality beef, providing more predictability and reducing the probability that safeguard duties will be imposed on exports of U.S. beef in the future.
- In January 2023, the United States and the EU signed the U.S. – EU Tariff Rate Quota Agreement that provides certainty to U.S. exporters regarding access to the EU market following the UK’s exit from the EU, and secures favorable market access outcomes for U.S. agricultural products such as rice, wheat, and corn.
- In February 2023, India announced a 70% cut to tariffs on U.S. pecan exports, removing a longstanding barrier to U.S. agricultural trade. This was a big win for farmers and was a result of the successfully revitalized United States – India Trade Policy Forum. In 2023, USTR will continue to work with India to open market access for U.S. agricultural goods in India.

These outcomes demonstrate the Biden Administration’s continued commitment to work constructively with our trading partners to provide greater economic opportunity for U.S. producers.

Enforcement also plays a critical role in promoting predictability and leveling the playing field in agricultural trade. The Biden Administration will continue enforcing our existing agreements so U.S. producers can compete on a level playing field in global markets.

For example, the United States is holding Canada to its commitments through enforcement action under the USMCA. The United States has raised concerns under the USMCA previously about Canada’s dairy tariff rate quota (TRQ) allocation measures. In December 2021, a USMCA dispute settlement panel found

Canada's dairy TRQ allocation measures to be inconsistent with Canada's USMCA obligations. In response to the adverse findings of the panel, Canada introduced changes to its TRQ allocation measures, but these new policies are still inconsistent with Canada's obligations under the USMCA.

In May 2022, the United States requested, for the second time, dispute settlement consultations under the USMCA to address dairy restrictions by Canada that are contrary to its USMCA commitments. Specifically, we challenged Canada's dairy TRQ allocation measures that deny allocation access to eligible applicants, including retailers, food service operators, and other types of importers, and impose new conditions on the allocation and use of the TRQs. In January 2023, the United States announced the establishment of a panel to review Canada's measures, and the panel is expected to issue a report later this year. These actions demonstrate the Biden Administration's commitment to ensuring that U.S. dairy producers receive the full benefits of the USMCA to market and sell U.S. products to Canadian consumers.

Additionally, the United States continues to engage with Mexico to address concerns with Mexico's policies regarding agricultural biotechnology, which threaten to cause serious economic harm to U.S. farmers and Mexican livestock producers, and stifle important innovations needed to help producers respond to pressing climate and food security challenges. If our concerns are not resolved, the United States will consider all options to fix this problem, including by taking formal steps under the USMCA.

In 2023, the Biden Administration will continue to ensure that our trade agreements benefit American workers, including farmers, and will use our enforcement tools as necessary to ensure that our trading partners deliver on their commitments and that U.S. agricultural producers receive the benefits negotiated in existing FTAs. This includes leveling the playing field for U.S. farmers by monitoring the treatment of products of agricultural biotechnology and advocating for non-discriminatory, science-based treatment of U.S. agricultural products by our trading partners. We will also monitor the practices of other trading partners to ensure that U.S. agricultural products are not subject to unfair, unjustified, or discriminatory restrictions.

## **D. Bolstering Supply Chain Resilience**

The pandemic, followed by Russia's full-scale invasion of Ukraine, illustrated the dangers of concentrated supply chains and inadequate consideration of geopolitical risk in making sourcing decisions. Further, the concentration of our supply chains in China contributes to our vulnerability, especially for critical technologies. That is why strengthening our supply chains is a critical component of the Biden Administration's efforts to advance our worker-centered trade policy, create sustainable economic growth, and ensure that the system is more resilient in the face of supply shocks.

To begin addressing these challenges, President Biden signed Executive Order 14017 (*America's Supply Chains*) in 2021, directing a whole-of-government approach to assess vulnerabilities in, and strengthen the resilience of, critical U.S. supply chains. Pursuant to the Executive Order, the Biden Administration conducted a 100-day review for four priority product areas: semiconductors, large capacity batteries, critical minerals and materials, and pharmaceuticals and active pharmaceutical ingredients.

USTR is actively engaged and coordinated with like-minded trade partners to develop durable solutions that advance supply chain resilience in these critical areas. And the Task Force has already started to deliver results, including: (1) addressing food insecurity in the wake of Russia's further invasion of Ukraine; (2) tackling forced labor in global supply chains; (3) continued collaboration with partners on developing solutions to tackle supply chain issues; (4) facilitating trade in safe and effective medicines and minimizing drug shortages; (5) securing smoother and more efficient movement of essential goods during a pandemic; and (6) protecting the uninterrupted flow of trade in North America during an emergency.



Supply chain resilience is also at the heart of all our trade initiatives, including the IPEF – which has a pillar dedicated to this issue – and the Americas Partnership. The Administration is also highlighting this issue bilaterally, including with partners like the European Union and Kenya, and in multilateral fora like the G7, G20, and APEC.

Over the next year, the Biden Administration will continue its work to strengthen supply chains to promote economic security, national security, good-paying jobs and worker protections, and the health of small- and medium-sized businesses, with strong standards for environmental sustainability and community engagement. Further, steps to address identified supply chain vulnerabilities and develop the foundation for increased resilience will be an important component of the United States’ ongoing engagement with its trade partners.

### **III. RE-ALIGNING THE U.S.-CHINA TRADE RELATIONSHIP**

The U.S.-China economic and trade relationship is one of profound consequence. As the two largest economies in the world, the bilateral relationship affects not just the two participants, but the entire globe.

The Biden Administration acknowledges that this relationship is complex and competitive. With respect to trade, competition must be fair. China’s approach to trade drives frictions in many of China’s relationships—not just ours. China, as a large, non-market economy, is uniquely able to distort the marketplace through unfair, anticompetitive practices, which harm workers and businesses in the United States and in other countries, including some of our closest allies and partners. By unduly concentrating production of certain goods in China, these non-market policies and practices also undermine supply chain resilience and harm consumers that, in the long run, are deprived of the innovation and choice that fair competition would produce.

To successfully counter the range of threats posed by China, we must be frank about the challenges we face.

China employs a wide array of unfair, distortive measures that provide substantial support to Chinese industries across the economy, often in pursuit of specific aims in terms of production, capabilities, and market share. China has also limited market access for imported goods and services and restricted the ability of foreign manufacturers and services suppliers to do business in China. Further, it has used various, often illicit, means to secure foreign intellectual property and technology to pursue its industrial policy objectives.

China fails to provide its people with the most basic of labor rights, including the right to organize and bargain collectively. Low operating costs resulting from artificially low wages and poor worker protections remain some of the key reasons why companies have chosen to offshore production there. Moreover, the use of state-sponsored forced labor, including in the Xinjiang Uyghur Autonomous Region, is an affront to human dignity and a further example of China’s unfair economic practices.

Similarly, China’s environmental policies make it a manufacturing destination of choice for production processes that would be barred in other countries. China’s unfair, non-market practices are also reflected in its approach to the environment, including: its weak environmental regulation and enforcement; subsidies that contribute to overfishing; illegal fishing practices; decimation of the infrastructure for recyclable commodities through a vast web of import bans; and overproduction of industrial goods. China’s policies are also harmful to the environment, including its tolerance of imports of illegally harvested wildlife products, which enables a major source of demand.

The Biden Administration is taking a holistic and pragmatic approach to our relationship grounded in the principles of our worker-centered trade policy.

It starts with the groundbreaking domestic investments enacted through the President’s leadership, which allow the United States to engage and compete with China from a position of strength. This includes, for example, repairing our roads and bridges through the Bipartisan Infrastructure Law, bolstering our capacity for critical technologies through the CHIPS and Science Act, and manufacturing clean energy technology here at home and in that of free trade partners through the Inflation Reduction Act. In addition, we are taking steps to build supply chain resilience that will defend American workers and consumers from the harms wrought by China’s trade and economic abuses. We are also considering all existing tools—and will potentially seek new ones as needed—to combat the harms of China’s state-led, non-market practices.

Critically, we are bringing renewed focus to engagement with our partners and allies, who also suffer harm from China’s unfair trade and economic practices. We share values and an essential interest in fair, market-based competition. The ability to defend against unfair Chinese practices requires that market economies act in concert to confront policies and practices that are fundamentally at odds with a global trading system based on market competition.

A key initiative is the U.S.-EU Cooperate Framework for Large Civil Aircraft. In 2021, we reached agreement to set aside longstanding aircraft disputes and suspend tariffs for five years, in order to strengthen our cooperative and strategic relationship. The United States and the EU are working to deepen their shared understanding of China’s state-directed industrial targeting goals to more effectively defend our market-oriented aerospace workers, companies, and sector from the PRC’s non-market economic policies and practices.

In particular, as noted above, the Biden Administration will continue holding China accountable for its use of state-sponsored forced labor, which is not just an extreme form of unfair competition but a moral stain. Consistent with the statutory ban on the importation of goods made in whole or in part with forced labor, the Administration issued an updated Xinjiang Supply Chain business advisory in 2021. Going forward, the Biden Administration will continue holding China accountable for its use of state-sponsored forced labor and working with our trading partners to eradicate the use of forced labor throughout global supply chains. The United States will continue implementation and enforcement of the Uyghur Forced Labor Prevention Act.

We are also mindful of the effects that trade actions can have on American businesses, especially small businesses, and workers. In May 2022, USTR commenced the statutory four-year review process by notifying representatives of domestic industries that benefit from the Section 301 tariffs on imports from the PRC of the possible termination of those actions and of the opportunity for the representatives to request continuation. In September 2022, USTR announced that because requests for continuation were received, the tariff actions had not terminated and USTR would conduct a review of the tariff actions. USTR will continue a targeted tariff exclusions process to ensure that our economic interests are being served, and we will keep open the option of further tariff exclusions processes as warranted.

## **IV. ENGAGING WITH KEY TRADING PARTNERS AND MULTILATERAL INSTITUTIONS**

Growing the middle class, opening new markets, addressing inequality, and incentivizing climate and environmental action are goals we share with many of our trading partners. Working with others to craft

trade policies that promote these goals reflects the American leadership that many of our trading partners are seeking, and the Biden Administration continues to meet the challenge.

Using trade policy as a tool to achieve these shared goals, USTR continues to step up its engagement with partners, allies, multilateral institutions and international organizations. These actors and institutions play a pivotal role in cultivating meaningful outcomes to address shared concerns.

The Biden Administration has repaired previously strained relationships with partners and allies and recommitted the United States to the world's international institutions. We are applying the principles of our worker-centered trade policy to resolve long-standing disputes, and to create new partnerships and frameworks fit for jointly tackling our greatest shared challenges. We are also leading the effort to revitalize our international institutions to ensure that they effectively address the needs of everyday people.

President Biden's strategy has already borne fruit, leading to mutually beneficial outcomes that advance the goals of shared prosperity and open the door to still greater cooperation.

## **A. Indo-Pacific Economic Framework for Prosperity**

The Biden Administration is committed to engaging economically with partners in the Indo-Pacific region. In the coming decades, we believe that competitiveness will largely be defined by how well countries are able to harness technology and digital sectors of our economies and the coming energy and climate transition to promote inclusive growth—and working with our partners and allies in the Indo-Pacific will be critical to achieving these goals.

The Indo-Pacific is one of the most dynamic regions in the world, and it is one of strategic importance to the United States. Additionally, the region is home to some of our closest allies and trading partners, including some with which we have longstanding trade agreements. By working closely with allies and partners to bolster our economic engagement in the Indo-Pacific, we can establish a new path forward that supports the global competitiveness of American workers and businesses and furthers the shared interests of our allies in the years to come.

That is why we launched the IPEF in May 2022. This framework will promote inclusive growth for workers and businesses, advance strong labor standards, and tackle climate change. The framework is also central to the Biden Administration's economic strategy in the Indo-Pacific and complements our national security goals in the region.

The IPEF will be a model for the rest of the world that unlocks enormous economic value. It is a 21st century framework designed to tackle 21st century challenges and opportunities, including: fair and resilient trade (including labor, digital and other elements); supply chain resilience; infrastructure, decarbonization, and clean energy; and tax and anti-corruption. USTR is leading efforts to craft a trade agreement with partners that includes high-standard provisions in a range of areas, including labor; environment; digital trade; agriculture; transparency and good regulatory practices; services domestic regulation; competition policy; trade facilitation; inclusivity; and technical assistance and economic cooperation.

In September 2022, trade ministers met in Los Angeles, California, to announce a statement outlining the details of our plans for further work in those areas. And in December 2022, we held the first in-person negotiating round in Brisbane, Australia, where we started text-based negotiations on the following topics: trade facilitation, agriculture, services domestic regulation, and transparency and good regulatory practices. In addition to text-based discussions, USTR officials held detailed conceptual discussions for the following topics under Pillar I: environment, labor, digital economy, competition policy, and inclusivity. In 2023,

the United States will continue intensive negotiations with our IPEF partners to deliver a high-standard agreement with cutting-edge trade rules.

## **B. Americas Partnership for Economic Prosperity**

In our own hemisphere, we are pursuing the Americas Partnership to enhance our strong regional bonds in line with a shared vision for inclusive, people-centered economic growth. The Americas Partnership will foster regional competitiveness, resilience, shared prosperity, and inclusive and sustainable investment, while tackling the climate crisis, by seeking high-standard agreements in these critical areas.

In January 2023, the United States hosted a virtual ministerial meeting to move this initiative forward, with representatives from the initial Western Hemisphere countries who endorsed the principles and high-level goals of the initiative. Those countries are Barbados, Canada, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, Mexico, Panama, Peru, and Uruguay. This significant group represents roughly 90 percent of the Western Hemisphere’s GDP and nearly two thirds of its people.

The United States has deep economic ties in the region, including free trade agreements with nine of our initial partners. The Americas Partnership will strengthen and expand our efforts to drive regional economic growth by focusing on the drivers of bottom-up and middle-out economic growth, good-quality jobs, and our competitiveness. Our workers, our companies, and our people benefit from our close economic ties and deep partnership with our closest neighbors. Through the Americas Partnership, we will ensure that our hemisphere remains among the most dynamic economic regions in the world.

The Americas Partnership is a flexible framework that will be open to all countries that share our values and vision for a prosperous hemisphere. We will move quickly toward execution of the Americas Partnership, starting with preparations for future negotiations on commitments and other areas of cooperation. Our Administration will continue to consult closely with labor, environmental groups, civil society, industry and businesses, and Congress as we make progress on this important initiative.

## **C. World Trade Organization**

The Biden Administration is committed to the World Trade Organization (WTO). Consistent with our approach to trade policy more broadly, our Administration believes the WTO should be a force for good that supports a race to the top and addresses global challenges as they arise.

The WTO was founded on shared values of fair, market-oriented competition, transparency and the rule of law, raising living standards and ensuring full employment, sustainable development, and respect for governments’ responsibility to promote our citizens’ welfare and security.

The United States still believes these fundamental values support peace, prosperity, and economic security. The WTO, however, has not kept pace with the rapidly changing global economy, and the inability of current rules to effectively constrain unfair trade and economic practices have only become clearer. Most recently, WTO dispute settlement panels have strayed from the WTO’s founding principles by casting judgment on the national security decisions of its Members. The WTO must improve its capacity to respond to the needs of everyday people, and urgent reform is critical to support the needs of our society, including on workers’ rights, supply chain fragility, and the climate.

That is why the Biden Administration is leading and partnering on a WTO reform agenda that reflects the priorities of our worker-centered approach—one that protects our planet; improves labor standards; advances gender equity, equality, and empowerment; facilitates an inclusive digital economy; and

contributes to shared prosperity. We aim to restore efficacy to the negotiating arm and promote genuine transparency; improve the understanding of and respect for Members' WTO commitments; and equip the organization to effectively account for the unfair, non-market policies and practices that are at odds with the fundamental premise of market-based competition and that create and perpetuate significant global market distortions.

The Biden Administration understands that change will take time, and we are simultaneously working to deliver results on achievable outcomes through the WTO's existing structure. Despite skepticism, the United States worked with WTO Members to deliver concrete outcomes during the Twelfth Ministerial Conference in June 2022. These outcomes touched on important issues that directly affect working people everywhere, including a modification of intellectual property protections for COVID vaccines; an extension of the moratorium on customs duties on electronic transmissions; a multilateral agreement on fisheries subsidies disciplines; and a Ministerial Declaration on food insecurity, and a work program to respond to modern sanitary and phytosanitary (SPS) challenges to feed a growing global population.

Additionally, to better inform our discussions with WTO Members following the outcome on COVID-19 vaccines, USTR has requested that the United States International Trade Commission (USITC) provide a public report on available data and information regarding access to COVID-19 diagnostics and therapeutics. As a part of its investigation, the USITC will solicit comments from the public and hold a public hearing.

The United States will continue engaging with WTO Members in 2023 to make progress on these and other issues and to transform the organization to address the challenges of our time.

## **D. Asia-Pacific Economic Cooperation**

As part of our enduring commitment to the region and broad-based economic growth, the United States is excited to serve as the Asia-Pacific Economic Cooperation (APEC) host in 2023, with the theme of "Creating a Resilient and Sustainable Future for All." The United States is taking full advantage of our host year to collaborate with like-minded partners to showcase the importance of engagement with the APEC region for American prosperity.

As an incubator of ideas and a catalyst for collaboration, APEC is uniquely positioned to explore how the United States and our partners in the region can work together to build a more durable and resilient global economy. The United States is fully committed to working with APEC economies to make resiliency, sustainability, and inclusivity core values in trade policy and to advance the needs of workers, consumers, and businesses throughout the region.

Throughout this year, we are energizing existing avenues of work in APEC, and we are also developing new efforts, in order to more meaningfully mainstream APEC's prioritization of sustainability and inclusion into its ongoing work on trade and investment. That includes lifting up workers and women entrepreneurs, empowering small businesses to enter the market, grow, and compete, and using trade to pursue decarbonization and protect our planet.

These topics are more important than ever as we continue to face a world full of challenges and uncertainty—the economic fallout from COVID-19, Russia's continued aggression in Ukraine, fragile supply chains, growing inequality, and a worsening climate crisis. Throughout our host year and beyond, the United States will continue to work with other APEC economies to promote sustainable, inclusive, and resilient growth throughout our region and to unlock economic opportunities for those who have been underserved, marginalized, and underrepresented in all of our populations.

## **E. Organization for Economic Co-operation and Development**

The Organization for Economic Cooperation and Development (OECD) has also recognized that trade must work for all, and it is another venue that provides the Administration with an opportunity to advance our worker-centered trade agenda.

An ongoing priority for the Biden Administration is the resolution of long-standing U.S. concerns about discriminatory digital services taxes (DSTs). As part of the historic 2021 OECD/G20 Inclusive Framework’s Two-Pillar Solution on global taxation, U.S. trading partners around the globe made a political agreement to withdraw existing DSTs and other similar measures as the global tax reform is implemented, and not to adopt any such new measures that target and discriminate against American companies and their workers. USTR continues to monitor the imposition of DSTs by our trading partners and will evaluate all of its available options, including under our trade agreements and domestic statutes, if other countries move forward with new measures or fail to withdraw existing measures.

Our engagement in the OECD is also serving to deepen a shared understanding of how China subsidizes key industries and the important role played by Chinese state-owned enterprises as both the recipients and providers of industrial subsidies. Through innovative analytical tools, the OECD is producing findings that will enable the United States to advance discussions on these critical issues together with likeminded partners.

USTR will also continue to pursue a mutually supportive trade and environment agenda at the OECD, and through its co-lead role to the meetings of the Joint Working Party on Trade and Environment, will advance work on trade and environmental services, circular economy and trade, and enabling reverse supply chains.

## **F. Bilateral Initiatives**

President Biden has used trade policy as a tool to rebuild relationships with partners to advance a worker-centered trade policy. Some of these engagements were held under the auspices of existing trade agreements, including free trade agreements and trade and investment framework agreements (TIFAs), while others led to the formation of new partnerships.

### ***1. European Union***

The United States and the European Union (EU) share an economic relationship of critical importance, as well as the goals of growing the middle class, addressing inequality, and incentivizing responsible environmental stewardship. Geostrategic challenges, including Russia’s full-scale invasion of Ukraine and increased assertiveness of autocratic regimes, have reinforced the importance of our shared democratic values, commitment to universal human rights, and leadership role in upholding liberal rules-based order. The Biden Administration believes that a strong U.S.-EU partnership is key to realizing this vision.

2022 cemented our progress in cooperating to promote shared goals and manage challenges and irritants. Since Russia’s invasion of Ukraine, the Administration has worked closely with the EU to hold Russia accountable—including through close coordination on aggressive sanctions. We will also continue to partner with the EU to marshal significant levels of security assistance, humanitarian aid, and direct economic support for Ukraine.

Additionally, through negotiations on the Global Arrangement on Sustainable Steel and Aluminum, we are demonstrating that trading partners can come together and align on common objectives and use trade tools

to decarbonize our economies and drive cleaner trade. In 2023, we will work to conclude negotiations of the Global Arrangement.

In December 2022, the United States and the EU held the first Ministerial Meeting of the Working Group on large civil aircraft to review progress and deepen efforts to defend the interests of our aerospace workers and companies from the PRC's non-market economic policies.

Since holding the inaugural ministerial meeting of the U.S.-EU Trade and Technology Council (TTC) in September 2021, our governments have met regularly to collaborate on a number of concrete areas, such as challenges posed by non-market policies and practices and economic coercion; avoiding unnecessary barriers to trade in emerging technology products and services; promoting and protecting labor rights and decent work; combatting child and forced labor; expanding resilient and sustainable global supply chains; and trade and environment.

Specifically, on labor, we kicked off the Trade and Labor Dialogue to bring together labor, business, and government representatives from both sides of the Atlantic to focus on eliminating forced labor in global supply chains and better incorporating key stakeholder insights into our work.

Going forward, the Biden Administration will also seek to use the TTC to cooperate on the development and deployment of new technologies that are based on our shared democratic values, including respect for human rights, and that encourage compatible standards and regulations as appropriate, while respecting the sovereign right to regulate.

Additionally, in 2023, we will continue to host the U.S. – EU Small- and Medium-Sized (SME) Workshop to identify ways to expand bilateral trade and investment and to enhance broad and inclusive SME participation in that trade and investment.

## ***2. Taiwan***

The United States has a long-standing and dynamic trade relationship with Taiwan, a vibrant democracy and important trading partner in the region. Building on this history, in June 2022, the United States and Taiwan launched the United States – Taiwan Initiative on 21st Century Trade under the auspices of the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States. In August 2022, the two sides announced the negotiating mandate for this initiative, which calls for reaching agreement on high-standard commitments and economically meaningful outcomes in a number of trade areas, including trade facilitation, regulatory practices, agriculture, anticorruption, small- and medium-sized enterprises, digital trade, labor, environment, standards, state-owned enterprises, and non-market policies and practices. Since then, the two sides have pursued an ambitious schedule of meetings—including most recently in January 2023—in an effort to make progress as quickly as possible. The United States places a high priority on partnering with Taiwan to further deepen and strengthen our trade and investment relationship.

## ***3. Kenya***

The United States will continue working with Kenya to deepen our trade and investment relationship, including by advancing worker-centered trade policies and promoting regional and continental economic integration in Africa. On July 14, 2022, the United States and Kenya launched the United States – Kenya Strategic Trade and Investment Partnership (STIP). The STIP builds on our cooperation to date and will pursue enhanced engagement leading to high standard commitments in a wide range of areas with a view to increasing investment; promoting sustainable and inclusive economic growth; benefiting workers, consumers, and businesses (including micro-, small-, and medium-sized enterprises (MSMEs)); and

supporting African regional economic integration. The first round of conceptual discussions was held in February 2023.

In the coming months, the Biden Administration will hold further conversations with the Kenyan government on important issues, including: agriculture; anti-corruption; digital trade; environment and climate change action; good regulatory practices; MSMEs; workers' rights; supporting participation of women, youth, and others in trade; standards collaboration; and trade facilitation and customs procedures. The Biden Administration also views this approach as one to be built upon to include other areas of mutual interest and to serve as a model for engagement with other willing countries on the African continent.

#### ***4. India***

The United States and India share a dynamic and important trade and investment relationship. In 2021, the United States and India relaunched the United States – India Trade Policy Forum (TPF), which had not met since 2017. In January 2023, the United States and India convened the 13th meeting of the TPF in Washington. Our governments discussed the tremendous potential for growth between our economies and how we can work together to bring a positive impact to working people in both countries. Additionally, the new TPF Working Group on Resilient Trade will provide a structured framework for discussions of issues of mutual interest, including trade facilitation, labor, environment, and good regulatory practices, all with a view towards building a more resilient future for our economies. The United States will continue to partner with India to tackle shared challenges, build resilient supply chains, and promote a transparent, rules-based trading system for market economies and democracies.

#### ***5. Japan***

Japan has long been a valued trading partner of the United States, as well as a close ally. Following the Section 232 tariff agreement to allow historically-based sustainable volumes of Japanese steel products to enter the U.S. market without the application of Section 232 tariffs, the United States and Japan held several meetings of the United States – Japan Partnership on Trade. This initiative reaffirms the shared commitment to strengthen the U.S.-Japan alliance through regular engagement to advance an agenda of cooperation as well as to address bilateral trade issues of concern to either side. Through our meetings, we discussed specific initiatives and efforts in a range of areas, including labor and environment-related priorities, a supportive digital ecosystem for all, third country concerns, trade facilitation, and multilateral cooperation.

Our governments are also resolving concerns and pursuing common goals through the Partnership, including a Memorandum of Cooperation to launch a Task Force on the Promotion of Human Rights and International Labor Standards in Supply Chains. The United States will use this Partnership to deepen our cooperation and advance sustainable, resilient, inclusive, and competitive trade policies that lift up our people and economies.

#### ***6. Korea***

Korea is a valued trading partner and a close ally. The United States – Korea Free Trade Agreement (KORUS) continues to be both a reflection of that close relationship and the foundation upon which we can build to make it even more cooperative.

Following our convening of the KORUS Joint Committee in 2021, the United States and Korea held a meeting of the Labor Affairs Council in April 2022. The council discussed steps to strengthen workers' rights and respect for freedom of association, explore a trilateral cooperation project with the International Labor Organization, eliminate forced labor from shared supply chains, and consider areas of future



cooperation and technical capacity building. During the public portion of the meeting, workers, employers, civil society organizations and other attendees discussed issues related to the KORUS Labor Chapter's implementation, particularly related to freedom of association and trade union rights.

Going forward, we are committed to working with Korea to address our shared concerns, such as supply chain challenges, sustainable trade, emerging technologies, the digital economy, and trade facilitation.

## ***7. Singapore***

Singapore has long been a critical partner and was the first the first Asian economy to sign a free trade agreement with the United States. Since convening a United States – Singapore Free Trade Agreement Joint Committee Meeting in October 2021, our governments have been meeting regularly to press forward with work on the environment, labor, digital trade, supply chains, and intellectual property, among other issues. The United States will continue working closely with Singapore on these and other matters in 2023.

## ***8. United Kingdom***

In 2023, the United States and the United Kingdom (UK) will continue to deepen our trade relationship and work to promote trade based on fair competition, address forced labor in supply chains, and address the challenges posed by distortive policies of non-market economies. We will continue efforts in the large civil aircraft Working Group to explore concrete ways to more effectively address the challenge posed by the PRC's non-market policies and practices. We will also continue to work together on reforming and strengthening the WTO so it better serves the lives and livelihood of all people, and also explore ways to boost investment in clean energy technology.

Additionally, we will continue to host the U.S. – UK Small- and Medium-Sized (SME) Dialogue to identify ways to expand bilateral trade and investment and to enhance broad and inclusive SME participation in that trade and investment. USTR will also hold events in the United States and the United Kingdom to hear directly from our respective stakeholders on the way forward for U.S.-UK trade ties. We will engage in robust discussions and outline considerations for advancing our trading relationship to support our worker-centered trade policy.

## ***9. African Continental Free Trade Area***

The United States will continue to engage with the African Continental Free Trade Area (AfCFTA) Secretariat to support regional and continental economic integration, attract investment in supply chains within the continent, and improve the livelihoods of African workers, including and especially women and youth under the AfCFTA.

To further this goal, in December 2022, the United States and the AfCFTA Secretariat signed a Memorandum of Understanding on Cooperation for Trade and Investment between the United States and the African Continental Free Trade Area, during the United States – Africa Business Forum. The MOU sets up an annual high-level engagement between the United States and the AfCFTA Secretariat, as well as quarterly meetings of technical working groups, to discuss issues to be identified by the participants. The working groups will bring together representatives from the AfCFTA Secretariat, USTR, the interagency, and other stakeholders to exchange information on best practices and facilitate an open dialogue to enhance the relationship between the United States and the AfCFTA Secretariat, the AfCFTA State Parties, and related stakeholders.

The Biden Administration recognizes that it is impossible to meet today's defining challenges on trade without African contributions and leadership. The United States is committed to working with the African

Union, including the African Union Commission and the AfCFTA in 2023 and beyond to develop a lasting partnership with the continent. We will build upon the progress made during the African Growth and Opportunity Act (AGOA) ministerial meeting in December 2022 and look forward to a constructive AGOA forum this year to further improve AGOA—including how we can increase the utilization rates, particularly among smaller and less-developed countries, as well as ensure that the program’s benefits fully reach all segments of society.

## **V. PROMOTING CONFIDENCE IN TRADE POLICY THROUGH ENFORCEMENT**

The Biden Administration is committed to vigorously enforcing our trade agreements as a critical element of pushing a global race to the top. Enforcement is a key component of our worker-centered trade policy agenda. We are using all of the tools at our disposal to combat unfair, non-market practices, defend American jobs, and create broad-based economic prosperity. American workers and businesses can compete with anyone when the playing field is level and competition is fair, and trade policy is an indispensable tool in achieving those goals. We are shaping a global trading system that enforces labor and environmental standards, protects intellectual property, and ensures that regulations are science-based and predictable.

As discussed above, the Biden Administration has already taken unprecedented action to utilize trade policy as a tool to defend U.S. economic interests. Under the United States – Mexico – Canada Agreement (USMCA), we have used the rapid response mechanism (RRM) to secure significant outcomes for workers on seven occasions. We also established—and ultimately prevailed in—the first dispute settlement panel proceeding under the USMCA on Canada’s dairy tariff-rate quota administration. The United States has also repeatedly engaged with Canada and Mexico on a number of issues, including to ensure that U.S. agricultural products receive fair treatment, that the regulatory environment is fair and transparent, and that all U.S. goods receive fair treatment.

Continuing to vigorously enforce the USMCA’s standards will continue to be a top priority for the Biden Administration in 2023. We have established a dispute settlement panel to address our concerns with Canada’s revised dairy restrictions that are contrary to its USMCA commitments. We are currently consulting with Mexico to address our concerns with Mexico’s measures that undermine American companies and U.S.-produced energy in favor of Mexico’s state-owned electrical utility and state-owned oil and gas company, Petróleos Mexicanos (PEMEX). We are also engaged in environmental consultations with Mexico under the USMCA’s Environment Chapter relating to the protection of the critically endangered vaquita porpoise, the prevention of illegal fishing, and trafficking of totoaba fish. We will continue to use all available enforcement mechanisms to robustly uphold the USMCA’s groundbreaking standards.

We are also thoroughly deploying domestic enforcement tools to protect our economic interests.

USTR’s Special 301 Report highlights the adequacy and effectiveness of U.S. trading partners’ protection and enforcement of intellectual property (IP) rights. IP-intensive industries support more than 60 million U.S. jobs—from the independent inventor just starting out to the documentary filmmaker studying critical social issues. Robust protection and enforcement in foreign countries help protect these jobs and ensure that Americans can fairly compete in global marketplaces.

Similarly, the 2022 Notorious Markets List, released on January 31, is worker-centered in its focus. It identifies examples of online and physical markets that reportedly engage in or facilitate substantial copyright piracy or trademark counterfeiting. Consistent with the Administration’s worker-centered trade

policy, this year’s publication highlights the impact of online piracy on U.S. workers and examines how online piracy can impact the wages, residuals, pensions, and health care benefits that workers in the creative industries depend on.

In addition, the Administration will continue to administer its preference programs in line with our worker-centered agenda and in accordance to the statutory eligibility criteria. After using all diplomatic means available to induce the governments to remediate the issues, President Biden announced in November 2022 the termination of Burkina Faso’s eligibility for the African Growth and Opportunity Act (AGOA) trade preference program. Our Administration is deeply concerned by the unconstitutional changes in government in Burkina Faso and urges the country to take necessary actions to return to elective democracy. The United States remains committed to and continues to work with Burkina Faso to meet the clear statutory benchmarks toward reinstatement in the AGOA program.

The United States also opposes acts, policies and practices by foreign countries that are intended to undervalue their currencies in order to gain an unfair competitive advantage over American businesses and workers. Under the Biden Administration, the U.S. government has deployed the full range of available tools to put effective pressure on countries that have been judged to intervene excessively in the foreign exchange market. The Biden Administration is committed to examining the currency practices of all major U.S. trading partners and holding them to account as necessary.

The Biden Administration will continue to monitor the practices of our trading partners and hold them accountable for meeting the standards established under our trade agreements. Further, we will also continue to review our existing trade tools, identify ways to strengthen them, and create new tools as necessary to achieve meaningful results that level the playing field for U.S. workers and businesses. In 2023, we will continue to work with Congress to fully evaluate the efficacy of our current trade tools and identify areas where new tools may be needed.

## **VI. PROMOTING EQUITABLE, INCLUSIVE, AND DURABLE TRADE POLICY AND EXPANDING STAKEHOLDER ENGAGEMENT**

Trade policy, when done correctly, can play a critical role in advancing equitable and resilient economic growth for underserved and marginalized communities, here in the United States and with trading partners who share concerns about rising inequality. The Biden Administration is committed to thorough and thoughtful engagement as we develop and implement the President’s trade policy agenda.

Inclusive engagement is a key component to ensuring that our resulting trade policies are durable and equitable, and to building trusted, sustained lines of communication with those communities that will be affected by those decisions. As such, the Biden Administration will continue to expand the tables we set and meet with communities across the country—including Tribal nations, Indigenous communities, and African and Asian American and Native Hawaiian and Pacific Islander communities—to ensure that the voices of all stakeholders are heard and respected as we evaluate and make these decisions.

### **A. Promoting Equitable, Inclusive, and Durable Trade Policy**

In strengthening the nation’s competitiveness and expanding the benefits of trade, racial and gender equity are core elements of U.S. trade and investment policy. An intersectional, interconnected framework is particularly important in emerging sectors where the United States has the potential to be competitive and

create well-paying U.S.-based jobs through trade. For these reasons, many of President Biden’s first actions directed the whole of government to embed equity in their policy goals, objectives, and outcomes.

As a result, the 2022 Annual Trade Report includes updates on USTR initiatives to advance racial and gender equity in U.S. trade policy. In addition, all U.S. trade policy tools, engagements, and new trade initiatives incorporate and reflect the core principles outlined in the Executive Orders on [Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#) and [Worker Organizing and Empowerment](#), the United States’ historic, first [National Strategy on Gender Equity and Equality](#), and the Presidential Memoranda on [Tribal Consultation and Strengthening the Nation-to-Nation Relationship](#) and on [Advancing the Human Rights of LGBTQI+ Persons around the World](#).

In particular, in April 2022, USTR released its Equity Action Plan, developed in accordance with President Biden’s Executive Order on [Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#). Through an intersectional, interconnected, whole-of-agency approach, the Plan includes incorporating racial and gender equity into the following trade and investment-related policy actions: (1) annual public updates on strategies and activities; (2) strengthening data to consider and improve the distributional effects of trade; (3) advisory committee administration, including questions posed to cleared advisors, training, and guidance; and (4) expanded and consistent USTR engagement with underserved and marginalized communities.

Additionally, the U.S. Trade Representative continues to play a constructive, active role as the co-chair of the White House Initiative and President’s Advisory Commission on Asian American Native Hawaiian and Pacific Islanders, and as a member of the Gender Policy Council and White House Council on Native American Affairs (WHCNA). On January 17, 2023, the White House convened federal government officials and community leaders to release the Biden Administration’s first-ever [National Strategy to Advance Equity, Justice, and Opportunity for Asian American, Native Hawaiian, and Pacific Islander \(AA and NHPI\) Communities](#). The National Strategy includes detailed plans from thirty-two federal agencies, including USTR, which build on the Administration’s previous actions to promote safety and equity for AA and NHPI communities.

Further, data continues to be critical to informing our work with like-minded partners to advance inclusive growth and trade policy. In October 2021, USTR requested that the U.S. International Trade Commission (USITC) conduct an independent, two-part investigation of the distributional effects of goods and services trade and trade policy on U.S. workers by skill, wage and salary level, gender, race/ethnicity, age, and income level, especially as they affect underrepresented and underserved communities.

On November 14, 2022, the USITC released its [report](#) cataloging information on the distributional effects of trade and trade policy on underrepresented and underserved communities. USTR will use the results of the USITC’s investigation to advance inclusive growth, economic resilience and competitiveness, and data needs in U.S. trade policy, including supporting efforts to close data gaps and improving data accessibility, granularity, and scope. USTR will continue to work with the USITC as it strengthens its capacity to analyze the distributional effects of trade actions on U.S. workers.

## **B. Engagement and Consultation with Partners and Stakeholders**

The Biden Administration recognizes Congress’ important role in crafting U.S. trade and investment policy. We welcome and seek guidance and feedback from Members of Congress to share their views and constituents’ priorities regarding trade policy. USTR consults with Congressional committees and the leadership of both parties in the U.S. Senate and U.S. House of Representatives, holds meetings and calls with Members and their staff, participates in Congressional hearings and leads congressional delegations

overseas to meet with trading partners and multilateral organizations. USTR also engages Members of Congress in their districts and states meeting with constituents, including workers, farmers, businesses, and community-based stakeholders. In addition, we share negotiating text with Members of Congress and appropriately cleared staff prior to sharing it with stakeholders outside of the federal government or with foreign countries. In 2023, the Biden Administration will continue to actively engage with Congress and work with Members to ensure their feedback informs trade policy.

Additionally, the Biden Administration is committed to engaging with a wide range of diverse stakeholders, including historically marginalized and underserved communities, as we develop and implement our trade policy agenda. USTR will continue connecting with stakeholders with diverse perspectives and experiences throughout the country to listen, learn, and build trusted relationships and lines of communication to develop inclusive policy that delivers equitable results.

Our Administration has also regularly consulted and briefed the 28 advisory committees that USTR manages and co-leads as we seek to hear input from labor unions, environmental groups, consumer groups, nongovernmental organizations, state and local governments, industry, and academia. In addition to seeking cleared advisor feedback on how to improve the administration of advisory committees, USTR will continue to invite and challenge cleared advisors to consider and advise on advancing innovative, equitable trade and investment policy, and encourage diverse and inclusive perspectives to apply to serve on trade advisory committees.

**THE 2022 ANNUAL REPORT  
OF THE PRESIDENT  
ON THE TRADE AGREEMENTS PROGRAM**



# I. AGREEMENTS, NEGOTIATIONS, AND OTHER INITIATIVES

## A. New Trade Initiatives

### 1. Indo-Pacific Economic Framework for Prosperity (Pillar I: Trade)

In May 2022, the United States launched the Indo-Pacific Economic Framework for Prosperity (IPEF) with Australia, Brunei Darussalam, Fiji, India, Indonesia, Japan, the Republic of Korea, Malaysia, New Zealand, Philippines, Singapore, Thailand, and Vietnam.

IPEF will advance resilience, sustainability, inclusiveness, economic growth, fairness, and competitiveness for participating economies. Through this initiative, the IPEF partners aim to contribute to cooperation, stability, prosperity, development, and peace within the region. This framework will offer tangible benefits that fuel economic activity and investment, promote sustainable and inclusive economic growth, and benefit workers, consumers, and businesses (including micro, small, and medium-sized enterprises), across the region. The 14 IPEF partners represent 40 percent of global GDP and 28 percent of global goods and services trade.

The launch began discussions of future negotiations on the following pillars: (I) Trade; (II) Supply Chains; (III) Clean Economy; and, (IV) Fair Economy. The IPEF is designed to be flexible, and IPEF partners are not required to join all four pillars.

The Office of the U.S. Trade Representative (USTR) is leading for the United States on the Trade Pillar, the Department of Commerce is leading on Pillars II and III; and the two agencies are co-leading on Pillar IV.

On September 9, 2022, USTR and IPEF partners issued a ministerial statement outlining the scope of negotiations for the Trade Pillar. Current Trade Pillar partners are: Australia, Brunei Darussalam, Fiji, Indonesia, Japan, the Republic of Korea, Malaysia, New Zealand, Philippines, Singapore, Thailand, and Vietnam. In December 2022, IPEF partners met in Australia for the first round of negotiations.

Through the IPEF Trade Pillar negotiations, the United States seeks to build high-standard, inclusive, free- and fair-trade commitments and to develop new, creative, and economically-meaningful approaches to trade policy in the Indo-Pacific region. USTR endeavors to advance U.S. trade policy goals of resilience, sustainability, and inclusivity by negotiating commitments in the following areas: labor, environment, digital economy, agriculture, transparency and good regulatory practices, competition policy, trade facilitation, inclusivity, and technical and economic cooperation.

### 2. United States–Taiwan Initiative on 21st-Century Trade

On June 1, 2022, the United States announced the launch of the U.S.–Taiwan Initiative on 21st-Century Trade under the auspices of the American Institute in Taiwan (AIT) and the Taipei Economic and Cultural Representative Office in the United States (TECRO). After a public comment period and public hearing with stakeholders, the two sides announced the official negotiating mandate on August 17, 2022, and then commenced formal negotiations.



The U.S.–Taiwan Initiative on 21st-Century Trade is intended to develop concrete ways to deepen the economic and trade relationship between the two economies, advance mutual trade priorities based on shared values, and promote innovation and inclusive economic growth for workers and businesses. The two sides have developed an ambitious roadmap for reaching agreements with high-standard commitments and economically meaningful outcomes in the following trade areas: (1) agriculture; (2) anticorruption; (3) digital trade; (4) environment; (5) good regulatory practices; (6) labor; (7) non-market policies and practices; (8) small and medium-sized enterprises; (9) standards; (10) state-owned enterprises; and, (11) trade facilitation.

On November 8 and November 9, 2022, the United States and Taiwan, under the auspices of AIT and TECRO, held two days of productive conceptual discussions on the U.S.–Taiwan Initiative on 21st-Century Trade. During the meetings, the two sides exchanged views on the key concepts to be addressed in several of the trade areas set out in the negotiating mandate for the initiative.

The United States and Taiwan intend to use the U.S.–Taiwan Initiative on 21st-Century Trade and their ongoing engagement with stakeholders to advance and deepen the important U.S.–Taiwan economic and trade relationship, to promote shared values, and to address shared challenges and opportunities.

### **3. United States–Kenya Strategic Trade and Investment Partnership**

U.S. officials met with Kenyan Government officials in Nairobi from May 3 to May 6, 2022 to discuss a wide range of topics and help identify key areas of convergence that deepened mutual understanding between both countries.

On July 14, 2022, the U.S. Trade Representative and the Cabinet Secretary for Kenya's Ministry of Industrialization, Trade and Enterprise Development, issued a joint statement launching the United States–Kenya Strategic Trade and Investment Partnership (STIP). They decided that the United States and Kenya would pursue enhanced engagement leading to high standard commitments in a wide range of areas with a view to increasing investment; promoting sustainable and inclusive economic growth; benefiting workers, consumers, and businesses (including micro, small, and medium-sized enterprises); and, supporting African regional economic integration. They identified an initial set of issues where the United States and Kenya intend to develop an ambitious roadmap for enhanced cooperation with the goal of negotiating high-standard commitments in order to achieve economically meaningful outcomes.

On November 3, 2022, the U.S. Trade Representative met virtually with the Cabinet Secretary for Kenya's Ministry of Investments, Trade, and Industry, and on December 12, 2022, the two met in person in Washington DC. During both meetings, the two noted the shared objectives of their governments as reflected in the July 14, 2022 joint statement launching the United States–Kenya STIP. They highlighted how the initiative aligns with the Government of Kenya's domestic objective of greater economic inclusiveness as well as its objective of advancing African regional economic integration, and discussed plans to begin expert engagement in early 2023 on the issues identified in the joint statement.

### **4. United States–European Union Trade and Technology Council**

The United States–European Union Trade and Technology Council (TTC) was the principal coordination mechanism through which the United States engaged the EU on trade policy during 2022. Across ten TTC working groups, the United States and the EU are pursuing policy outcomes on trade and technology that align with shared values and promote a rules-based economic system.

The TTC held its second ministerial meeting in Paris, France on May 16, 2022 and its third ministerial on December 5, 2022 in College Park, Maryland. The U.S. Trade Representative co-chaired the two ministerial meetings along with the U.S. Secretaries of State and Commerce, and the European Commission Executive Vice Presidents.

During the second half of 2022, the two sides exchanged information and analysis on the market situation of U.S. and EU medical device companies in China, with the goal of developing stronger joint and coordinated responses to non-market policies and practices that are harming U.S. and EU companies.

In the December 5, 2022 ministerial, the United States and the EU announced plans to identify and address policies of economic coercion pursued by autocratic governments and to explore potential coordinated or joint efforts, bilaterally and with likeminded partners, to improve each side's response to that coercion.

In December 2022, the TTC also launched a new Transatlantic Initiative on Sustainable Trade. This initiative will enhance work across the TTC that strives to support the transition to low-carbon economies by identifying actions in key areas of trade and environmental sustainability that support the shared twin goals of a green and sustainable global economy and increased transatlantic trade and investment.

In conjunction with the TTC, the U.S. Trade Representative, the U.S. Department of Labor, and the European Commission Executive Vice President for Trade led a high-level meeting of the new tripartite U.S.–EU Trade and Labor Dialogue (TALD), convening senior U.S. and EU labor and business leaders on December 5, 2022, for a discussion on combating forced labor in global supply chains. Combating forced labor and exploring the impact of digital trade on workers will serve as priority issues for the TALD.

*For further discussion of labor-related activities, see Chapter III.H.1 Trade and Labor Free Trade Agreements and Bilateral Activities.*

The United States and the EU also announced in December their intention to compile and exchange information on each side's respective initiatives to use digital technology to simplify or reduce the cost of doing business with governments, with the aim of potentially developing joint best practices on the use and promotion of compatible digital tools. The two sides will continue work aimed at identifying potential sector-specific and cross-sectoral initiatives in which strengthened cooperation on conformity assessment could enhance transatlantic trade. The two sides will also explore ways in which new digital applications, where permissible, can help U.S. and EU stakeholders better utilize existing mutual recognition agreements.

For more information on the initiatives launched by the TTC, see the [U.S.–EU Joint Statement of the Trade and Technology Council](#) issued by the U.S. and EU TTC co-chairs.

## **5. Americas Partnership for Economic Prosperity**

At the Summit of the Americas in June 2022, President Biden announced the Americas Partnership for Economic Prosperity (APEP). APEP will include partners from across the Americas open to high standards and initial consultations will include: reinvigorating regional economic institutions and mobilizing investment; making more resilient supply chains; updating the basic bargain by making public investments and innovations in public administration to make life better and fairer for our respective citizens; creating clean energy jobs and advancing decarbonization and biodiversity; and, ensuring sustainable and inclusive trade.

## **6. African Continental Free Trade Area Memorandum of Understanding**

The U.S. Trade Representative and the African Continental Free Trade Area (AfCFTA) Secretary General signed a Memorandum of Understanding (MOU) on December 14, 2022 at the U.S.–Africa Business Forum during the U.S.–Africa Leaders Summit in Washington, D.C.

The MOU is framed on supporting the implementation of the AfCFTA, including its Protocol on Women and Youth in Trade; promoting equitable, sustainable, and inclusive trade; boosting competitiveness and attracting investment to the continent; diversifying trade to underserved groups; and, helping African countries move into more advanced manufacturing in closer partnership with U.S. companies operating across the continent. The MOU sets up an annual engagement between the U.S. Government and the AfCFTA Secretariat to discuss the implementation of the MOU as well as quarterly meetings of technical working groups (TWGs) to discuss areas of mutual interest. The TWGs will comprise experts from the AfCFTA Secretariat, the Office of the United States Trade Representative, other U.S. Government agencies, and other stakeholders. The TWGs will exchange information on best practices and have an open dialogue to enhance the relationship between the United States and the AfCFTA Secretariat, the AfCFTA State Parties, and related stakeholders.

## **B. Free Trade Agreements in Force**

### **1. Australia**

The United States–Australia Free Trade Agreement (FTA) entered into force on January 1, 2005.

#### **Operation of the United States–Australia Free Trade Agreements**

The United States–Australia Joint Committee is the central oversight body for the FTA. The United States met regularly with Australia throughout 2022 to monitor implementation of the FTA and review concerns about market access. On March 16, 2022, the United States and Australia held an FTA Joint Committee meeting in Canberra, Australia. The two governments discussed a number of trade priorities and committed to convening a meeting of the FTA Sanitary and Phytosanitary (SPS) Committee to discuss market access concerns. On September 22, 2022, the United States and Australia held an FTA SPS Committee meeting. The United States continued to work closely with Australia to deepen the bilateral trade relationship and coordinate on issues of regional and international importance.

#### **Agriculture**

*For a discussion of agriculture-related activities, see Chapter III.C.2 Agriculture and Trade Bilateral and Regional Activities.*

### **2. Bahrain**

The United States–Bahrain Free Trade Agreement (FTA) entered into force on August 1, 2006. Under the FTA, as of August 1, 2006, Bahrain provides duty-free access to 100 percent of the two-way trade in industrial and consumer products, and trade in most agricultural products. In addition, under the FTA, Bahrain opened its services market, which provides opportunities for U.S. financial services providers and U.S. companies that offer telecommunication, audiovisual, express delivery, distribution, health care, architecture, and engineering services. Under the 2018 United States–Bahrain Memorandum of

Understanding on Trade in Food and Agriculture Products, Bahrain continues to accept existing U.S. export certifications for food and agricultural products.

The United States–Bahrain Bilateral Investment Treaty, which took effect in May 2001, covers investment issues between the two countries.

### **Operation of the United States–Bahrain Free Trade Agreement**

The United States–Bahrain Joint Committee is the central oversight body for the FTA. The Joint Committee did not meet during 2022.

### **Labor**

During 2022, the Office of the U.S. Trade Representative (USTR) and the U.S. Department of Labor continued to monitor and engage with the Government of Bahrain on labor rights in Bahrain, in particular with respect to employment discrimination and freedom of association related concerns that had been highlighted initially during consultations that began in 2013 under the United States–Bahrain FTA.

*For further discussion of labor-related activities, see Chapter III.H.1 Trade and Labor Free Trade Agreements and Bilateral Activities.*

## **3. Central America and the Dominican Republic**

On August 5, 2004, the United States signed the Dominican Republic–Central America–United States Free Trade Agreement (CAFTA–DR) with five Central American countries (Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua) and the Dominican Republic. The Agreement has been in force since January 1, 2009 for all seven countries that signed the CAFTA–DR. It entered into force for the United States, El Salvador, Guatemala, Honduras, and Nicaragua in 2006, for the Dominican Republic on March 1, 2007, and for Costa Rica on January 1, 2009.

The CAFTA–DR eliminates tariffs, reduces barriers to services, and promotes transparency and customs and administrative efficiencies, facilitating intra-regional supply chains and integrated operations and fostering greater prosperity, formal employment and inclusive economic opportunities throughout the region. U.S. export and investment opportunities with Central America and the Dominican Republic have continued to grow under the CAFTA–DR. All of the CAFTA–DR Parties have committed to strengthening trade facilitation, regional supply chains, and implementation of the Agreement. U.S. consumer and industrial goods may enter duty free in all the other CAFTA–DR member country markets. U.S. textile and apparel goods meeting the Agreement’s rules of origin enter the other CAFTA–DR countries’ markets duty free and quota free. Under the CAFTA–DR, tariff-rate quotas (TRQs) for sensitive agricultural products will increase annually through 2025, after which the TRQs will be eliminated and the affected products will enter other CAFTA–DR countries duty free.

### **Operation of the Dominican Republic–Central America–United States Free Trade Agreement**

The CAFTA–DR Free Trade Commission is the central oversight body for the CAFTA–DR. The Free Trade Commission is responsible for monitoring the implementation and administration of the Agreement, including strengthening implementation, enhancing opportunities for small and medium-sized enterprises (SMEs), and addressing labor and environmental issues. The CAFTA–DR Coordinators, who are technical level staff of the Parties, maintain ongoing communication to follow up on agreements reached by the Free

Trade Commission. In addition, Coordinators advance technical and administrative implementation issues under the CAFTA–DR, and define the agenda for meetings of the Free Trade Commission.

## **Agriculture**

*For a discussion on agriculture-related activities, see Chapter III.C.2 Agriculture and Trade Bilateral and Regional Activities.*

## **Environment**

*For a discussion on environment-related activities, see Chapter III.G.1 Trade and the Environment Free Trade Agreements and Bilateral Activities.*

## **Labor**

Ongoing CAFTA–DR labor capacity building activities, including the exchange of views on best practices, support efforts to promote labor rights and improve the enforcement of labor laws in the CAFTA–DR countries. In 2022, both the U.S. Department of Labor (DOL) and the U.S. Agency for International Development (USAID) continued to fund labor-related technical assistance projects that supported CAFTA–DR objectives. The Department of State funded programs in Central America to combat labor violence and to ensure employers create more gender-inclusive workplaces where gender discrimination is appropriately addressed.

### ***Dominican Republic***

In June 2022, the Office of the U.S. Trade Representative (USTR) and the Government of the Dominican Republic (GODR) announced the formation of a technical working group to improve labor law enforcement in the Dominican sugar sector. The working group, which includes officials from the countries’ responsible trade, labor, and foreign affairs ministries, takes into account the commitment of the two countries to enforce labor laws, including those regarding forced labor, improve labor conditions under the CAFTA–DR and in accordance with international standards, and continue their long-standing partnership on addressing these issues.

In addition, the United States continued to engage throughout 2022 with the GODR, the sugar industry, and civil society groups on the concerns identified in a 2013 DOL report, issued in response to allegations in a submission from the public under the CAFTA–DR that the GODR had failed to enforce the country’s labor laws in the sugar sector.

- In March 2022, a U.S. Government delegation visited sugarcane producing worksites and worker communities to engage workers and civil society representatives and reiterated to the Ministries of Labor and Foreign Affairs, at both high and technical levels, the need for accelerated progress to address the continuing labor challenges in the sector. Although progress has been made, procedural and methodological shortcomings in the labor inspections process remain.
- In September 2022, the DOL published its seventh periodic review of the 2013 report, which detailed ongoing concerns with sugar sector workers’ working and living conditions. As part of the U.S. Government’s efforts to address labor-related concerns, the DOL also detailed a staff person to the U.S. Embassy in Santo Domingo and awarded a \$3 million project to strengthen worker engagement and empowerment in the sugar sector.

- The Dominican Republic Ministry of Labor continued its direct outreach on labor rights to sugarcane cutters at all three major Dominican sugar companies, worked with stakeholders to double the minimum wage for hourly workers in the sector, and for the first time convened civil society groups working with these communities to elevate the voice of workers.
- Sugar producers have engaged in the process to varying degrees and have implemented some reforms that address concerns raised in the submission and recommended in the DOL report.

In November 2022, the U.S. Department of Homeland Security Customs and Border Protection (CBP) issued a withhold release order for all raw sugar and sugar-based products produced in the Dominican Republic by Central Romana Corporation Limited based on information that reasonably indicates the use of forced labor in the company's operations. The CBP, through an investigation initiated under Section 307 of the Tariff Act of 1930, identified five of the International Labor Organization's (ILO) 11 indicators of forced labor: abuse of vulnerability, isolation, withholding of wages, abusive working and living conditions, and excessive overtime.

Throughout 2022, the U.S. Department of Labor provided technical assistance to help support labor law enforcement and improve inspection case management systems and inspector preparation in agriculture through the International Labor Organization.

### ***Honduras***

In 2015, a DOL report issued in response to a 2012 public submission under the CAFTA–DR led to the signing of a Labor Rights Monitoring and Action Plan (MAP). Since that time, the United States and the Government of Honduras have been working together to fulfill commitments Honduras made in the MAP, including addressing legal and regulatory frameworks for labor rights, undertaking institutional improvements, intensifying targeted enforcement, and improving transparency. Honduras has made some significant progress in implementing the MAP over the past seven years, including passing a comprehensive new labor inspection law in January 2017, issuing an implementing regulation for the law in July 2019, adopting a child labor referral mechanism in August 2019, and convening numerous tripartite meetings with private sector and labor stakeholders to discuss progress under the MAP. In 2022, the U.S. Government conducted eight missions to Honduras to follow up on the MAP and encourage Honduras to take the required actions to complete it. The Government of Honduras convened tripartite meetings in March, May, July, August, and November 2022 to consult with stakeholders regarding progress on the MAP and the development of a post-MAP framework for continuous improvements and transparency. The U.S. Government and the Government of Honduras agreed to a final extension of the MAP that will end no later than September 30, 2023, to ensure that the Honduran Government has a reasonable opportunity to make the necessary changes in labor law administration.

The U.S. Government continued to provide a number of technical cooperation projects in Honduras to support employment and labor rights, including a program funded by the Department of State to combat labor violence mentioned above. The DOL continued funding an \$11.6 million project to reduce child labor and improve labor rights in support of the Government of Honduras' implementation of MAP commitments. The DOL also continued funding a \$2 million project to improve the technical audit unit within the Ministry of Labor and to improve Honduras' technical capacity to collect fines, as well as a \$2.5 million project with the ILO to combat child labor in the coffee sector.

### ***Additional CAFTA–DR Labor-Related Technical Capacity Building***

In support of the 2017 labor law reform in Costa Rica, the DOL continued funding a \$2.5 million technical assistance project to build the capacity of key Costa Rican agencies responsible for enforcing labor laws,

particularly the labor inspectorate and the labor courts, with respect to minimum wages, hours of work, and occupational safety and health in the agricultural export sector. The project promotes access to labor rights by workers in the agricultural sector through new mechanisms to file complaints before national administrative and labor courts. The DOL funded a \$3.75 million technical assistance project in Costa Rica that supports vulnerable and marginalized youth in acquiring the skills to enter the job market, helps companies develop apprenticeship or workplace-based training programs for vulnerable youth, and supports efforts to strengthen the laws and policies for these programs. This project closed in 2022 and the [final evaluation report](#) is available online.

The DOL also continued to fund a \$2.5 million project implemented by the ILO to improve the enforcement of acceptable conditions of work in the Guatemalan agricultural export sector. The project assisted the Guatemalan Ministry of Labor to standardize the criteria for labor inspection, developed a procedural manual for labor inspection of the General Labor Inspectorate, and trained new and existing labor inspectors. It trained the judiciary on constitutional jurisprudence and international labor conventions and is now developing an electronic case management system for pilot implementation in three labor inspection offices.

The DOL continued funding additional labor capacity-building projects, including a \$4 million project on labor market information systems in El Salvador, Guatemala, and Honduras, implemented by American Institutes for Research. That project ended in September 2022, and the final evaluation report and data quality assessment are available online. The DOL also continued funding a research institute headquartered in Washington, D.C., and a recently closed \$17 million technical assistance project to support vocational training and skill-building for at-risk youth and to prevent exploitative child labor practices in El Salvador and Honduras.

In December 2021, the DOL awarded three new regional technical assistance projects in Guatemala, El Salvador, and Honduras totaling \$21.4 million. The projects focus on workers' rights, workplace safety and health and other acceptable conditions of work, child labor, and forced labor, as follows:

- A \$5 million workers' rights project led by the Solidarity Center to strengthen the capacity of worker organizations in agricultural supply chains in Honduras and Guatemala and the maquila sector in El Salvador. The project prioritizes underserved and indigenous communities and includes a focus on gender and racial equity.
- An \$8 million occupational safety and health project implemented by La Isla Network to support sugarcane and other agricultural workers in El Salvador, Guatemala, and Honduras and garment/textile workers in El Salvador with limited access to prevention, treatment and social protections.
- An \$8.4 million project that will work with civil society and workers' organizations in El Salvador, Guatemala, and Honduras to strengthen their capacity and bolster their collaboration with government agencies, the private sector, and other stakeholders to protect labor rights and reduce child labor and forced labor. The project will focus on organizations that represent indigenous, Afro-descendant, and Garifuna populations, while promoting gender and racial equity.

In 2022, the USAID Regional Human Rights and Democracy activity in Central America continued to build capacity and advocate for labor rights. The USAID promoted the transfer of skills and experience from high-capacity organizations working on labor inclusion in Mexico to Central American organizations, including training 898 participants on labor inclusion of lesbian, gay, bisexual, transgender, and queer (LGBTQI+) individuals, training 275 people with disabilities, and training 234 unionized individuals in Honduras on topics such as negotiation, psychosocial support, and maternal rights. Through the ILO,

USAID also provided training to formalize small businesses in El Salvador, Guatemala, and Honduras. Finally, the Independent Monitoring Group of El Salvador began training Salvadoran migrants who will receive temporary H-2A visas to work in the United States on their labor rights.

*For further discussion of labor-related activities, see Chapter III.H.1 Trade and Labor Free Trade Agreements and Bilateral Activities.*

### **Other Implementation Matters**

Throughout 2022, the United States continued to advance its broad strategy with Central America to address the root causes of migration, including strengthening inclusive economic prosperity, labor rights and protections, democratic governance, and the rule of law. Through engagements with CAFTA–DR partner countries and stakeholders, USTR focused on strengthening labor and environment standards, building resilient supply chains, facilitating trade, and improving transparency and good regulatory practices, to build sustainable and inclusive trade and economic opportunities and formal sector employment in the region. CAFTA–DR Coordinators discussed policy cooperation and trade capacity building activities related to improving efficiencies and expanding bilateral and intra-regional trade and investment opportunities. They also discussed other regulatory practices to prioritize for improvement; strengthening trade, investment, and the regional supply chain in the textiles and apparel sector; strengthening worker rights and labor protections to foster inclusive economic, trade, and investment opportunities; and, strengthening environmental protections to foster sustainable economic development and investment opportunities.

CAFTA–DR Coordinators and various members of the Agricultural Review Commission (ARC) reviewed issues under CAFTA-DR Article 3.18, (*For more information, see Chapter III.C.2 Agriculture and Trade Bilateral and Regional Activities*) including the implementation and operation of the Agreement as it relates to trade in agricultural goods. The United States and various CAFTA-DR countries also discussed advances in agricultural technology, practices and productivity and technical assistance towards adapting to global challenges, such as food security and climate change, and possible areas for capacity building to support agricultural workforces and small-scale at-risk producers.

The United States also continued to work closely with the other CAFTA–DR Parties on bilateral and regional matters related to implementation of the Agreement, including agricultural and sanitary and phytosanitary (SPS) trade matters. The U.S. Government worked to improve the transparency and effectiveness of Central American regulatory and customs/border practices, which has resulted in facilitating customs procedures and trade. In 2022, the U.S. Government engaged with Guatemala to help introduce an automated system which provides more transparency and helps clear bonded shipments more quickly.

The Free Trade Commission has emphasized the need for greater regional integration, which the United States continues to support through various trade capacity building efforts to promote economic prosperity. These initiatives included efforts to support the U.S. textile and apparel industry by strengthening utilization of the Agreement and regional supply chains. Throughout 2022, USTR undertook various efforts to promote the CAFTA–DR supply chain and nearshoring, including ongoing work with the Inter-American Development Bank on a CAFTA–DR Sourcing Database project containing elements to encourage regional sourcing and support the short supply process by assisting producers to meet procedural and due diligence requirements. USTR also organized a four-part CAFTA–DR Webinar training series to strengthen understanding and utilization of the CAFTA–DR benefits. In coordination with the U.S. Department of Commerce, USTR also carried out extensive consultations on how U.S. and CAFTA-DR partner country stakeholders can make better use of CAFTA-DR’s short supply mechanism.



## Trade Capacity Building

During 2022, USTR coordinated with U.S. Government trade-related agencies and CAFTA–DR partner countries to identify and explore trade capacity building activities and to work with government agencies and international donors to prioritize and coordinate technical assistance through the Trade Capacity Building (TCB) Committee.

Trade capacity building programs and planning continued throughout 2022. USTR, along with the USAID and other U.S. Government trade and donor agencies, such as the U.S. Departments of Agriculture, Commerce, Labor, and State, carried out bilateral and regional projects with CAFTA–DR partner countries to facilitate trade and inclusive economic opportunity, strengthen labor rights and protections, and increase capacity within the CAFTA–DR countries.

During 2022, specific programs included the following:

- Building El Salvador’s Trade and Competitiveness in Textiles and Apparel to Strengthen Trade and Regional Economic Prosperity program. This program engaged business, academia, and government to strengthen human and institutional capacity to support the Salvadoran and regional textile and apparel industry and enhance competitiveness and supply-chain opportunities throughout the CAFTA–DR region. In 2022, several workshops and professional exchanges were held via digital conferencing platforms on issues affecting the textile and apparel industry’s competitiveness in the context of the global supply chain, utilization of the CAFTA–DR, and the CAFTA-DR regional supply chain. The July 2022 culminating event showcased the accomplishments of five-years of targeted trainings and workshops to develop knowledge and skills in effective marketing, innovative product design, supply chain management, and maximizing the use of CAFTA-DR textiles provisions to build inclusive trade, investment and employment opportunities in the region.
- Central America Regional Trade Facilitation and Border Management project, which aims to enhance economic growth in Central America by strengthening the region’s trade capacity and competitiveness through increased regional integration and lower administrative costs associated with trade. The project also supports a Coordinated Regional Border Management Academy to certify border control officers, helping to ensure that procedures are followed according to a uniform standard. In addition, the project provides technical assistance to trade and regulatory agencies and regional business associations to comprehensively implement key elements of the World Trade Organization (WTO) Trade Facilitation Agreement (TFA).
- Various workshops on the U.S. regulatory system, internal standards, and WTO obligations for CAFTA-DR Parties. The purpose of these workshops was to highlight for the CAFTA–DR Parties how the U.S. regulatory system operates, as well as support resolution of a number of outstanding regulatory issues that disrupt trade between the United States and the other CAFTA–DR Parties.
- Central America Customs, Border Management, and Supply Chain Trade Facilitation program, which provides technical assistance to the governments of El Salvador, Guatemala, and Honduras on implementing transparency reforms to improve and simplify customs clearance procedures. The program promotes economic prosperity objectives and compliance with the commitments outlined in both the CAFTA–DR and the WTO TFA.

*For further discussion of trade capacity building, see Chapter III.I Trade Capacity Building.*

## 4. Chile

The United States–Chile Free Trade Agreement (FTA) entered into force on January 1, 2004. Under the FTA, as of January 1, 2015, Chile provides duty-free access to all goods exports.

### Operation of the United States–Chile Free Trade Agreement

The United States–Chile Free Trade Commission is the central oversight body for the FTA. The Free Trade Commission last met in October 2018. In November 2022, a Deputy U.S. Trade Representative visited Santiago to meet with the new Chilean Administration and ensure continuity in the trade relationship. During the Deputy U.S. Trade Representative’s visit, the United States and Chile agreed to hold the next Free Trade Commission meeting in 2023.

### Environment

In 2022, the United States continued to monitor and enforce the Environment Chapter of the United States–Chile FTA. In August 2022, the United States and Chile held the ninth meeting of the Environmental Affairs Council (EAC) to review the Parties’ implementation of and compliance with Environment Chapter obligations. The United States and Chile also convened the seventh meeting of the Joint Commission for Environmental Cooperation (JCEC) in August 2022 to review activities under the 2018-2020 Work Program for Environmental Cooperation and priorities for cooperation under the 2021-2024 Work Program. The United States will continue to work closely with Chile on trade and environment issues through regular exchanges with government officials, interagency collaboration, and stakeholder engagement.

*For further discussion of environment-related activities, see Chapter III.G.I Trade and the Environment Free Trade Agreements and Bilateral Activities.*

### Labor

The United States continued its engagement with Chile on labor issues in 2022, including by continuing a cooperative dialogue to exchange information and best practices on labor matters under the FTA’s labor cooperation mechanism. In its [2021 Report on Findings on the Worst Forms of Child Labor](#), the U.S. Department of Labor recognized Chile as having made “moderate advancement” in its efforts to eliminate the worst forms of child labor.

## 5. Colombia

The United States–Colombia Trade Promotion Agreement (CTPA) entered into force on May 15, 2012. Under the Agreement, Colombia provides duty-free access to all U.S. consumer and industrial products. More than half of U.S. agricultural exports to Colombia became duty free immediately upon entry into force, with virtually all remaining tariffs on U.S. agricultural goods to be eliminated by 2026 (reflecting a 15-year phase-out period). Tariffs on a few most sensitive agricultural products will be phased out in 17 to 19 years after entry into force.

### Operation of the United States–Colombia Trade Promotion Agreement

The United States–Colombia Free Trade Commission is the central oversight body for the Agreement. From a compliance perspective, in 2022, the United States resolved issues related to express shipment and closely tracked and discussed with Colombia matters regarding front-of-package labeling and other technical barriers to trade. In October, a Deputy U.S. Trade Representative visited Bogota to meet with the

new Colombian Administration and ensure continuity in the trade relationship. During the visit, the United States and Colombia agreed to hold the next Free Trade Commission meeting in 2023.

## **Agriculture**

*For a discussion of agriculture-related activities, see Chapter III.C.2 Agriculture and Trade Bilateral and Regional Activities.*

## **Environment**

*For a discussion of environment-related activities, see Chapter III.G.1 Trade and the Environment Free Trade Agreements and Bilateral Activities.*

## **Labor**

The United States engaged with the Colombian Government on labor issues throughout 2022, including through trips to Colombia by senior-level officials from both the Office of the United States Trade Representative (USTR) and the U.S. Department of Labor (DOL). Much of the engagement focused on Colombia's ongoing efforts to address issues identified in the DOL's January 2017 report in response to the submission filed under the Labor Chapter of the Agreement in July 2016. The report focused on improving Colombia's labor law inspection system, improving the application and collection of fines for employers who violate labor laws, combating abusive subcontracting and collective pacts, and improving the investigation and prosecution of cases of violence and threats against unionists. USTR and DOL officials frequently engaged with Colombian officials in Colombia and Washington, D.C. to discuss and maintain close coordination on labor issues of interest, including those identified in the DOL's 2021 second periodic review of the 2017 DOL report. The DOL has posted a Labor Attache to the U.S. Embassy in Bogota to monitor labor issues and engage with Colombian officials and labor stakeholders, highlighting the U.S. Government's commitment to ensuring close engagement with Colombia on labor rights.

In 2022, the Colombian Government took some steps to address the issues raised in the report, including increasing its number of labor inspectors and receiving and resolving labor-law-related cases reported in its Ministry of Labor's electronic case management system. The United States will continue to work closely with Colombia on remaining challenges, including the imposition and collection of fines for illegal subcontracting and inspections in priority sectors under the Colombian Action Plan Related to Labor Rights (Action Plan). The United States and Colombia launched the Action Plan in 2011 to provide detailed, concrete steps that Colombia would take within specified time frames to address major areas of labor concern.

In 2022, the DOL managed technical assistance projects totaling approximately \$26 million that aim to improve labor law enforcement in Colombia and promote labor rights covered by the Agreement. For example, these projects strengthen labor law enforcement, advance labor law compliance in the port sector, and address child labor and working conditions in coffee and in artisanal and small-scale coal and gold mining. In its [2021 Report on the Findings on the Worst Forms of Child Labor](#), the DOL recognized Colombia as having made "significant advancement" in its efforts to eliminate the worst forms of child labor.

*For further discussion of labor-related activities, see Chapter III.H.1 Trade and Labor Free Trade Agreements and Bilateral Activities.*

## 6. Israel

The United States–Israel Free Trade Agreement (FTA) entered into force on September 1, 1985. The Agreement was the United States’ first FTA, and continues to serve as the foundation for the trade and investment relationship between the United States and Israel.

### Operation of the United States–Israel Free Trade Agreement

The United States–Israel Joint Committee is the central oversight body for the FTA. The governments continue collaborative efforts to improve bilateral trade and investment., including with respect to Israel’s progress in addressing a number of standards-related and customs barriers to bilateral trade, and possibilities for further cooperation in the area of services, investment, and digital trade. Both countries continue to work toward resolving these and additional trade impediments. In 2022, the Israel opened its market to imports of U.S. processed meat products.

At a February 2016 Joint Committee meeting, Israel had proposed resuming negotiations on a permanent successor agreement to the current United States–Israel Agreement on Trade in Agricultural Products (ATAP). The current ATAP is the second of two temporary ATAPs that the United States and Israel have negotiated due to a disagreement over interpretation of the FTA that arose after the Uruguay Round was concluded. The first ATAP, negotiated in 1996, allowed for limited preferential tariff treatment for some U.S. agricultural products. The 2004 successor ATAP achieved modest additional market access for U.S. agricultural products. That ATAP was originally set to remain in effect until the end of 2008, but has been continued each year since then through a series of one-year extensions. Under the 2004 ATAP, Israel provides the United States less advantageous tariff treatment than the United States provides Israel: the United States provides Israel with duty-free access to 90 percent of agricultural tariff lines, while Israel provides the United States with duty-free access to only 72 percent of agricultural tariff lines. Because of existing disparities, the United States remains committed to negotiating a more balanced permanent successor agreement. Negotiations were last held in 2019. At the December 2020 Joint Committee meeting, the United States and Israel reaffirmed their commitment to the negotiation of a permanent ATAP.

### Agriculture

*For a discussion of agriculture-related activities, see Chapter III.C.1 Agriculture and Trade Opening Export Markets for American Agriculture.*

## 7. Jordan

The United States–Jordan Free Trade Agreement (FTA) entered into force on December 17, 2001. Under the FTA, as of January 1, 2010, Jordan provides duty-free access to substantially all U.S. exports.

Jordanian exporters benefit from the Qualifying Industrial Zones (QIZs) program established by the U.S. Congress in 1996. The QIZ program allows products exported from Jordan with a specified amount of Israeli content to enter the United States duty free if manufactured in Jordan, Egypt, or the West Bank and Gaza. QIZ products accounted for about 2.3 percent of Jordanian exports to the United States in 2022. The QIZ share of Jordanian exports is declining relative to the share of Jordanian exports shipped to the United States under the FTA.

## **Operation of the United States–Jordan Free Trade Agreement**

The United States–Jordan Joint Committee is the central oversight body for the FTA. During 2022, the United States continued to press Jordan to allow the importation of U.S. genetically engineered food products.

Jordanian barriers in government procurement remain a concern. The FTA does not contain government procurement commitments, and Jordan is not a party to the WTO Agreement on Government Procurement.

### **Labor**

The United States continued to monitor labor rights in Jordan pursuant to labor provisions of the FTA and to work with Jordan in the area of labor standards. The United States and Jordan have previously recognized serious labor concerns in Jordan’s garment factories, including anti-union discrimination against foreign workers, poor conditions of accommodations for foreign workers, and gender discrimination and harassment. To address these concerns, in 2013, the United States and Jordan developed the Implementation Plan Related to Working and Living Conditions of Workers in Jordan (Implementation Plan). Pursuant to its commitments under the Implementation Plan, Jordan has improved the coordination of inspections in garment factory dormitories and continued those improvements in 2022.

The U.S. Government continued to engage with the Jordanian Ministry of Labor (MOL) on Implementation Plan commitments and on addressing limitations to freedom of association and democratic worker representation in 2022, and the International Labor Organization (ILO) Better Work program continued to support Implementation Plan objectives. As part of this engagement, USTR and the U.S. Department of Labor (DOL) held the third Labor Subcommittee meeting under the FTA and engaged extensively with stakeholders in Amman in October 2022. The Labor Subcommittee reviewed implementation of the FTA’s labor obligations and discussed areas of technical cooperation and capacity building. The Labor Subcommittee meeting concluded with a public session and roundtable discussion with stakeholders from Jordan’s worker organizations, businesses, and civil society organizations, which focused on increasing women’s economic empowerment and increasing worker voice by raising awareness on labor rights and joining unions.

The MOL continues to work with the DOL-funded ILO Better Work program to improve the understanding of internationally recognized labor standards and the process for conducting audits in the garment sector. Jordan also worked with the ILO Better Work program to ensure that factory-level audits are made publicly available through the online transparency portal. In 2022, the ILO Better Work program supported the garment worker union in executing a strategic plan to be more transparent and democratic, supported the establishment of a migrant liaison to enable the garment worker union to better reach the 75 percent migrant workforce, and supported the conclusion of the most recent collective bargaining agreement for the sector. The ILO Better Work program has begun to develop a unit within the labor inspectorate to promote knowledge of labor standards and inspection best practices within the MOL, and its pilot program to address the mental health of migrant workers resulted in ten mental health providers offering services to workers, including a mix of telehealth and psychologists operating in factory clinics. The DOL also continued to fund the U.S. Federal Mediation and Conciliation Services’ train-the-trainers program within the Jordanian Ministry of Labor to governorates outside Amman to better address collective disputes and enhanced training to include proactive conflict mitigation and mediation strategies with the private sector and trade unions.

*For further discussion of labor-related activities, see Chapter III.H.1 Trade and Labor Free Trade Agreements and Bilateral Activities.*

## 8. Korea

The United States–Korea Free Trade Agreement (KORUS) entered into force on March 15, 2012. In 2018, the United States negotiated further amendments and modifications, which entered into force on January 1, 2019.

### Operation of the United States–Korea Free Trade Agreement

The United States monitors and enforces implementation of KORUS commitments through the 21 committees and working groups established under the Agreement. Throughout 2022, the United States continued to use the committees and working groups to raise and resolve trade issues and ensure Korea is implementing its obligations under the Agreement. The Labor Affairs Council met in April 2022, reinvigorating this channel of communication in line with a decision by the KORUS Joint Committee in 2021. The Committee on Agricultural Trade and Committee on Sanitary and Phytosanitary (SPS) Matters convened virtually in February 2022, and USTR led mid-year meetings in Korea in August to take stock of progress on issues raised in these committees. The Automotive Working Group, Financial Services Committee, Committee on Trade in Goods, and Committee on Services & Investment met in November 2022. The Committee on Textiles & Apparel and Committee on Trade Remedies met in December 2022. The next meetings of the Agricultural Trade and SPS committees are planned for early 2023.

Issues addressed in the 2022 meetings included: (1) impediments to U.S. meat and poultry exports; (2) Korea’s approval process for genetically engineered products; (3) Korea’s positive list system for pesticides; (4) Korea’s administration of its tariff-rate quotas on agricultural products; (5) automotive-related regulations; (6) Korea’s restrictions on the supply of legal services; (7) Korea’s implementation of KORUS obligations related to cross-border data transfers by financial service providers; (8) regulations affecting fair market access for online content; and, (9) procurement of cloud computing services.

The United States also addressed KORUS compliance and other trade issues through regular inter-sessional meetings and other engagements with the Korean Government. Throughout 2022, USTR continued to lead extensive U.S. Government engagement with Korea on agricultural biotechnology. This engagement provided the opportunity to share information on science-based policy and regulatory approaches in the United States that enable access to established and emerging technologies, while providing more meaningful opportunities for private sector technology innovators to engage with policymakers in Korea.

### Agriculture

*For further discussion of agriculture-related activities, see Chapter III.C.2 Agriculture and Trade Bilateral and Regional Activities.*

### Labor

*For a discussion of labor-related activities, see Chapter III.H.1 Trade and Labor Free Trade Agreements and Bilateral Activities.*

## 9. Mexico and Canada

The United States–Mexico–Canada Agreement (USMCA) entered into force on July 1, 2020. The USMCA maintains the zero tariffs among the three countries that were in place under the North American Free Trade Agreement (NAFTA), while also modernizing the NAFTA to include provisions covering digital trade and small and medium-sized enterprises (SMEs). The USMCA importantly recognizes that SMEs are a driving

force of economic growth and includes new mechanisms to help SMEs make better use of the USMCA. *(For further information, see Chapter III.B Small and Medium-Sized Business Initiative.)*

The USMCA features strong, enforceable labor and environmental obligations in its core text, including a facility-specific Rapid Response Mechanism that provides for quick review of alleged denials of workers' rights to freedom of association and collective bargaining. The USMCA includes provisions to promote gender equity in relevant chapters, such as cooperation on eliminating employment discrimination, including on the basis of sex; promoting corporate social responsibility, including with respect to gender equality; and, SMEs, which are inclusive of women-owned businesses. *(For further information, see Chapter III.A.3 Advancing Gender Equity and Equality and Women's Economic Empowerment in Trade Policy.)*

The USMCA includes updated rules of origin for automobiles and automotive parts that create strong incentives to invest and manufacture in the United States and North America more broadly, ensuring that benefits of the USMCA provisions accrue to the Parties. The USMCA also contains important improvements that benefit American farmers, ranchers, and agribusinesses, including expanded access into the Canadian market for U.S. dairy, poultry, and egg products. *(For further information, see Chapter III.C.2 Agriculture and Trade Bilateral and Regional Activities.)*

The USMCA includes strong commitments on digital trade, investment, financial services, and intellectual property rights. It addresses problematic non-tariff barriers, which can hinder U.S. exports, through new provisions on transparency and regulatory matters, including chapters covering technical barriers to trade, sanitary and phytosanitary measures, and a new chapter on good regulatory practices. Finally, the USMCA contains provisions to combat subsidies and non-market practices that have the potential to disadvantage American workers and businesses, including a chapter to address unfair currency practices, rules on trade distortions caused by state-owned enterprises and transparency obligations with respect to any USMCA Party's future trade negotiations with non-market economies.

The first Free Trade Commission meeting under the USMCA took place on May 18, 2021, and a second Free Trade Commission meeting took place on July 8, 2022. During 2022, the following committees established by the USMCA convened: Rules of Origin and Origin Procedures; Textiles and Apparel Trade Matters; Trade Facilitation; Sanitary and Phytosanitary Measures; Technical Barriers to Trade; Transportation Services; Financial Services; Intellectual Property Rights; State-Owned Enterprises and Designated Monopolies; Small and Medium-Sized Enterprises; North American Competitiveness; Good Regulatory Practices; Environment; and, Temporary Entry.

## **Operation of the USMCA**

### ***Automotive Rules***

The USMCA contains new rules of origin for motor vehicles, which require a specific amount of North American content in the final vehicle. The USMCA raises regional value content requirements to 75 percent for automobiles. The USMCA requires that at least 70 percent of a producer's steel and aluminum purchases originate in North America. The USMCA also introduced a new labor value content rule that requires that a certain percentage of qualifying vehicles be produced by employees making an average of at least \$16 per hour.

The USMCA implementing legislation required the establishment of an Interagency Committee on Trade in Automotive Goods (Interagency Autos Committee), which was established on February 28, 2020. The Interagency Autos Committee met regularly throughout 2022 to monitor the implementation of the

USMCA’s automotive rules of origin, including the alternative staging regime and implementation of the Uniform Regulations.

In order to provide vehicle manufacturers time to adjust to these new requirements, the USMCA provides producers with the opportunity to apply for an alternative staging regime that allows producers to gradually meet regional value content levels for up to five years before satisfying the standard requirements. Producers are required to report annually to the Office of the U.S. Trade Representative (USTR) on the operation of their approved alternative staging regime, as well as the status and progress of their efforts to utilize more U.S. and North American content in order to meet the standard USMCA automotive rules of origin.

### ***Agriculture***

*For a discussion of agriculture-related activities, see Chapter III.C.2 Agriculture and Trade Bilateral and Regional Activities and Chapter III.C.4 Agriculture and Trade Enforcing Trade Agreements for American Agriculture.*

### ***Environment***

The USMCA Environment Chapter obligations are fully enforceable under the USMCA’s dispute settlement mechanism and address key environmental challenges, such as illegal, unreported, and unregulated (IUU) fishing and disciplining harmful fisheries subsidies. The USMCA commits the United States, Mexico, and Canada to take actions to combat and prevent trafficking in timber, fish, and other wildlife, and includes provisions to address other environmental issues, such as air quality and marine litter. The United States–Mexico–Canada Agreement Implementation Act (P.L. 116-113) (USMCA Implementation Act) allocates over \$400 million in new resources to agencies to support cooperation and enhanced monitoring and enforcement of USMCA environment provisions, including resources to support the construction of high-priority wastewater facilities along the United States–Mexico border as well as cooperation to combat IUU fishing and address marine litter. USTR was allocated \$60 million of these resources over four years to bolster monitoring and enforcement of USMCA obligations. These resources supported the Interagency Environment Committee to monitor and enforce USMCA environmental obligations and three environment attaché positions in the U.S. Embassy in Mexico City, Mexico, to liaise directly with government, industry, and civil society counterparts to further assist with monitoring and enforcement of environmental obligations. The resources allocated to USTR have enabled it to strengthen other U.S. Government agencies’ capacity to deliver on their respective monitoring and enforcement mandates, to include providing additional resources that enhance U.S. intelligence and enforcement capacity; promote sustainable forest management and combat illegal logging; and, promote sustainable fisheries management and conservation of marine species.

In parallel with the USMCA Environment Chapter, the Parties agreed to continue their longstanding and successful history of environmental cooperation under a modernized Commission on Environmental Cooperation, as outlined in the new Environmental Cooperation Agreement (ECA), which entered into force on July 1, 2020. Among other objectives, the ECA supports the implementation of the USMCA Environment Chapter commitments. The ECA facilitates trilateral cooperation in a variety of areas, including efforts to reduce pollution, strengthen environmental governance, conserve biological diversity, and sustainably manage natural resources. The ECA updates and supersedes the North American Agreement on Environmental Cooperation.

*For further discussion of the USMCA Environment Chapter, see Chapter III.G.1 Trade and the Environment Free Trade Agreements and Bilateral Activities.*



## ***Labor***

The USMCA’s robust and comprehensive labor provisions are fully incorporated into its core text and fully enforceable under the USMCA’s dispute settlement mechanism. Among other obligations, the USMCA includes provisions requiring Parties to take measures to prohibit the importation of goods produced by forced labor and to address violence against workers exercising their labor rights. The USMCA also includes an innovative Rapid Response Mechanism (RRM) in the dispute settlement chapter to address protection of association and collective bargaining rights at the facility level. The new mechanism provides for the suspension of USMCA tariff benefits or the imposition of other penalties, such as blocking imports from businesses that are repeat offenders, in cases of non-compliance with key labor obligations. In 2022, the United States initiated the RRM three times, seeking review by the Government of Mexico for alleged denials of rights at the Panasonic Automotive Systems de Mexico, S.A. de C.V. facility in Reynosa, Tamaulipas; the Teksid Hierro de Mexico, S.A. de C.V. facility in Frontera, Coahuila; and the Manufacturas VU facility in Piedras Negras, Coahuila. In addition, the U.S. Government engaged with Mexico to highlight issues at two other facilities without invoking the mechanism. All of these actions resulted in outcomes that are producing important, concrete results for workers, such as reinstatement and backpay for dismissed workers, increased opportunities for unions to organize and compete on equal footing, and union representation elections, in which workers selected unions to represent them in free and fair elections.

The USMCA also includes a Labor Chapter Annex that required Mexico to overhaul its system of labor justice prior to entry into force to ensure that workers have the right to secret ballot votes to elect union leadership and to approve or reject new and existing collective bargaining agreements. Mexico enacted these labor law reforms in 2019 and instituted a phased approach to initiating the operation of a new Federal Conciliation and Labor Registration Center, a system of local conciliation centers and labor courts throughout the country. In 2022, Mexico initiated the third and final phase of the labor law reform, meaning the entire country is now operating under the new labor justice system. Throughout 2022, the U.S. Government continued to consult closely with the Mexican Government regarding the implementation of the reform to ensure compliance with Mexico’s obligations under the USMCA, including through the Interagency Labor Committee for Monitoring and Enforcement (Interagency Labor Committee).

The Interagency Labor Committee for Monitoring and Enforcement, established in 2020 and co-chaired by the U.S. Trade Representative and the Secretary of Labor, met regularly in 2022 to review labor rights issues in Mexico and prepare reports to the U.S. Congress.

*For further discussion of labor-related activities, see Chapter III.H.1 Trade and Labor Free Trade Agreements and Bilateral Activities.*

## **10. Morocco**

The United States–Morocco Free Trade Agreement (FTA) entered into force on January 1, 2006. The FTA has supported the ongoing economic and political reforms in Morocco and has laid the groundwork for improved commercial opportunities for U.S. exports to Morocco in several agricultural and industrial sectors.

### **Operation of the United States–Morocco Free Trade Agreement**

The United States–Morocco Joint Committee (JC) is the central oversight body for the FTA. During the July 16, 2019 meeting, the JC explored labor, environment, agricultural trade, customs, and intellectual property protection. The COVID-19 pandemic prevented JC meetings in 2020 and 2021, and scheduling challenges have delayed the next meeting until 2023. Discussions with Morocco since the 2019 meeting

have focused on various agricultural and sanitary and phytosanitary (SPS) issues, geographical indications, certain customs issues, intellectual property protection, and a number of textile and apparel matters.

## **Labor**

In 2022, the Office of the U.S. Trade Representative (USTR) continued to monitor labor issues in Morocco. Morocco continued to implement a new domestic worker law despite complications posed by the COVID-19 pandemic. The law extends protections and benefits to domestic workers by setting a minimum wage, establishing a minimum age for employment, limiting weekly hours of work, and providing such workers with a day of rest. The law addresses an area of concern raised by the United States during the 2017 and 2019 FTA JC meetings. In its [2021 Report on the Findings on the Worst Forms of Child Labor](#), DOL recognized Morocco as having made “moderate advancement” in its efforts to eliminate the worst forms of child labor.

## **11. Oman**

The United States–Oman Free Trade Agreement (FTA) entered into force on January 1, 2009. The FTA, along with other U.S. FTAs in the Middle East and North Africa (MENA) region, promotes economic reform and openness throughout the region. Under the FTA, Oman provides duty-free access to all industrial and consumer products. The FTA also contains comprehensive obligations for services and investment.

### **Operation of the United States–Oman Free Trade Agreement**

The United States–Oman Joint Committee is the central oversight body for the FTA. The Joint Committee did not meet in 2022.

## **Labor**

As a result of the process for bringing the FTA into force, Oman enacted major labor reforms in 2006, allowing for the formation of trade unions in Oman for the first time. Regulations to implement the reforms provided for the establishment of the General Federation of Oman Trade Unions (now the General Federation of Oman Workers), which held its founding conference in 2010. Oman has since seen an increase in unionization with over 270 enterprise-level unions and several sectoral sub-federations for trade unions established by the beginning of 2020, including in the oil, gas, and industrial sectors. In 2022, the Office of the U.S. Trade Representative (USTR) and the U.S. Department of Labor (DOL) continued to monitor labor rights in Oman pursuant to labor provisions of the FTA. In its [2021 Report on the Findings on the Worst Forms of Child Labor](#), the DOL recognized Oman as having made “moderate advancement” in its efforts to eliminate the worst forms of child labor, including by adopting a new Trafficking in Persons National Action Plan for 2021–2023.

## **12. Panama**

The United States–Panama Trade Promotion Agreement entered into force on October 31, 2012. Under the Agreement, Panama provides duty-free access to all U.S. consumer and industrial products. Nearly half of U.S. agricultural exports immediately became duty free upon entry into force, with remaining tariffs on most U.S. agricultural goods to be eliminated by January 1, 2026. Tariffs on most sensitive agricultural products will be phased out 18 to 20 years after entry into force. The Agreement also provides access to Panama’s estimated \$45 billion services market.

Prior to the Agreement's entry into force, Panama improved its tax transparency practices, including via signature of a Tax Information Exchange Agreement with the United States which entered into force in 2011.

### **Operation of the United States–Panama Trade Promotion Agreement**

The United States–Panama Free Trade Commission is the central oversight body for the Agreement. The United States and Panama continued to work cooperatively in 2022 to address remaining implementation issues, resulting in new opportunities for traders and investors.

The Technical Capacity Building (TCB) Committee held its inaugural meeting on July 27, 2022. Through funding provided by the U.S. Department of Agriculture, the United States is currently supporting three TCB programs in the agricultural sector in Panama.

#### **Agriculture**

*For a discussion of agriculture-related activities, see Chapter III.C.2 Agriculture and Trade Bilateral and Regional Activities.*

#### **Environment**

In December 2022, the United States and Panama held meetings of the Environmental Affairs Council and Environmental Cooperation Commission in Panama City, Panama. During the meetings, the United States and Panama provided updates on respective progress to implement the Trade Promotion Agreement Environment Chapter and agreed on a new environmental cooperation work program for 2023 to 2026 under the United States–Panama Environmental Cooperation Agreement (ECA).

*For a discussion of environment-related activities, see Chapter III.G.1 Trade and Environment Free Trade Agreements and Bilateral Activities.*

#### **Labor**

In conjunction with the Cooperative Labor Dialogue under the Trade Promotion Agreement, in 2022 the U.S. Federal Mediation and Conciliation Service continued to provide trainings to Panama's Inter-American School for Social Dialogue, Tripartism and Conflict Resolution. In addition, the U.S. Government conducted a monitoring and engagement trip in August 2022 to meet with Panama's Ministry of Labor and Ministry of Trade and Industry, labor unions, the private sector, human rights advocates, and academia. Both governments expressed interest in deepening collaboration under the Labor Cooperation and Capacity Building Mechanism of the Trade Promotion Agreement.

## **13. Peru**

The United States–Peru Trade Promotion Agreement (PTPA) entered into force on February 1, 2009. Under the Agreement, customs duties for qualifying U.S. goods have been eliminated on substantially all Peruvian tariff lines. Peru will continue to reduce duties each January 1, with all remaining tariffs, which apply only to select agricultural products, to be eliminated by 2026.

## *Operation of the United States–Peru Trade Promotion Agreement*

The United States–Peru Free Trade Commission is the central oversight body for the Agreement. The Free Trade Commission last met in September of 2018.

### **Agriculture**

*For a discussion on agriculture-related activities, see Chapter III.C.2 Agriculture and Trade Bilateral and Regional Activities.*

### **Environment**

The United States continued to work with Peru on logging issues under the Annex on Forest Sector Governance (Forest Annex). The Forest Annex includes concrete steps Peru must take to strengthen forest sector governance and combat illegal logging and illegal trade in timber and wildlife products. The Forest Annex also includes monitoring tools, such as a requirement that Peru conduct audits of producers and exporters, as well as verifications of particular timber shipments upon request from the United States.

In July 2022, the United States took action to continue to block timber imports from Inversiones WCA E.I.R.L. (WCA), a Peruvian exporter, based on illegally harvested timber found in its supply chain. The denial of entry order was scheduled to lapse in July 2022. However, as of that date, the Government of Peru had not demonstrated that WCA is complying with all applicable laws, regulations, and other measures of Peru governing the harvest of and trade in timber products. Accordingly, the Interagency Committee on Trade in Timber Products from Peru directed the U.S. Department of Homeland Security Customs and Border Protection to deny entry to any future shipments of timber products originating from Peru that were produced or exported by WCA until the Government of Peru demonstrates that WCA has complied with all applicable laws and regulations.

In November 2022, the United States and Peru held meetings of the Environmental Affairs Council, Sub-Committee on Forest Sector Governance, and Environmental Cooperation Commission. During the meetings, the Sub-Committee reviewed implementation of the Forest Annex, including relevant provisions of the Annex concerning audits of timber producers and exporters, among other issues. The United States continues to prioritize monitoring and enforcement of environmental commitments in the PTPA and the Forest Annex.

*For further discussion on environment-related activities, see Chapter III.G.1 Trade and the Environment Free Trade Agreements and Bilateral Activities.*

### **Labor**

In 2022, the U.S. Government continued to engage with the Government of Peru, Peruvian unions, and industry representatives on the issues identified in the March 2016 U.S. Department of Labor (DOL) report prepared in response to a July 2015 submission from civil society under the Agreement’s Labor Chapter. The submission raised issues related to Peru’s adoption and maintenance of laws and practices that protect fundamental labor rights and to Peru’s effective enforcement of labor laws, particularly with regard to Peru’s laws on non-traditional exports and the use of temporary contracts in the textiles and agricultural sectors.

In its [2021 Report on the Findings on the Worst Forms of Child Labor](#), the DOL recognized Peru as having made “moderate advancement” in its efforts to eliminate the worst forms of child labor.

In 2022, the DOL continued to fund three technical assistance projects to improve Peru’s enforcement of labor laws and compliance with the Agreement’s Labor Chapter. One project engaged workers and civil society to strengthen labor law enforcement. The other two projects focused on reducing child labor and forced labor, including by assisting the Peruvian Government and labor stakeholders to build their capacity to prevent, detect, and eliminate forced labor and labor trafficking in agricultural and rural areas. The DOL is supporting technical assistance for decent working conditions in the fishing sector with pilot activities in Peru and Ecuador. Peru is also one of three countries (in addition to Brazil and Colombia) included in a DOL-funded project to promote worker voice, advance unionization and collective bargaining in key trade sectors, and elevate unions’ substantive participation in social dialogue and policy deliberations with government and industry representatives.

*For further discussion on labor-related activities, see Chapter III.H.1 Trade and Labor Free Trade Agreements and Bilateral Activities.*

## **14. Singapore**

The United States–Singapore Free Trade Agreement (FTA) entered into force on January 1, 2004.

### **Operation of the United States–Singapore Free Trade Agreement**

The United States–Singapore Joint Committee is the central oversight body for the FTA. The Joint Committee last met in October 2021. The United States and Singapore continue to work together on shared areas of interest through the FTA framework, including on environment, labor, digital trade, supply chains, and intellectual property. In 2022, the United States also continued to work closely with Singapore to deepen the bilateral trade relationship and coordinate on issues of regional and international importance.

### **Environment**

*For a discussion of environment-related activities, see Chapter III.G.1 Trade and Environment Free Trade Agreements and Bilateral Activities*

## **C. Other Agreements and Trade-Related Initiatives**

### **1. The Americas**

#### **Free Trade Agreements**

The United States has 6 free trade agreements (FTAs) with 12 countries in the Americas: Mexico and Canada under the United States–Mexico–Canada Agreement (USMCA) (2020), which replaced the North American Free Trade Agreement (NAFTA) (1994); Chile (2004); Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republic under the Dominican Republic–Central America–United States Free Trade Agreement (2006-2009); Peru (2009); Colombia (2012); and, Panama (2012).

*For further discussion of these trade agreements, see Chapter I.B Free Trade Agreements in Force.*

#### **Trade and Investment Framework Agreements and Other Bilateral Trade Mechanisms**

The Office of the U.S. Trade Representative (USTR) chairs bilateral meetings with non-FTA partners in the Americas to discuss a wide range of issues, including trade related aspects of labor and the environment, market opening opportunities, regulatory matters, enhancing opportunities for small and medium-sized

enterprises (SMEs), and resolving trade issues. The United States has trade and investment framework agreements (TIFAs) or trade and investment council agreements (TICs) in force with Argentina, Bolivia, the Caribbean Community, Ecuador, Paraguay, and Uruguay. The United States has an Agreement on Trade and Economic Cooperation (ATEC) in force with Brazil.

In 2022, the United States continued its engagement with its non-FTA partners in the region with the goal of resolving trade problems and promoting inclusive trade policies. The activities below describe the key outcomes that advance the U.S. trade and investment agenda with these countries. In all of these engagements, USTR has emphasized labor standards, environmental sustainability, agriculture and inclusive trade as fundamental for advancing this work.

*For further discussion of labor-, environmental-, agricultural-, and inclusivity-related activities, see Chapter III.H.1 Trade and Labor Free Trade Agreements and Bilateral Activities, Chapter III.G.1 Trade and the Environment Free Trade Agreements and Bilateral Activities, Chapter III.C.1 Agriculture and Trade Opening Export Markets for American Agriculture and Chapter III.C.2 Agriculture and Trade Bilateral and Regional Activities, and Chapter III.A Promoting Equitable, Inclusive and Durable Trade Policy and Expanding Stakeholder Engagement, respectively.*

### ***Argentina***

The United States–Argentina TIFA established the United States–Argentina Council on Trade and Investment which serves as a venue for engagement on a broad range of bilateral trade issues, such as market access, intellectual property (IP) rights and protection, and cooperation on shared objectives at the World Trade Organization (WTO) and other multilateral fora. In November 2022 in Buenos Aires, Argentina, the Council held its first meeting since 2018. The meeting covered a wide range of trade concerns, investment opportunities, and possibilities for engagement in areas such as good regulatory practice, energy transition, and digital economy.

The Innovation and Creativity Forum for Economic Development (the Forum), established under the TIFA, serves as a forum to discuss IP issues of mutual interest, including geographical indications, industrial designs, and the importance of IP protections for SMEs. The Forum met in December 2022, in Buenos Aires, the first in person session since 2019. The United States and Argentina discussed the importance of enforcement and other IP issues, in addition to policies to support innovation.

### ***Brazil***

Bilateral dialogue with Brazil is conducted through the United States–Brazil Commission on Economic and Trade Relations, established by the ATEC, which entered into force in 2011. The ATEC is a forum to deepen bilateral engagement and expand the trade and investment relationship on a broad range of issues, including trade facilitation, IP rights and innovation, and technical barriers to trade. In early 2022, the United States–Brazil Protocol to the Agreement on Trade and Economic Cooperation Relating to Trade Rules and Transparency entered into force. The new Protocol comprises annexes on Anti-Corruption, Good Regulatory Practices, Trade Facilitation and Customs Administration. These high-standard commitments are essential foundations for trade.

In March 2022, senior USTR officials traveled to Brazil to discuss implementation of the Protocol and other mutual priorities for the trade relationship. The senior USTR officials also met with stakeholders specializing in labor issues, environmental issues, and women’s economic development to discuss opportunities for cooperation in Brazil.

During 2022, the United States and Brazil also engaged in technical work in other areas, such as technical barriers to trade, intellectual property (IP) rights, and agriculture. In addition, the United States raised a range of bilateral issues in the WTO Trade Policy Review of Brazil in November 2022.

### *Ecuador*

The United States–Ecuador Trade and Investment Council (TIC) entered into force on July 23, 1990. Six working groups operate under the TIC: (1) labor; (2) environment; (3) agriculture; (4) IP; (5) market access, customs, and trade facilitation; and, (6) investment, services, and digital trade. On August 5, 2021, the United States–Ecuador Protocol on Trade Rules and Transparency entered into force. The Protocol is an update to the TIC, and establishes high-standard trade rules with Ecuador, based on the USMCA and a similar Protocol with Brazil. It comprises four annexes, each with state-of-the-art provisions for trade agreements: (1) Anti-Corruption; (2) Good Regulatory Practices; (3) Small and Medium-Sized Enterprises; and, (4) Customs Administration and Trade Facilitation.

The TIC met in February 2022 in Guayaquil, Ecuador and discussed: improving the agriculture import licensing system; progress made to eradicate child labor and improve labor inspections; progress in the areas of conservation of natural resources such as fisheries, forests and wildlife; steps undertaken to address climate change and marine debris; and, areas for future technical cooperation. Implementation of the Protocol on Trade Rules and Transparency was also reviewed. In addition, an SME Roundtable was convened with representatives of women and Indigenous entrepreneurs. In November 2022, the two governments agreed to expand the Protocol on Trade Rules and Transparency, and form a new Fair Trade Working Group under the TIC.

### *Paraguay*

The United States–Paraguay TIFA entered into force in March 2021. In September 2022 in Washington, D.C. the United States and Paraguay convened the first meeting of the Trade and Investment Council under the Paraguay TIFA. During the wide-ranging discussions, the two countries agreed on further work in areas including agricultural trade, anti-corruption, good regulatory practices, digital economy, and trade facilitation. In addition, they finalized a Work Plan on Intellectual Property (IP) rights to improve the situation for IP in Paraguay. Paraguay is on the Special 301 Watch List.

### *Uruguay*

The United States–Uruguay TIFA entered into force on January 25, 2007. In 2022, the United States and Uruguay continued negotiations on an update to the TIFA with a Protocol on Trade Rules and Transparency. Those discussions were launched as an outcome of meetings under the TIFA in 2021.

## **2. Europe and the Middle East**

The United States in 2022 engaged through its free trade agreements (FTAs), bilateral investment treaties (BITs), negotiations on select issues, trade and investment framework agreements (TIFAs), enforcement tools, and other mechanisms with the European Union (EU) and its 27 Member States, non-EU European countries, Russia, certain countries of western Eurasia, and countries in the Middle East and North Africa (MENA). The goals of these engagements were to improve protection of worker rights, foster partner country policies grounded in the rules of law, eliminate trade barriers, increase U.S. exports, encourage the development of intraregional economic engagement, and, where relevant, advance countries' accessions to

the World Trade Organization (WTO). *(For a discussion of WTO accessions, see Chapter IV.G.6 Accessions to the World Trade Organization.)*

In 2022, the United States also engaged with the EU to reduce non-tariff barriers to U.S. exports and to strengthen cooperation on global trade issues and on third countries of common concern, especially China. The United States continued to press Russia to fully implement its WTO commitments and promoted policies in Eurasia to promote transparent and predictable markets based on the rule of law in an effort to further economic security in the region. U.S. efforts in the MENA region centered on promoting further economic reforms in partner countries, with a view toward encouraging those countries to open their economies to further engagement with the United States.

## **European Union**

The U.S. trade and investment relationship with the EU is the largest and most complex economic relationship in the world. Transatlantic trade flows (goods and services trade plus earnings and payments on investment) averaged an estimated \$4.5 billion each day of 2022 (based on the first three quarters of 2021). The total stock of transatlantic investment was \$5 trillion in 2021 (latest data available).

The United States–European Union Trade and Technology Council (TTC) was the principal coordination mechanism through which the United States engaged the EU on trade policy during 2022. Across ten TTC working groups, the United States and the EU are pursuing policy outcomes on trade and technology that align with our shared values and promote a rules-based economic system. The TTC held two ministerial meetings during 2022, each co-chaired by the U.S. Trade Representative. At the conclusion of the December 5, 2022 TTC ministerial meeting, the U.S. Trade Representative and the other U.S. and EU TTC co-chairs endorsed or announced progress on several initiatives aimed at promoting a stronger transatlantic trade relationship and more sustainable and resilient global trade. The subject matter of these initiatives spanned shared concerns about trade policy and labor standards, environmentally sustainable trade, economic coercion, conformity assessment, digital tools for stakeholders engaged in trade, and China’s non-market policies and practices. *(For further discussion, see section I.A.4 United States–European Union Trade and Technology Council.)*

Outside of the TTC, the Office of the U.S. Trade Representative (USTR) continued robust bilateral engagement with the EU during 2022 on non-tariff barrier concerns across a broad range of sectors, including on EU legislation impacting U.S. digital services suppliers and companies in a variety of manufacturing sectors.

## **United Kingdom**

In 2022, the United States engaged with the United Kingdom (UK), including through the Future of Atlantic Trade Dialogues, the U.S.–UK Small and Medium-Sized Enterprises (SME) Dialogue and multiple Trade Minister and staff level meetings, to discuss opportunities to advance our bilateral and multilateral trade and investment relationship. In March and April 2022, the United States and the UK held the Future of Atlantic Trade Dialogues in Baltimore, Maryland, and Aberdeen, Scotland, respectively. Led by the U.S. Trade Representative and the UK Secretary of State for International Trade, the Dialogues involved a diverse and inclusive group of U.S. and UK stakeholders from the labor, environmental, business, and other civil society communities. The Dialogues used stakeholder roundtables and bilateral meetings to discuss how the United States and the UK could advance an inclusive, resilient, and deeper bilateral trade and investment relationship. In June and November 2022, the United States and the UK held meetings of the U.S.–UK SME Dialogue in Boston, Massachusetts, and Edinburgh, Scotland, respectively, to engage SME



stakeholders on opportunities and challenges in U.S.–UK trade (*For further discussion, see Chapter III.B Small and Medium-Sized Enterprise Initiative.*)

### **Turkey and the Middle East and North Africa**

Rapid changes and political instability in the MENA region over the past decade have posed ongoing challenges with respect to U.S. trade and investment relations with MENA countries. The region continues to see uneven progress on economic and trade reforms, and many of the underlying economic drivers of political and social instability have yet to be addressed as of December 31, 2022. However, changing regional dynamics have led to some possible new opportunities for U.S. engagement. Throughout 2022, USTR continued exploring, in consultation with other U.S. Government agencies, as well as with outside experts and stakeholders in the United States, Turkey, and MENA countries, prospective areas for trade and investment cooperation, including the realization of worker-centered trade policy goals.

In 2022, the United States continued to monitor, implement, and enforce existing U.S. FTAs in the region (Bahrain, Israel, Jordan, Morocco, and Oman) and sought to engage other MENA countries through existing TIFA mechanisms and preference program review processes. With restrictions due to the COVID-19 pandemic easing, the United States held its first in-person meetings since 2019 under the United States–Algeria and United States–Egypt TIFAs in June and December 2022, respectively.

The United States also sought further contact with the Member States of the Gulf Cooperation Council (GCC) (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates). U.S. engagement with these countries remains aimed at ensuring that the broad range of U.S. interests, including those of workers, is fully represented as they pursue the modernization and diversification of their economies.

In 2022, the United States continued to engage with Turkey, although progress on economic matters was limited. Both sides reaffirmed their commitment to furthering the goal of boosting two-way trade. The lack of openness in Turkey’s digital economy (including its enactment of new laws and policies affecting electronic commerce and social media), remaining inadequacies (in terms of both laws and enforcement) in Turkey’s intellectual property protection regime, and the reduction of various market access barriers for both goods and services all remained key issues of focus for the United States in the bilateral trade and investment relationship.

### **Eurasia**

The U.S. engagement in Eurasia in 2022 has been largely shaped by Russia’s premeditated and unprovoked full-scale invasion of Ukraine in February 2022. As a result of Russia’s actions, the United States, working with its partners and allies, has imposed severe and immediate costs on Russia through sanctions, export controls, and tariff increases. In addition, the United States has ceased direct engagement with Russia on trade and investment issues. (For information on Russia’s compliance with its WTO commitments, see the [2022 Report on the Implementation and Enforcement of Russia's WTO Commitments](#)).

Since the beginning of Russia’s premeditated and unprovoked full-scale invasion of Ukraine, the United States has provided significant political, security, humanitarian, and economic assistance to Ukraine to support its territorial sovereignty and economic endurance. In November 2022, the United States hosted the eleventh meeting of the United States–Ukraine Trade and Investment Council in Washington, D.C., and focused on ways to help lay the foundation for a sustainable economic recovery and long-term reconstruction. The participants also announced the launch of negotiations to upgrade the 2008 Trade and Investment Cooperation Agreement to support Ukraine’s efforts to establish a more transparent and predictable business environment.

In 2022, the United States continued to engage with officials from Moldova, Georgia, and Armenia on trade and investment related issues to strengthen economic relationships.

### **3. Japan, Republic of Korea, and the Asia-Pacific Economic Cooperation Forum**

#### **Japan**

##### **United States–Japan Trade Agreement**

On March 17, 2021, Japan’s imports of U.S. beef surpassed the annual safeguard volume established under the United States–Japan Trade Agreement (USJTA). As a result, Japan applied a higher tariff of 38.5 percent on U.S. beef imports for 30 days, *i.e.*, until April 16, 2021. Triggering the safeguard also activated a consultation mechanism under a side letter to the USJTA, whereby the United States and Japan are to consult to adjust the safeguard trigger quantity to higher levels. On March 24, 2022, the United States and Japan announced an agreement to increase the beef safeguard trigger level under the USJTA, reducing the probability that the safeguard will be triggered again. The agreement was signed by the U.S. Trade Representative and the Japanese Ambassador to the United States on June 2, 2022, and entered into force on January 1, 2023.

##### ***Other Developments***

In 2022, the United States and Japan held two rounds of meetings of the United States–Japan Partnership on Trade, an initiative under which the two countries meet on a regular basis to advance a shared agenda of cooperation across a broad range of issue areas and to address bilateral trade issues of concern to either side. The areas of collaboration in 2022 included work on best practices with respect to internationally-recognized labor rights; coordinating efforts to respond to several third-country digital regulations that present concerns; information exchange on shared concerns about the non-market and trade-distorting practices of third countries; and advancing proposals with respect to additional new issues. The United States also raised a number of bilateral trade issues in the Partnership meetings, including regulatory transparency, standards-related issues that impact the playing field for U.S. products and services, and Japan’s relatively low use of ethanol, among other topics.

In 2021, the United States, Japan, and the European Union agreed to renew their trilateral partnership to address the global challenges posed by non-market policies and practices of third countries. Meetings at both the Minister level and working level continued throughout 2022.

In addition, the United States actively engaged with Japan in 2022 on a range of important bilateral issues of concern to U.S. stakeholders, such as issues related to Japan’s automotive industry incentives, evolving regulation of the digital economy, and agricultural policies, to ensure measures are non-discriminatory and do not impede market access for U.S. goods exporters and service providers.

The United States also worked closely with Japan in various fora during 2022 to address trade issues of common interest, including those in third-country markets. For example, the United States and Japan have been working together in the plurilateral Digital Trade Initiative negotiations at the World Trade Organization (WTO) and within the Asia-Pacific Economic Cooperation (APEC) forum to advance various topics.

## **Korea**

In 2022, the United States continued to engage actively with counterparts in the Korean Government through meetings of the committees and working groups established under the United States–Korea Free Trade Agreement (KORUS) in order to address trade issues as they arise. The United States also continued to hold bilateral consultations at the technical level with Korea on an *ad hoc* basis as needed to address existing and emerging bilateral trade issues that may not be covered by KORUS provisions, in addition to regional and global trade issues. These meetings were augmented by senior-level engagement. In 2022, the United States raised and addressed a number of outstanding issues with Korea, including certain issues related to automobiles, agriculture, financial services, and information technology services.

*For further discussion of the United States–Korea Free Trade Agreement, see Chapter I.A.8 Korea.*

## **Asia-Pacific Economic Cooperation Forum**

U.S. participation in the Asia-Pacific Economic Cooperation (APEC) forum, since its founding in 1989, has substantially contributed to steps that have led to lowering barriers to U.S. exports across the region. The United States is hosting APEC in 2023 under the theme of “Creating a Resilient and Sustainable Future for All” and held the first official meeting of this 2023 host year, APEC’s Informal Senior Official Meeting, in December 2022. The three priority areas for the U.S. host year are: (1) Interconnected: building a resilient and interconnected region that advances broad-based economic prosperity; (2) Innovative: enabling an innovative environment for a sustainable future; and (3) Inclusive: affirming an equitable and inclusive future for all.

Major outcomes for Thailand’s 2022 APEC host year included the Leader-level Bangkok Goals on Bio-Circular-Green (BCG) Economy, which aims to prioritize addressing climate change and environment challenges in tandem with robust and resilient economic growth with a whole-of-society participation which improves the quality of life for all members of society. The Bangkok Goals on BCG will be one of APEC’s post-pandemic economic growth strategies with a focus on the need to incorporate social and environmental considerations into business models and economic policies.

*Digital Trade:* The United States continued to support an ambitious digital trade agenda within APEC in 2022. This included seeking broader participation by APEC economies for the Building Blocks for Facilitating Digital Trade Pathfinder. These building blocks aim to promote policies among APEC economies to prevent barriers to digital trade and are supported by a majority of APEC economies. In 2022, the United States worked with other APEC economies to continue development of this initiative through policy dialogues and capacity building activities. Work in the digital trade area in 2022 also focused on finalizing the globalization of the APEC Cross-Border Privacy Rules System as a stand-alone forum to reach non-APEC members, and expanding support for the 2016 commitment, made by 13 APEC economies as of December 31, 2022, on a permanent customs duty moratorium on electronic transmissions.

*Trade Facilitation:* In 2022, the United States continued to support an array of trade facilitation efforts within APEC, including through initiatives that help support implementation of the WTO Trade Facilitation Agreement. APEC’s work in these areas helps make it significantly easier for U.S. exporters to access markets across the Asia-Pacific region. In 2022, APEC economies participated in a number of projects such as the APEC Alliance for Supply Chain Connectivity (A2C2), which is a U.S.-led public-private mechanism for stakeholders to formally engage in APEC’s supply chain work including APEC’s new Phase III of the Supply Chain Framework Action Plan. These projects are designed to improve efficiencies and reduce costs and delays that hinder U.S. exports.

*Services:* The United States continued to strongly support steady progress on implementing APEC’s Services Competitiveness Roadmap, primarily through the development of an APEC-wide Services Trade Restrictiveness Index (STRI), which is modeled after the existing Organization for Economic Cooperation and Development (OECD) STRI. The OECD and APEC have gathered full or partial data on 18 APEC economies that the United States anticipates will be added to the APEC STRI, with more APEC economies to be added in the future. With respect to domestic services regulations, the United States continued to support work in APEC to implement the non-binding principles on domestic regulations in services endorsed by all APEC economies in 2018. The United States also supported the development of an online inventory of existing mutual recognition agreements (MRAs) in professional services sectors in the APEC region. In the area of environmental services, the United States supported work on services that help address the problem of marine debris.

*Food and Agricultural Trade:* In 2022, the United States worked with other APEC economies to promote transparency with respect to sanitary and phytosanitary measures and acceptance of new technologies, and to address unwarranted non-tariff measures that affect agricultural trade. Within the APEC Food Safety Cooperation Forum (FSCF), the United States oversaw a project focused on improving economies’ understanding on the foundations of risk communication and its impact on food safety and trade, and how risk communication applies to maximum residue limits. The United States also served as the overseer for a multiyear FSCF project on improving overall food safety management by strengthening the capacity of APEC region laboratories in their understanding of whole genome sequencing data analysis and food safety testing. Within the Policy Partnership on Food Security, the United States was an active participant in drafting the Implementation Plan for the Food Security Roadmap Towards 2030 to ensure that U.S. priorities such as climate and sustainable agriculture were forefront. Under the High-Level Policy Dialogue on Agricultural Biotechnology, the United States created a platform for four separate APEC economies to present their experiences in creating risk-proportionate regulatory policies to expand trade in products of agricultural biotechnology, while also sharing U.S. lessons learned in developing and deploying climate change-mitigating agricultural biotechnology products.

*Intellectual Property:* In 2022, the United States continued to use its participation in APEC to build capacity and raise standards for the protection and enforcement of intellectual property in the Asia-Pacific region. This included continued U.S. Government-led work on strengthening copyright protection for U.S. creators in foreign markets by leading discussions on effective practices for enforcement against illegal streaming.

*Free Trade Area of the Asia-Pacific (FTAAP):* In 2022, Thailand, as APEC host, fostered a “refreshed conversation” on the APEC FTAAP agenda and established an FTAAP agenda workplan for ensuing years. The United States views APEC’s FTAAP agenda as a platform to promote high standards by building capacity in the region for economies to improve their trade and investment frameworks in order to participate in future trade agreements. The United States continued to advocate for work on topics designed to foster free and fair trade in the region, including new work on inclusion and stakeholder engagement as well as work addressing issues presented by state-owned enterprises and advancing high-standard labor provisions.

## **4. China, Hong Kong, Taiwan, and Mongolia**

### **China**

*For information on trade with China, see USTR’s [2022 Report to Congress on China’s WTO Compliance](#).*

## **United States–Hong Kong Trade Relations**

In 2022, the United States addressed trade matters with respect to Hong Kong, China (Hong Kong) as appropriate. In particular, the United States has continued to press Hong Kong to update its copyright system to address concerns regarding digital copyright piracy.

## **United States–Taiwan Trade Relations**

The United States–Taiwan Trade and Investment Framework Agreement (TIFA) Council, which meets under the auspices of the American Institute in Taiwan (AIT) and the Taipei Economic and Cultural Representative Office in the United States (TECRO), is the key forum for both economies to resolve and make progress on a wide range of issues affecting the United States–Taiwan trade and investment relationship. In 2022, the two sides continued to engage on and address outstanding trade concerns, including market access barriers facing U.S. beef and pork producers, and concerns raised by the United States in areas such as medical devices, copyright legislation, digital piracy, labor rights, and regulatory transparency. The two sides convened meetings of several TIFA working groups, including the inaugural meeting of the new Labor Working Group, which focuses on worker-centered trade policy and cooperation on combating forced labor in global supply chains.

As noted earlier in this report, on June 1, 2022, the United States and Taiwan, under the auspices of AIT and TECRO, launched the U.S.–Taiwan Initiative on 21st-Century Trade. This trade initiative is intended to develop concrete ways to deepen the economic and trade relationship between the two economies, advance mutual trade priorities based on shared values, and promote innovation and inclusive economic growth for workers and businesses. The two sides have developed an ambitious roadmap for reaching agreements with high-standard commitments and economically meaningful outcomes in 11 trade areas.

*For further discussion of agriculture- and environment-related activities, see Chapter III.C.2 Agriculture and Trade Bilateral and Regional Activities and Chapter III.G.1 Trade and the Environment Free Trade Agreements and Bilateral Activities, respectively.*

## **United States–Mongolia Trade Relations**

The United States and Mongolia held a sixth meeting under the United States–Mongolia Trade and Investment Framework in Washington, D.C. in April 2019. The two sides discussed a range of bilateral trade and investment issues, including transparency, the investment climate, intellectual property protection, trade in cashmere, the U.S. Generalized System of Preferences, trade facilitation, and trade promotion.

# **5. Southeast Asia and the Pacific**

## **Free Trade Agreements**

Throughout 2022, the United States continued to monitor and enforce its free trade agreements (FTAs) with Australia and Singapore.

*For further discussion of the Australia and Singapore Free Trade Agreements, see Chapter I.B.1 Australia and I.B.14 Singapore, respectively.*

## **United States–Southeast Asia and Pacific Trade Relations**

In addition to the FTAs with Australia and Singapore, the United States has bilateral trade and investment framework agreements (TIFAs) with Brunei, Burma (engagement suspended), Cambodia, Fiji, Indonesia, Laos, Malaysia, New Zealand, the Philippines, Thailand, and Vietnam.

The United States continued to engage throughout 2022 with countries in Southeast Asia and the Pacific to pursue outcomes that would strengthen trade and economic relations. The United States' activities in the region focused on: (1) confronting structural barriers to Association of Southeast Asian Nations (ASEAN) markets; (2) leveling the playing field for U.S. exporters and workers; (3) countering China's economic influence in the region; (4) promoting respect for internationally recognized labor rights; and, (5) deepening trade-related environmental cooperation. Notable engagements included:

- The Office of the U.S. Trade Representative (USTR) made determinations following two investigations initiated in 2020 with respect to Vietnam under Section 301 of the Trade Act of 1974: (1) Vietnam's acts, policies, and practices related to the valuation of its currency; and, (2) Vietnam's acts, policies, and practices related to the import and use of timber that is illegally harvested or traded. On July 23, 2021, USTR determined that no trade action under Section 301 in the currency investigation was warranted because an agreement reached between the Department of the Treasury and the State Bank of Vietnam and associated measures called for in the agreement provided a satisfactory resolution of the matter subject to this investigation. During 2022, USTR, in coordination with Treasury, monitored Vietnam's implementation of its commitments under the agreement and associated measures and will continue to monitor going forward. Separately, on October 1, 2021, the United States and Vietnam signed an agreement that addresses U.S. concerns in the timber investigation. The agreement secures commitments that will help keep illegally harvested or traded timber out of the supply chain and protect the environment and natural resources. In April 2022, the United States and Vietnam convened the first meeting of the Timber Working Group, which was established to facilitate coordination and oversee implementation of the agreement. The second meeting of the Timber Working Group was held in November 2022. The United States will continue to closely monitor Vietnam's implementation of the agreement. (*For further information, see Chapter II.B.6 Section 301 Currency Valuation and Chapter II.B.5 Section 301 Illegal Timber.*)
- The United States met regularly with Cambodia in 2022 through the Labor Working Group under the United States–Cambodia TIFA and bilaterally with senior government officials to address ongoing concerns related to protections for worker rights in Cambodia.
- The United States engaged with the Philippines in 2022 on issues concerning labor, intellectual property, and agriculture. This includes holding an Agricultural Working Group meeting under the United States–Philippines TIFA in December 2022.
- Throughout 2022, the United States engaged Thailand to strengthen worker rights, advance intellectual property protection and enforcement, and promote agriculture market access.

## **United States–ASEAN Trade and Investment Framework Arrangement**

The United States continued to work under the auspices of the United States–ASEAN TIFA to further enhance trade and investment ties between the United States and ASEAN, which collectively represents the United States' fourth largest trading partner. In 2022, the United States organized the second U.S.–ASEAN Trade and Labor Dialogue to discuss the importance of tripartite and bipartite dialogues to

promoting inclusive growth and business competitiveness; and policies that support workforce development and social protections in the digital economy. The United States also hosted an ASEAN–U.S. Best Practices Exchange on Women-owned Micro, Small, and Medium-sized Enterprises and E-Commerce to discuss how public-private partnerships can help women-owned businesses benefit from the evolving digital economy. At the annual ASEAN Economic Ministers–USTR Consultations in September 2022, the United States and ASEAN agreed to enhance cooperation on trade facilitation as well as the environment. In 2022, the United States also continued cooperation with ASEAN on digital trade, intellectual property, standards, competition, and agricultural biotechnology.

### **United States–Fiji Trade and Investment Framework Agreement**

Following the first meeting held under the United States–Fiji TIFA in 2021, the United States continued to engage with Fiji bilaterally and through the Indo-Pacific Economic Framework for Prosperity in 2022.

## **6. Sub-Saharan Africa**

Throughout 2022, the Office of the United States Trade Representative (USTR) worked to strengthen U.S. trade and investment ties with sub-Saharan Africa. USTR also continued efforts to implement the Administration’s worker-centered trade policy and catalyze sustainable growth across the continent. This work included: announcing the launch of the U.S.–Kenya Strategic Trade and Investment Partnership; the hosting of an in-person African Growth and Opportunity Act (AGOA) Trade Ministerial Meeting during the U.S.–African Leaders Summit; and, the signing of a Memorandum of Understanding (MOU) with the African Continental Free Trade Area (AfCFTA) Secretariat.

On September 13, 2022, the U.S. Trade Representative led a delegation to Nairobi, Kenya to attend the Kenyan Presidential Inauguration. During a meeting with the Kenyan President, the U.S. Trade Representative noted the Administration’s support for shared global and regional priorities, including enhancing two-way trade and investment and promoting sustainable and inclusive economic growth.

USTR provided substantial support for other initiatives with sub-Saharan Africa, including: the December 2022 U.S.–Africa Leaders Summit, hosted by the President in Washington, D.C.; implementation of the new [U.S. Strategy Toward Sub-Saharan Africa](#) released by the White House in August 2022; and the Prosper Africa initiative, the goal of which is to substantially increase two-way trade and investment between the United States and Africa.

*For further on the Administration’s support for gender equity and equality and the empowerment of women in Africa and in the African Diaspora, see Chapter III.A.2 Advancing Racial Equity and Support for Underserved Communities*

### **The African Growth and Opportunity Act**

The TPSC Subcommittee on AGOA examines annually whether each country eligible for AGOA continues to meet the eligibility criteria. As a result of the annual 2023 AGOA eligibility review and following the termination of AGOA benefits for Burkina Faso, which took effect on January 1, 2023, 35 sub-Saharan African countries are eligible for AGOA benefits in 2023. On June 30, 2022, USTR released the [2022 Biennial Report on the Implementation of the African Growth and Opportunity Act](#) to Congress.

On December 13, 2022, the U.S. Trade Representative hosted trade ministers from sub-Saharan Africa for the AGOA Ministerial Meeting during the U.S.–Africa Leaders Summit. The AGOA Ministerial Meeting

consisted of discussions among the trade ministers and provided an opportunity for them to engage with key members of the U.S. Congress to discuss the program.

*For further discussion of the African Growth and Opportunity Act, see Chapter I.D.2 African Growth and Opportunity Act and II.E.1 Preference Programs Monitoring and Enforcement.*

### **African Continental Free Trade Area**

Throughout 2022, USTR had numerous high-level engagements in support of the African Continental Free Trade Area (AfCFTA). The U.S. Trade Representative and the AfCFTA Secretary General signed a MOU on December 14, 2022 at the U.S.–Africa Business Forum in Washington, D.C. The two officials also took part in a hybrid fireside chat on December 2, 2022 that highlighted U.S. Government support for trade efforts across Africa. The U.S. Government launched a range of activities to support the AfCFTA and plans to further support the negotiations and the implementation of the AfCFTA agreement.

*For further information on the African Continental Free Trade Area, see Chapter I.A.6 African Continental Free Trade Area Memorandum of Understanding, Chapter III.A.3 Advancing Gender Equity and Equality and Women’s Economic Empowerment in Trade Policy, and Chapter III.I Trade Capacity Building.*

### **Empowerment of African and Diaspora Women**

In 2022, USTR worked to reinforce the Administration’s support of gender equity and equality and the empowerment of African and Diaspora women, core objectives of the U.S. [National Strategy on Gender Equity and Equality](#), the [U.S. Strategy Toward Sub-Saharan Africa](#), and the [African Union’s Agenda 2063](#) plan. *(For further information, see Chapter III.A.3 Advancing Gender Equity and Equality and Women’s Economic Empowerment in Trade Policy.)*

On December 13, 2022, the eve of the U.S.–Africa Leaders’ Summit, USTR collaborated with a Historically Black College and University (HBCU) and the U.S. Department of Commerce to hold a Fireside Chat on “Women and Trade: Advancing African and Diaspora Women in the Global Marketplace.” The key purpose of this event was to raise awareness about the important work policymakers, the private sector, and international organizations are undertaking to advance gender equity and equality and to promote inclusive economic growth, especially in the context of strengthening U.S.–Africa partnerships. Key speakers at the event included the U.S. Trade Representative, the U.S. Secretary of Commerce, the Executive Director of the International Trade Centre, and the heads of several Diaspora women-owned companies.

### **Generalized System of Preferences Reviews**

USTR continued to monitor developments related to its ongoing reviews of three Generalized System of Preferences (GSP) beneficiaries’ compliance with GSP eligibility criteria in sub-Saharan Africa: Eritrea, South Africa, and Zimbabwe.

*For further discussion of the Generalized System of Preferences program, see Chapters I.D.I Generalized System of Preferences and II.E.1 Preference Programs Monitoring and Enforcement.*



## 7. South and Central Asia

U.S. engagement with countries across South and Central Asia in 2022 focused on advancing resolution of a range of issues related to respect for internationally recognized worker rights, agricultural trade, protection of intellectual property (IP), and digital trade.

The United States has bilateral Trade and Investment Framework Agreements (TIFAs) with Afghanistan, Bangladesh, Iraq, Maldives, Nepal, Pakistan, Sri Lanka, and, collectively, the Central Asian republics of Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan, and Uzbekistan. A Trade Policy Forum exists to facilitate trade and investment dialogue between the United States and India.

U.S. trade policy engagement in South and Central Asia sought to foster regional trade and security through dialogue on and adherence to trade rules. The region encompasses approximately 1.9 billion people, and many countries have been experiencing rapid economic growth and progression up the development ladder, presenting important opportunities for U.S. exporters of goods, services, and agricultural products. Digital trade is a potential engine for growth in the U.S. bilateral economic relationships with South Asian partners, though restrictive digital trade policies may hamper trade. Similarly, the United States has increased its engagement on technical barriers that have affected certain U.S. export sectors and fostered discussions on the need for high-standard commitments to address emerging trade challenges.

### **Trade and Investment Framework Agreement Activity in South and Central Asia**

The activities below describe the key outcomes that advanced the U.S. trade and investment agenda with countries in the South and Central Asia region during 2022.

*India:* Throughout 2022, the United States engaged with India on an ongoing basis in response to specific concerns affecting the full range of the bilateral trade relationship. Following the November 2021 re-launch of the U.S.–India Trade Policy Forum (TPF), the principal bilateral forum for discussing trade and investment issues affecting the two countries, 2022 was characterized by regular engagement through the TPF’s four technical-level workings groups on (1) agricultural goods, (2) non-agricultural goods, (3) services and investment, and (4) IP. These TPF working groups, which include participation by senior-level officials from key U.S. agencies, provide an opportunity to achieve meaningful results and to address the general trend of increasingly trade-restrictive policies in India that continue to inhibit the potential of the trade relationship. A TPF Ministerial meeting was held on January 11, 2023. In addition to utilizing the TPF as a mechanism for resolving specific trade concerns, USTR continues to stress its interest in engaging with the Government of India on issues in the areas of labor, environment, digital trade, trade facilitation, and good regulatory practices, among others.

*Bangladesh:* In 2022, the United States continued to stress the importance of the Administration’s worker-centered trade policies in the areas of workplace safety and worker rights in Bangladesh, which have been a focus of concern after Bangladesh’s Generalized System of Preferences eligibility was terminated in 2013. During the United States–Bangladesh Trade and Investment Cooperation and Facilitation Agreement (TICFA) Council meeting in December 2022, the United States highlighted, in particular, concerns in the areas of freedom of association, collective bargaining, child labor, and forced labor. The United States called for greater alignment between Bangladesh’s domestic laws and practice and international labor standards, in particular by extending the rights of freedom of association and collective bargaining to the export processing zones and special economic zones. USTR will continue to deepen engagement with the Government of Bangladesh on labor priorities through the TICFA and through the bilateral Labor Working Group established in 2022, and will work closely with the new Labor Attaché posted at the U.S. Embassy in Dhaka.

Also, during virtual meetings in autumn 2022 in the lead up to and during the December TICFA Council meeting, the United States engaged Bangladesh on a full range of pressing bilateral trade issues, including market access for agricultural products, policy developments affecting digital trade, ease of doing business, and IP protection and enforcement. As a result of the TICFA meeting, the governments agreed to intensify work in 2023 related to agriculture biotechnology and to address certain investment barriers for U.S. firms operating in Bangladesh. USTR is planning for the next TICFA meeting to be held in late 2023.

*Pakistan:* U.S. bilateral engagement with Pakistan in 2022 focused on regulatory developments affecting digital trade, digital content, and data privacy, IP protection and enforcement, labor, market access for agricultural and non-agricultural goods and services, and technical barriers to trade (TBT). During an intersessional TIFA meeting in Islamabad in March 2022, USTR and Pakistan’s Ministry of Commerce agreed to pursue outcomes in agricultural trade, international labor rights, women’s economic empowerment, and good regulatory practices, in order to lay the groundwork for a TIFA Council Ministerial meeting in the United States in 2023. In August 2022 the United States and Pakistan also held an initial information exchange on good regulatory practices.

*Nepal:* The United States engaged with Nepal periodically throughout 2022 on a range of bilateral trade issues and a TIFA Council meeting is expected to be held in early 2023. The United States also regularly engages with Nepal through the TIFA to ensure that Nepal is meeting the statutory criteria necessary to receive the benefits of the Nepal Trade Preference Program, which was established in 2015 and is set to expire in 2025.

*For a discussion of the Nepal Trade Preference Program, see Chapter I.D.4 Nepal Trade Preference Program.*

*Central Asia (Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan, and Uzbekistan):* During 2022, the U.S. Trade Representative engaged the Central Asian Ministries of Trade on the priorities of the Administration, including a worker-centered trade policy, good regulatory practices, and inclusive stakeholder engagement. Five working groups operate under the auspices of the U.S.–Central Asia TIFA, covering customs, sanitary and phytosanitary (SPS) issues and standards, IP protection and enforcement, women’s economic empowerment (WEE), and digital trade. The customs, IP, WEE, and SPS working groups met in 2022, and the inaugural meeting of the digital trade group was held in September 2022. In March 2022, the U.S. Trade Representative met with Uzbekistan’s Minister of Trade to discuss bilateral trade, international labor rights, and the country’s ongoing accession to the WTO. USTR continued to plan towards the next TIFA meeting to be held in Central Asia in early 2023.

*Iraq:* In 2022, the United States continued to engage on issues raised during the last United States–Iraq TIFA Council in June 2019—issues related to business climate concerns, market access for agricultural goods (including poultry, rice, and wheat) and non-agricultural goods and services, TBT, arbitration of investment disputes, and tariff rates—as well as on new concerns around import bans, conformity assessment barriers, international standards, and digital trade policy. Following an uptick in stakeholder concerns, USTR increased outreach to the Government of Iraq on its IP regime and enforcement.

## **D. Preference Programs**

### **1. Generalized System of Preferences**

The U.S. Generalized System of Preferences (GSP) program (19 U.S.C. § 2461 *et seq.*) was created by the Trade Act of 1974 and promotes sustainable development by providing eligible developing countries with

duty-free access to the U.S. market for approximately 3,500 non-import sensitive products and an additional approximately 1,500 products for least developed beneficiary developing countries (LDBDCs). GSP was authorized initially for a 10-year period, beginning on January 1, 1976. Congress reauthorized the program 14 times subsequently, most recently in March 2018. That authorization lapsed on December 31, 2020.

As a result of the lapse of GSP's authorization, USTR did not carry out an annual product review to consider the addition or removal of products or waivers to competitive need limitations. However, USTR conducted outreach with GSP beneficiaries, including Argentina, Brazil, Egypt, Lebanon, and the Philippines, to help improve utilization of GSP benefits, in preparation for the GSP program's pending reauthorization by the U.S. Congress, and compliance with GSP eligibility requirements.

### **Value of Trade Entering the United States under the U.S. Generalized System of Preferences Program**

Although the GSP program authorization lapsed on December 31, 2020, this section provides the value of goods entering the United States that importers claimed under GSP in 2022 in anticipation that any GSP program reauthorization would provide reimbursement of duties paid during the lapse, consistent with past precedent.

U.S. imports claimed under the U.S. GSP program were \$21.5 billion in 2022, up 15 percent from 2021 (\$2.8 billion) and up 26.7 percent from 2020 (\$4.5 billion).

During 2022, imports under GSP accounted for less than 1 percent of all U.S. imports of goods. Imports from GSP beneficiaries coming in under GSP accounted for 8.5 percent of total imports from those countries during the same period. GSP imports from Least Developed Beneficiary Developing Countries (LDBDCs), rose from \$3.0 billion to \$3.8 billion, or by 26 percent, and accounted for 17.8 percent of GSP imports.

Top U.S. imports claimed under the GSP program during 2022 were travel and sports bags, handbags, rubber or plastic mattresses, and trunks and suitcases.

The five GSP beneficiaries with the largest value of GSP products claimed in 2022 were, in order: Indonesia, Cambodia, Thailand, Brail, and the Philippines. The five LDBDC GSP beneficiaries with the largest volume of GSP products claimed were: Cambodia, Burma, Ethiopia, Angola, and Nepal

*For further discussion of the Generalized System of Preferences program, see Chapters II.E.1 Preference Programs Monitoring and Enforcement and III.H.2. Trade and Labor Preference Programs.*

## **2. African Growth and Opportunity Act**

The African Growth and Opportunity Act (AGOA) (Title 1 of The Trade and Development Act of 2000, Public Law 106–200, 19 U.S.C. § 3701 *et seq.*) provides eligible sub-Saharan African countries with duty-free access to the U.S. market for over 1,800 products, in addition to the more than 5,100 products that are eligible under the Generalized System of Preferences (GSP) program. Although legal authorization for benefits under GSP expired on December 31, 2020, tariff lines covered by GSP remained eligible for AGOA beneficiaries.

As of January 1, 2023, 35 sub-Saharan African countries are eligible for AGOA benefits.

*For information on the AGOA Eligibility Review, see Chapter II.E.1 Preference Programs Monitoring and Enforcement*

### **AGOA Trade Ministerial Meeting**

On December 13, 2022, the U.S. Trade Representative hosted trade ministers from sub-Saharan Africa for the AGOA Ministerial Meeting during the U.S.-Africa Leaders' Summit. The AGOA Ministerial Meeting was held in lieu of the annual United States-Sub-Saharan Africa Trade and Economic Cooperation Forum (AGOA Forum).

The goal of the AGOA Ministerial Meeting was to reaffirm and modernize the United States' partnership and engagement with Africa as the United States expands trade and investment with the continent. The meeting provided an opportunity for leading trade officials in sub-Saharan Africa and the United States to exchange perspectives on: core issues impacting the U.S.-Africa trade relationship; how to work together to improve AGOA implementation, including by improving utilization rates; and, how to ensure that the program benefits all segments of society. The meeting also provided a platform to discuss how to strengthen economic cooperation, expand two-way trade and investment, and support regional economic integration, among other issues of mutual interest.

The AGOA Ministerial Meeting was attended by thirty-four trade ministers from 2022 AGOA-eligible countries, nine U.S. Members of Congress, and representatives of the six Regional Economic Communities and three other Africa-based organizations. U.S. Government senior officials from the Department of State, the Department of Commerce, the Department of Treasury, the U.S. Agency for International Development and the National Security Council also attended.

### **2022 Biennial Report on Implementation of AGOA**

In compliance with Section 110 of the Trade Preferences Extension Act of 2015 (19 U.S.C. § 3705 *et. seq.*), the U.S. Trade Representative submitted to Congress the [2022 Biennial Report on the Implementation of AGOA](#) on June 30, 2022. As required by Section 110, the report provides a description of the status of trade and investment between the United States and sub-Saharan Africa, changes in country eligibility for AGOA benefits, an analysis of country compliance with the AGOA eligibility criteria, an overview of regional integration efforts in sub-Saharan Africa, and a summary of U.S. trade capacity building efforts.

### **Value of Trade Entering the United States under the African Growth and Opportunity Act**

U.S. imports claimed under the AGOA program (including under the U.S. GSP program) in 2022 were \$10.2 billion, up 50.8 percent from 2021 and up 146.0 percent from 2020. The increase to \$10.2 billion in 2022 was due mostly to an increase in imports of oil (up 135.0 percent) to \$4.5 billion in 2022. AGOA non-oil trade increased by 17.8 percent to \$5.7 billion in 2022.

There was a 80.9 percent increase in transportation equipment imports under AGOA to \$1.6 billion in 2022 from \$879 million in 2021 and a 1.3 percent decrease in AGOA apparel trade to \$1.36 billion in 2022 compared to \$1.38 billion in 2021.

Top U.S. imports under the AGOA program during 2022 were: mineral fuels, motor vehicles, gold necklaces, and ferrochromium.

The top five AGOA users by value in 2022 were, in order: South Africa, Ghana, Kenya, and Madagascar.

### **3. Haitian Hemispheric Opportunity Through Partnership Encouragement Act**

The Haitian Hemispheric Opportunity through the Partnership Encouragement Act of 2006 (Public Law 109–432, Div. D, Title V) was extended in 2008 (Public Law 110–234, Title XV, Subtitle D, Part I) (HOPE II) to provide eligible producers with duty-free treatment for imports of apparel, textiles, and certain other goods from Haiti until September 30, 2025. For the first 11 months of 2022 (latest data available), total imports under the program were \$970 million and accounted for 98.6 percent of total U.S. imports from Haiti.

Pursuant to HOPE II requirements, producers must comply with internationally recognized worker rights to be eligible for duty-free treatment under HOPE II. The U.S. Government, in cooperation with the International Labor Organization, monitors compliance of producers with worker rights and issues an annual report on the status of the Technical Assistance Improvement and Compliance Needs Assessment and Remediation (TAICNAR) program. (For information on monitoring efforts, see the [2022 USTR Annual Report on the Implementation of the Technical Assistance Improvement and Compliance Needs Assessment and Remediation Program](#)).

*For further discussion of HOPE II, see Chapter II.E.1 Preference Programs Monitoring and Enforcement.*

### **4. Nepal Trade Preference Program**

The Nepal Trade Preference Program (NTPP) (19 U.S.C. § 4454) was authorized by the Trade Facilitation and Trade Enforcement Act of 2015 and provides duty-free treatment for 77 tariff lines from Nepal, which includes certain carpets, headgear, shawls, and scarves through December 31, 2025, when the program expires. The NTPP is designed to assist Nepal in its economic recovery from earthquakes in 2015. During 2022, the sixth full year the NTPP has been in place, total imports under the program were nearly \$5 million and accounted for 3.5 percent of total U.S. imports from Nepal.

The NTPP includes statutory criteria necessary to receive the benefits of the preference program, which include, among other criteria, making continual progress in establishing a market-based economy, rule of law, and protection of internationally recognized workers' rights. The Trade Enforcement Act requires the President to present an annual report to Congress on the implementation of the NTPP, which covers overviews of the political, economic, and trade conditions in Nepal; an assessment of Nepal's eligibility to receive the benefits; information on U.S. trade policy as it relates to Nepal; information related to Nepal's utilization of the preference program; and, information on implementation of technical assistance. (See the [2022 USTR Annual Report to Congress on the Implementation of the Nepal Trade Preference Program](#)).

*For further discussion of the Nepal Trade Preferences program, see Chapters II.E.1 Preference Programs Monitoring and Enforcement.*

### **5. Caribbean Basin Initiative**

Seventeen Caribbean countries and territories are beneficiaries of the Caribbean Basin Initiative (CBI) (19 U.S.C. 2701 *et seq.*) which was launched in 1983 through the Caribbean Basin Economic Recovery Act (CBERA) (Public Law 98–67). The CBERA facilitates the development of Caribbean Basin economies by providing beneficiary countries with duty-free access to the U.S. market for many goods. In 2000, the United States enacted the Caribbean Basin Trade Partnership Act (CBTPA) (Title II of the Trade and Development Act of 2000, Public Law 106–200) to enhance existing CBERA preferences. The CBTPA recognized the significance of apparel as a component of CBI exports to the United States and expanded

the degree of preferential treatment applied to U.S. imports of apparel made in the Caribbean Basin region. Eight of the CBERA beneficiary countries and territories are also beneficiaries under the CBTPA. The CBTPA has been renewed by Congress several times since it was enacted, most recently on October 10, 2020 when the program was extended until September 30, 2030.

CBI benefits for Haiti were further expanded with the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 (HOPE Act) (Public Law 109–432), the HOPE II Act of 2008 (HOPE II Act) (Public Law 110–234, Title XV, Subtitle D, Part I), and the Haitian Economic Lift Program Act of 2010 (HELP Act) (Public Law 111–171, which provided Haiti preferential treatment for its textile and apparel products. The Trade Preferences Extension Act of 2015 (TPEA) (Public Law 114–27) extended trade benefits provided to Haiti in the HOPE Act, the HOPE II Act, and the HELP Act until September 30, 2025. The TPEA also extended the value-added rule for apparel articles wholly assembled or knit-to-shape in Haiti until December 19, 2025.

During 2022, total imports claimed under the CBI were \$754 million and accounted for 6.5 percent of total U.S. imports from Caribbean Basin countries.

*For further discussion of the Caribbean Basin Initiative, see Chapter II.E.1 Preference Programs Monitoring and Enforcement.*



## II. TRADE ENFORCEMENT ACTIVITIES

### A. Overview

The Office of the United States Trade Representative (USTR) coordinates the U.S. Government monitoring and enforcement of rules and norms that underlie the international trading system and promote fair, market-oriented conditions for U.S. workers and businesses. USTR enforces foreign government compliance with trade agreements to which the United States is a party, including through the use of dispute settlement procedures and applying the full range of U.S. trade laws. Vigorous monitoring and investigation efforts by USTR and relevant expert agencies, including the U.S. Departments of Agriculture, Commerce, Homeland Security, Justice, Labor, State, and Treasury, help ensure that these agreements yield the maximum benefits in terms of ensuring market access for Americans, advancing understanding and respect for international commitments, and creating a fair, open, and predictable trading environment.

Ensuring full implementation of U.S. trade agreements is one of the strategic priorities of the United States. USTR seeks to achieve this goal through a variety of means, including:

- Asserting U.S. rights through World Trade Organization (WTO) bodies and committees charged with monitoring implementation and surveillance of agreements and disciplines, and use of dispute settlement as appropriate;
- Promoting U.S. interests under free trade agreements (FTAs) through work programs, accelerated tariff reductions, and strategic use of dispute settlement mechanisms, including with respect to labor and environmental obligations, such as through the United States–Mexico–Canada Agreement (USMCA) Facility-Specific, Rapid Response Mechanism (*for further discussion of the Rapid Response Mechanism, see Chapter III.H.1 Trade and Labor Free Trade Agreements and Bilateral Activities*);
- Vigorously monitoring and enforcing other bilateral and plurilateral agreements;
- Invoking U.S. trade laws to promote compliance, including in conjunction with bilateral, plurilateral, and WTO mechanisms when appropriate; and,
- Providing technical assistance to trading partners, especially to developing countries, to ensure that key obligations are implemented on schedule.

Through the vigorous application of U.S. trade laws and strategic use of dispute settlement procedures, the United States opens foreign markets to U.S. goods and services; helps defend U.S. workers, businesses, and farmers against unfair practices; and, promotes a level playing field through promoting respect for fair, market-oriented conditions. For example, USTR's Office of Monitoring and Enforcement leads U.S. efforts to defend U.S. interests in WTO and FTA disputes, and through investigations and actions under Section 301. The United States also has used the incentive of preferential access to the U.S. market to encourage improvements in the protection of workers' rights and reform of intellectual property (IP) laws and practices in other countries. These enforcement efforts have resulted in major benefits for U.S. firms, farmers, and workers, as well as workers around the world.



## **Favorable Resolutions or Settlements**

Dispute settlement is one mechanism that the United States may use to secure benefits for U.S. stakeholders. Whenever possible, the United States has sought to reach favorable resolutions or settlements that eliminate the foreign breach without having to resort to engaging in prolonged litigation.

As of December 2022, the United States has been able to achieve this preferred result in 38 disputes concluded so far, involving: Argentina's protection and enforcement of patents; Australia's ban on salmon imports; Belgium's duties on rice imports; Brazil's automotive investment measures; Brazil's patent law; Canada's additional duties on certain products; Canada's antidumping and countervailing duty investigation on corn; China's value-added tax exemptions for certain domestically produced aircraft; China's Demonstration Base/Common Service Platform export subsidy program; China's Automobile and Automobile Parts Export Bases prohibited subsidy program; China's value-added tax on integrated circuits; China's use of prohibited subsidies for green technologies; China's treatment of foreign financial information suppliers; China's subsidies for so-called Famous Brands; China's support for wind power equipment; Denmark's civil procedures for IP enforcement; Egypt's apparel tariffs; the European Union's (EU) market access for grains; an EU import surcharge on corn gluten feed; the EU's subsidies to Airbus for large civil aircraft; the EU's claim of compliance in the dispute involving subsidies to Airbus for large civil aircraft; the EU's additional duties imposed on a variety of U.S. exports; Greece's protection of copyrighted motion pictures and television programs; Hungary's agricultural export subsidies; India's compliance regarding its patent protection; Indonesia's barriers to the importation of horticultural products (two disputes); Ireland's protection of copyrights; Japan's protection of sound recordings; Korea's shelf life standards for beef and pork; Mexico's additional duties on certain products; Mexico's restrictions on hog imports; Pakistan's protection of patents; the Philippines' market access for pork and poultry; the Philippines' automotive regime; Portugal's protection of patents; Romania's customs valuation regime; Sweden's enforcement of IP rights; and, Turkey's box office taxes on motion pictures.

## **Litigation Successes**

When U.S. trading partners have not been willing to negotiate settlements, USTR has pursued its offensive cases to conclusion, prevailing in 47 cases as of December 2022. The United States prevailed in complaints against foreign trade barriers involving: Argentina's import licensing restrictions and other trade-related requirements; Argentina's tax and duties on textiles, apparel, and footwear; Australia's export subsidies on automotive leather; Canada's administration of USMCA dairy tariff-rate quotas; Canada's barriers to the sale and distribution of magazines; Canada's export subsidies and an import barrier on dairy products; Canada's law protecting patents; China's provision of agricultural domestic support for grains producers in excess of its commitment levels; China's administration of its tariff-rate quotas for grains; China's charges on imported automobile parts; China's measures restricting trading rights and distribution services for certain publications and audiovisual entertainment products; China's enforcement and protection of IP rights; China's measures related to the exportation of raw materials; China's countervailing and antidumping duties on grain oriented flat-rolled electrical steel from the United States; China's claim of compliance in the dispute involving China's countervailing and antidumping duties on grain oriented flat-rolled electrical steel from the United States; China's measures affecting electronic payment services; China's countervailing and antidumping duties on broiler parts from the United States; China's countervailing and antidumping duties on automobiles from the United States; China's export restrictions on rare earths and other materials; the EU's subsidies to Airbus for large civil aircraft; the EU's claim of compliance in the dispute involving subsidies to Airbus for large civil aircraft; the EU's import barriers on bananas; the EU's ban on imports of beef; the EU's regime for protecting geographical indications; the EU's moratorium on biotechnology products; the EU's non-uniform classification of LCD monitors; the EU's tariff treatment of certain information technology products; India's export subsidies on a variety of products; India's ban on poultry meat and various other U.S. agricultural products allegedly to protect

against avian influenza; India's import bans and other restrictions on 2,700 items; India's protection of patents on pharmaceuticals and agricultural chemicals; India's discriminatory local content requirements for solar cells and modules under its National Solar Mission (two merged complaints); India's and Indonesia's discriminatory measures on imports of U.S. automobiles; Indonesia's barriers on the importation of horticultural products, beef, poultry, and animals (three complaints); Japan's restrictions affecting imports of apples, cherries, and other fruits; Japan's barriers to apple imports; Japan's and Korea's discriminatory taxes on distilled spirits; Korea's restrictions on beef imports; Mexico's antidumping duties on high fructose corn syrup; Mexico's telecommunications barriers; Mexico's antidumping duties on rice; Mexico's discriminatory soft drink tax; the Philippines' discriminatory taxation of imported distilled spirits; and, Turkey's measures affecting the importation of rice.

USTR also works in consultation with other U.S. Government agencies to ensure the most effective use of U.S. trade laws to complement its litigation strategy and to address problems that are outside the scope of the WTO and U.S. free trade agreements.

USTR has applied Section 301 of the Trade Act of 1974 to address unfair foreign government measures, "Special 301" for IP rights protection and enforcement, and Section 1377 of the Omnibus Trade and Competitiveness Act of 1988 for telecommunications trade problems.

*For further discussion of the application of these trade law tools, see Chapters II.B Section 301, II.E.2 Special 301, and II.E.3 Section 1377 Review of Telecommunications Agreements, respectively.*

### **Interagency Center for Trade Implementation, Monitoring and Enforcement**

On February 24, 2016, the Trade Facilitation and Trade Enforcement Act of 2015 was signed into law. Section 604 of the law established the Interagency Center for Trade Implementation, Monitoring and Enforcement (ICTIME) in USTR to support the activities of USTR in: investigating potential disputes under the WTO and bilateral and regional trade agreements; monitoring and enforcing trade agreements to which the United States is a party; and, monitoring implementation by foreign parties of trade agreements. The statute provided funding to USTR to staff ICTIME directly. ICTIME brings together research, analytical resources, and expertise from within USTR and across the federal government into one office within USTR to significantly enhance USTR's capability to investigate foreign trade practices that are potentially unfair or adverse to U.S. commercial interests.

In 2022, ICTIME continued to provide analysis in USTR's monitoring of the United States–China Economic and Trade Agreement; multiple rounds of technical exchanges with EU counterparts to advance the Global Arrangement on Steel and Aluminum Excess Capacity and Carbon Intensity; technical exchanges on the issue of non-market policies and practices in China's medical device industry and its use of government guidance funds in the context of the U.S.–EU Trade and Technology Council; technical exchanges in the context of the U.S.–EU Cooperative Framework for Large Civil Aircraft; and, monitoring of the Agreement Between the United States and Vietnam to Resolve the Timber Section 301 Investigation. ICTIME also continued to provide analysis in ongoing dispute settlement at the WTO and in every use of the USMCA Facility-Specific Rapid Response Labor Mechanism.

## **B. Section 301**

Section 301 of the Trade Act of 1974 (Trade Act) is designed to address unfair foreign practices affecting U.S. commerce. Section 301 may be used to enforce U.S. rights under bilateral and multilateral trade agreements or to respond to unreasonable, unjustifiable, or discriminatory foreign government practices that burden or restrict U.S. commerce. For example, Section 301 may be used to obtain improved market

opportunities for U.S. goods and services, enforce labor or environmental norms or trade commitments, address tolerance for anticompetitive activities, and obtain more effective protection worldwide for U.S. intellectual property.

### **Operation of the Statute**

The Section 301 provisions of the Trade Act provide a domestic procedure through which interested persons may petition the U.S. Trade Representative to investigate a foreign government act, policy, or practice and take appropriate action. The U.S. Trade Representative also may self-initiate an investigation.

In each investigation, the U.S. Trade Representative must seek consultations with the foreign government whose acts, policies, or practices are under investigation. If the acts, policies, or practices are determined to violate a trade agreement or to be unjustifiable, the U.S. Trade Representative generally must take action. If they are determined to be unreasonable or discriminatory and to burden or restrict U.S. commerce, the U.S. Trade Representative must determine whether action is appropriate and, if so, what action to take.

Actions that the U.S. Trade Representative may take under Section 301 include to: (1) suspend trade agreement concessions; (2) impose duties or other import restrictions; (3) impose fees or restrictions on services; (4) enter into agreements with the subject country to eliminate the offending practice or to provide compensatory benefits for the United States; and/or (5) restrict service sector authorizations. The Office of the United States Trade Representative (USTR) is required to monitor a foreign country's implementation of any agreements entered into, or measures undertaken, to resolve a matter that was the subject of the investigation. If the foreign country fails to comply with an agreement or the U.S. Trade Representative considers that the country fails to implement a World Trade Organization (WTO) recommendation, the U.S. Trade Representative must determine what further action to take under Section 301.

## **1. China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation**

Pursuant to the President's direction, in August 2017, the U.S. Trade Representative initiated an investigation under Section 302(b) of the Trade Act (19 U.S.C. § 2412(b)) to determine whether acts, policies, and practices of the Government of the People's Republic of China related to technology transfer, intellectual property, and innovation are unreasonable or discriminatory and burden or restrict U.S. commerce (82 FR 39007). The findings of the investigation, along with advice from the Section 301 Committee, Trade Policy Staff Committee, and advisory committees, supported a determination that China's acts, policies, and practices are actionable under Section 301(b) of the Trade Act (19 U.S.C. § 2411(b)). USTR published an extensive 200-page [report with the findings of the investigation](#) on March 22, 2018.

Based on this report, the U.S. Trade Representative in April 2018 published a notice of a determination that the following acts, policies, and practices of China are unreasonable or discriminatory and burden or restrict U.S. commerce, and are thus actionable under Section 301(b) of the Trade Act:

- China uses foreign ownership restrictions, such as joint venture requirements and foreign equity limitations, and various administrative review and licensing processes, to require or pressure technology transfer from U.S. companies.
- China's regime of technology regulations forces U.S. companies seeking to license technologies to Chinese entities to do so on non-market-based terms that favor Chinese recipients.

- China directs and unfairly facilitates the systematic investment in, and acquisition of, U.S. companies and assets by Chinese companies to obtain cutting-edge technologies and intellectual property and generate the transfer of technology to Chinese companies.
- China conducts and supports unauthorized intrusions into, and theft from, the computer networks of U.S. companies to access their sensitive commercial information and trade secrets (83 FR 14906).

With respect to the second category of acts, policies, and practices (involving technology licensing regulations), the U.S. Trade Representative decided that relevant U.S. concerns could be appropriately addressed through recourse to WTO dispute settlement. Accordingly, on March 23, 2018, USTR initiated a WTO dispute by requesting consultations with the Government of China regarding certain specific aspects of China's technology regulations (China—Certain Measures Concerning the Protection of Intellectual Property Rights (DS542)). (*For further information, see Chapter II.D WTO and FTA Enforcement.*)

To obtain the elimination of the acts, policies, and practices in the three other categories listed above, the U.S. Trade Representative, at the direction of the President, determined to impose additional duties on certain products of China. The additional duties were imposed in four tranches, referred to as List 1 through List 4. For each list, USTR invited public comment and held public hearings.

#### Lists 1 and 2

Duties were imposed under Section 301 on products in the first two tranches during the one-year initial period of investigation. In July 2018, an additional 25 percent duty was imposed on products in the first tranche, known as List 1, which covered 818 tariff subheadings with an approximate annual trade value of \$34 billion (83 FR 28710). Subsequently in August 2018, an additional 25 percent duty was imposed on products in the second tranche, known as List 2, which covered 279 tariff subheadings with an approximate annual trade value of \$16 billion (83 FR 40823).

#### List 3

In September 2018, the U.S. Trade Representative, at the direction of the President, determined to modify the prior actions in the investigation by imposing additional duties on products of China classified under 5,733 tariff subheadings with an approximate annual trade value of \$200 billion (83 FR 47974; 83 FR 49153). The rate of the additional duty on these List 3 products was initially 10 percent *ad valorem* and was later increased to 25 percent *ad valorem* in May 2019 (84 FR 20459).

#### List 4

In August 2019, the U.S. Trade Representative, at the direction of the President, determined to modify the prior actions in the investigation by imposing additional 10 percent *ad valorem* duties on products of China classified under approximately 3,805 tariff subheadings with an approximate annual trade value of \$300 billion (84 FR 43304). The tariff subheadings subject to the 10 percent additional duties were separated into two lists with different effective dates: September 1, 2019 for the list in Annex A, known as List 4A, and December 15, 2019 for the list in Annex C, known as List 4B. Subsequently, at the direction of the President, the U.S. Trade Representative determined to increase the rate of the additional duties from 10 percent to 15 percent (84 FR 45821).

### ***i. United States–China Economic and Trade Agreement***

The cumulative effect of the tariffs imposed on the products in the four tranches succeeded in encouraging China to agree to take steps to address U.S. concerns. On December 13, 2019, the United States and China announced that they would be entering into an agreement. On January 15, 2020, they signed the Economic and Trade Agreement Between the Government of the United States of America and the Government of the People’s Republic of China. In this Agreement, China’s commitments include taking steps to address some — though not all — of the issues covered in the Section 301 investigation.

On December 18, 2019, at the direction of the President, the U.S. Trade Representative suspended the additional 15 percent duties on the products covered by List 4B (84 FR 69447). On January 22, 2020, the U.S. Trade Representative announced that, at the direction of the President, the duties on List 4A would be reduced to 7.5 percent effective February 14, 2020, the scheduled date for entry into force of the Economic and Trade Agreement (85 FR 3741).

On February 14, 2020, the Economic and Trade Agreement entered into force. The Administration continues to work to ensure that the Agreement is fully implemented, which involves constant monitoring and, when appropriate, raising compliance issues with the Government of China.

*For a discussion on agriculture-related activities, see Chapter III.C.2 Agriculture and Trade Bilateral and Regional Activities.*

### ***ii. Product Exclusions***

The U.S. Trade Representative established processes by which stakeholders may request that particular products classified within a covered tariff subheading be excluded from the additional duties (83 FR 32181; 83 FR 47236). USTR received and reviewed approximately 11,000 and 2,900 exclusion requests pertaining to Lists 1 and 2, respectively, approving approximately 3,700 and 1,100 of them. USTR subsequently established an exclusion process for products of China covered under List 3 (84 FR 29576). USTR received approximately 30,300 exclusion requests under List 3. USTR approved approximately 1,500 requests. USTR also established an exclusion process for products of China covered under List 4A (84 FR 57144). USTR received approximately 8,800 requests and approved 575 of them.

#### Extension of Exclusions and Response to the COVID-19 Pandemic

The first tranche of approved exclusions expired in December 2019 and the final tranche of approved exclusions expired in October 2020. Starting in November 2019, USTR established processes for submitting public comments on whether to extend particular exclusions (See, *e.g.*, 85 FR 6687; 85 FR 38482). Pursuant to these processes, USTR determined to extend 137 exclusions covered under List 1, 59 exclusions on List 2, 266 exclusions on List 3, and 87 exclusions on List 4, for a total of 549 exclusions. Most of the extended exclusions expired in December 2020.

On March 25, 2020, USTR sought public comment on additional modifications to the tariff actions in order to address the COVID-19 pandemic. On December 22, 2020, USTR announced its determination to further extend certain product exclusions on medical-care products and to make further modifications to remove Section 301 duties from additional medical-care products to address the COVID-19 pandemic (85 FR 85831). An additional extension was announced on March 10, 2021 (86 FR 13785). On August 27, 2021, USTR sought public comment on whether to further extend the 99 product exclusions for medical-care products (86 FR 48280). On November 16, 2021, USTR determined to further extend 81 of the product exclusions for medical-care products for an additional 6 months (86 FR 63438). On June 3, 2022, USTR announced a subsequent extension for an additional 6 months (until November 30, 2022) (87 FR 33871).

On November 29, 2022, the U.S. Trade Representative further extended the same exclusions for an additional 3 months (until February 28, 2023).

On October 8, 2021, USTR opened a docket seeking public comment on the possible reinstatement of the 549 previously extended exclusions (86 FR 56345). On March 28, 2022, the U.S. Trade Representative determined to further modify the action by reinstating 352 of the 549 expired exclusions. The reinstated exclusion applied as of October 12, 2021, and were first extended through December 31, 2022 (87 FR 17380). On December 16, 2022, USTR announced that the U.S. Trade Representative had decided on a further extension, through September 30, 2023 (87 FR 78187).

In May 2022, USTR commenced the statutory four-year review process by notifying representatives of domestic industries that benefit from the tariff actions of the possible termination of those actions and of the opportunity for the representatives to request continuation (19 U.S.C. § 2417(c)) (87 FR 26797). In September 2022, USTR announced that USTR had received requests for continuation of the actions from representatives of domestic industries which benefit from the tariff actions; that, accordingly, the tariff actions had not terminated; and, that USTR would conduct a statutory review of the tariff actions (87 FR 55073). On November 15, 2022, USTR opened an electronic portal to receive public comments on the review (87 FR 62914). In accordance with the statute, USTR sought public comments on a number of issues, including views on the effectiveness of the actions in achieving the objectives of the investigation, other actions that could be taken, and the effects of the actions on the United States economy, including consumers. As part of this process, USTR sought specific views on the impact of the actions on U.S. workers, U.S. small businesses, U.S. manufacturing, critical supply chains, U.S. technological leadership, and possible tariff inversions (*i.e.*, where additional tariffs on goods are lower than additional tariffs on inputs used to produce those goods). The comment period ended on January 17, 2023.

## **2. European Union – Measures Concerning Meat and Meat Products (Hormones)**

The European Union (EU) prohibits imports into the EU of animals and meat from animals to which certain hormones have been administered (the “hormone ban”). In 1996, the United States initiated a WTO dispute with respect to the hormone ban. WTO panel and Appellate Body reports found that the measure was inconsistent with WTO obligation because the ban was not based on scientific evidence, a risk assessment, or relevant international standards. Under WTO procedures, the European Communities (EC), the predecessor to the EU, was to come into compliance with its obligations by May 13, 1999, but it failed to do so. Accordingly, in May 1999, the United States requested authorization from the Dispute Settlement Body (DSB) to suspend the application to the EC, and Member States thereof, of tariff concessions and related obligations under the General Agreement on Tariffs and Trade (GATT) 1994. The EC did not contest that it had failed to comply with its WTO obligations, but it objected to the level of suspension proposed by the United States.

On July 12, 1999, a WTO arbitrator determined that the level of nullification or impairment suffered by the United States as a result of the WTO inconsistent hormone ban was \$116.8 million per year. Accordingly, on July 26, 1999, the DSB authorized the United States to suspend the application to the EC and its Member States of tariff concessions and related obligations under the GATT 1994, covering trade up to \$116.8 million per year. In a notice published in July 1999, USTR announced that the United States was acting pursuant to this authorization by initiating proceedings under Section 301 to impose 100 percent *ad valorem* duties on certain products of certain EC Member States.

In February 2005, a WTO panel was established to consider the EU’s claims that it had brought its hormone ban into compliance with its WTO obligations and that the increased duties imposed by the United States

were no longer authorized by the DSB. In 2008, the DSB adopted panel and Appellate Body reports that confirmed that the July 1999 DSB authorization remained in effect.

In January 2009, the U.S. Trade Representative: (1) removed certain products from the 1999 list of products subject to 100 percent *ad valorem* duties; (2) imposed 100 percent *ad valorem* duties on some new products from certain EU Member States; (3) modified the coverage with respect to particular EU Member States; and, (4) raised the level of duties on one product. The trade value of the products subject to the modified list did not exceed the \$116.8 million per year authorized by the WTO.

In March 2009, the U.S. Trade Representative delayed the effective date of the additional duties (items two through four above) imposed under the January 2009 modifications in order to allow additional time for reaching an agreement with the EU. The effective date of the removal of duties under the January modifications remained March 23, 2009. Accordingly, subsequent to March 23, 2009, the additional duties put in place in July 1999 remained applicable to a reduced list of products.

In May 2009, the United States and the EU concluded a memorandum of understanding (MOU) which, under the first phase of the MOU scheduled to conclude in August 2012, obligated the EU to open a new duty-free tariff-rate quota (TRQ) for beef not produced with certain growth-promoting hormones. The United States in turn agreed not to impose duties above those in effect as of March 23, 2009.

On August 3, 2012, the United States and the EU, by mutual agreement, entered into a second phase of the MOU, to expire in one year. Under phase two, the U.S. Trade Representative terminated the remaining additional duties, and the EU expanded the TRQ from 20,000 to 45,000 metric tons. In August 2013, the United States and the EU extended phase two for an additional two years, until August 2015.

On December 9, 2016, representatives of the U.S. beef industry requested that the U.S. Trade Representative reinstate trade action against the EU because the TRQ was not providing benefits sufficient to compensate for the harm caused by the EU's hormone ban. On December 28, 2016, USTR published a *Federal Register* notice seeking public comments on specific EU products in order to consider possible reinstatement of duties. USTR held a public hearing on February 15, 2017.

In 2019, the United States and the European Union concluded successful negotiations to resolve concerns with the operation of the TRQ established by the MOU. On August 2, 2019, the EU and United States signed the *Agreement on the Allocation to the United States of a Share in the Tariff Rate Quota for High Quality Beef Referred to in the Revised MOU Regarding the Importation of Beef from Animals Not Treated with Certain Growth-promoting Hormones and Increased Duties Applied by the United States to Certain Products of the European Union*. The Agreement establishes a duty-free TRQ exclusively for the United States. Under the Agreement, American ranchers will have an initial TRQ of 18,500 metric tons annually, valued at approximately \$220 million. Over seven years, the TRQ will grow to 35,000 metric tons annually, valued at approximately \$420 million. On December 13, 2019, USTR published in the *Federal Register* notice of its determination not to reinstate action under Section 306(c) in connection with the European Union's measures. Pursuant to the notice, the Section 306(c) proceeding was terminated effective January 1, 2020, the date the EU applied the U.S.-specific TRQ allocation.

USTR continues to monitor the operation of the TRQ.

### 3. Digital Services Taxes

#### *i. France Digital Services Taxes*

On March 6, 2019, the Government of France released a proposal for a 3 percent levy on revenues that certain companies generate from providing certain digital services to, or aimed at, persons in France. The President of France signed the bill into law on July 24, 2019.

On July 10, 2019, the U.S. Trade Representative initiated an investigation of the proposed French digital service tax (DST) pursuant to Section 302(b)(1)(A) of the Trade Act (84 FR 34042). Based on information obtained during the investigation, USTR, with the advice of the Section 301 Committee, prepared a report setting out findings of the investigation.

On December 6, 2019, the U.S. Trade Representative determined under Sections 301(b) and 304(a) of the Trade Act (19 U.S.C. § 2411(b) and 2414(a)) that the act, policy, or practice covered in the investigation, namely the French DST, is unreasonable or discriminatory and burdens or restricts U.S. commerce, and is thus actionable under Section 301(b) of the Trade Act (84 FR 66956).

On July 10, 2020, the U.S. Trade Representative determined that action was appropriate in this investigation and to take action in the form of additional duties on certain products of France (85 FR 43292). To allow additional time for bilateral and multilateral discussions, and in recognition of France's agreement to suspend collection of its DST during 2020, the U.S. Trade Representative determined to suspend the additional duties for up to 180 days, pursuant to Section 305(a) of the Trade Act (19 U.S.C. § 2415(a)) (85 FR 43292). Subsequently, the U.S. Trade Representative determined to further suspend the action in this investigation as of January 6, 2021, to allow USTR to coordinate actions in all DST investigations (86 FR 2479).

On October 8, 2021, France joined the United States and 137 other jurisdictions participating in the Organization for Economic Cooperation and Development (OECD)/Group of 20 (G20) Inclusive Framework on Base Erosion and Profit Shifting in reaching a political agreement on a two-pillar solution to address tax challenges arising from the digitalization of the world economy. As part of Pillar 1, all parties agreed to remove existing DSTs and other relevant similar measures, and to coordinate the withdrawal of these taxes. On October 21, 2021, the U.S. Department of Treasury issued a joint statement with France and four other countries on a transitional approach to those countries' DSTs prior to entry into force of Pillar 1. Based on France's commitment to remove its DST pursuant to Pillar 1 and on its political agreement to the transitional approach prior to Pillar 1's entry into force, the U.S. Trade Representative determined to terminate the Section 301 action taken in the investigation of France's DST. In coordination with the Department of Treasury, USTR is monitoring implementation of the removal of France's DST as provided for under Pillar 1 and the transitional approach as provided in the joint statement.

#### *ii. Other Digital Services Taxes*

##### Austria

In October 2019, Austria adopted a DST that applies a five percent tax to revenues from online advertising services. The law went into force on January 1, 2020. The tax applies only to companies with at least €750 million (\$790 million) in annual global revenues for all services and €25 million (\$26 million) in in-country revenues for covered digital services (86 FR 6406).



On June 2, 2020, the U.S. Trade Representative initiated a Section 301 investigation of Austria's DST. On the same day, the U.S. Trade Representative requested consultations with the Government of Austria (85 FR 34709).

Based on information obtained during the investigation, USTR prepared a comprehensive report on Austria's DST. Based on the information obtained during the investigation and the advice of the Section 301 Committee, the U.S. Trade Representative determined that Austria's DST is unreasonable or discriminatory and burdens or restricts U.S. commerce, and therefore is actionable under sections 301(b) and 304(a) of the Trade Act (86 FR 6406).

On June 2, 2021, the U.S. Trade Representative determined to take action in the form of additional duties on certain products of Austria and to immediately suspend those additional duties for up to 180 days (86 FR 30361).

On October 8, 2021, Austria joined the United States and 134 other jurisdictions participating in the OECD/G20 Inclusive Framework on Base Erosion and Profit Shifting in reaching a political agreement on a two-pillar solution to address tax challenges arising from the digitalization of the world economy. As part of Pillar 1, all parties agreed to remove existing DSTs and other relevant similar measures, and to coordinate the withdrawal of these taxes. On October 21, 2021, the Department of Treasury issued a joint statement with Austria and four other countries on a transitional approach to those countries' DSTs prior to entry into force of Pillar 1. Based on Austria's commitment to remove its DST pursuant to Pillar 1 and on its political agreement to the transitional approach prior to Pillar 1's entry into force, the U.S. Trade Representative has determined to terminate the Section 301 action taken in the investigation of Austria's DST. In coordination with the Department of Treasury, USTR is monitoring implementation of the removal of Austria's DST as provided for under Pillar 1 and the transitional approach as provided in the joint statement.

### Brazil

In 2020, Brazil began considering legislative proposals that would provide for a DST. On June 2, 2020, the U.S. Trade Representative initiated a Section 301 investigation of the DST under consideration by Brazil. On the same day, the USTR requested consultations with the Government of Brazil (85 FR 34709).

On January 13, 2021, USTR published a status update regarding the investigation of Brazil's DST. The status update summarized the DST proposals and outlined USTR's preliminary concerns.

As of March 25, 2021, Brazil had not adopted a DST. Accordingly, the U.S. Trade Representative determined that it was appropriate to terminate the Brazil DST investigation. USTR continues to monitor the status of any proposed or adopted DST in Brazil, and may, if appropriate, initiate a new Section 301 investigation.

### The Czech Republic

In 2020, the Czech Republic began considering a legislative proposal that would provide for a DST. On June 2, 2020, the U.S. Trade Representative initiated a Section 301 investigation of the DST under consideration by the Czech Republic. On the same day, the U.S. Trade Representative requested consultations with the Czech Government (85 FR 34709).

On January 13, 2021, USTR published a status update regarding the investigation of the Czech Republic's DST. The status update summarized the DST proposal and outlined USTR's preliminary concerns.

As of March 25, 2021, the Czech Republic had not adopted a DST. Accordingly, the U.S. Trade Representative determined that it was appropriate to terminate the Czech Republic DST investigation. USTR continues to monitor the status of any proposed or adopted DST in the Czech Republic, and may, if appropriate, initiate a new Section 301 investigation.

### The European Union

In 2020, the European Union (EU) began a process to consider a DST which was to be proposed by the European Commission. On June 2, 2020, the U.S. Trade Representative initiated a Section 301 investigation of the DST under consideration by the EU. On the same day, the U.S. Trade Representative requested consultations with the EU (85 FR 34709).

On January 13, 2021, USTR published a status update regarding the investigation of the EU's DST. The status update provided a summary and outlined USTR's preliminary concerns.

As of March 25, 2021, the EU had not adopted a DST. Accordingly, the U.S. Trade Representative determined that it was appropriate to terminate the EU DST investigation. USTR continues to monitor the status of any proposed or adopted DST in the EU, and may, if appropriate, initiate a new Section 301 investigation.

### India

In March 2020, India adopted a two percent DST. The tax only applies to non-resident companies, and covers online sales of goods and services to, or aimed at, persons in India. The tax applies to companies with annual revenues in excess of approximately Rs. 20 million (approximately \$267,000). The tax went into effect on April 1, 2020 (85 FR 34709).

On June 2, 2020, the U.S. Trade Representative initiated a Section 301 investigation of India's DST. On the same day, the USTR requested consultations with the Government of India (85 FR 34709).

Based on information obtained during the investigation, USTR prepared a comprehensive report on India's DST. Based on the information obtained during the investigation and the advice of the Section 301 Committee, the U.S. Trade Representative determined that India's DST is unreasonable or discriminatory and burdens or restricts U.S. commerce, and therefore is actionable under sections 301(b) and 304(a) of the Trade Act (86 FR 2478).

On June 2, 2021, the U.S. Trade Representative determined to take action in the form of additional duties on certain products of India and to immediately suspend those additional duties for up to 180 days (86 FR 30356). On October 8, 2021, India joined the United States and 134 other jurisdictions participating in the OECD/G20 Inclusive Framework on Base Erosion and Profit Shifting in reaching a political agreement on a two-pillar solution to address tax challenges arising from the digitalization of the world economy. As part of Pillar 1, all parties agreed to remove existing DSTs and other relevant similar measures, and to coordinate the withdrawal of these taxes.

On November 24, 2021, India and the United States issued statements describing a transitional approach to India's DST prior to entry into force of Pillar 1. These statements reflect a political agreement that, in defined circumstances, the DST liability that U.S. companies accrue in India during the interim period will be creditable against future taxes accrued under Pillar 1 of the OECD Agreement. Based on the commitment of India to remove its DST pursuant to Pillar 1 and on India's political agreement to this transitional approach prior to Pillar 1's entry into force, the U.S. Trade Representative determined to terminate the Section 301 action taken in the investigation of India's DST, as of November 28, 2021. In

coordination with the Department of Treasury, USTR continues to monitor implementation of the removal of India's DST as provided for under Pillar 1 and the transitional approach agreed to by India.

### Indonesia

On March 31, 2020, Indonesia issued an instrument to adopt a DST, namely, Government Regulation in Lieu of Law (Peraturan Pemerintah Pengganti Undang-Undang or PERPPU) 1-2020. On May 16, 2020, Government Regulation in Lieu of Law (PERPPU) 1-2020 was adopted as Law of the Republic of Indonesia 2-2020.

On June 2, 2020, the USTR initiated a Section 301 investigation of Indonesia's DST. On the same day, the U.S. Trade Representative requested consultations with the Government of Indonesia (85 FR 34709).

On January 13, 2021, USTR published a status update regarding the investigation of Indonesia's DST. The status update summarized the DST and outlined USTR's preliminary concerns. The update noted that in order for Indonesia's DST to take effect, further implementing measures would be necessary and that Indonesia had not adopted these implementing measures at that time.

As of March 25, 2021, Indonesia had not implemented its DST. Accordingly, the U.S. Trade Representative determined that it was appropriate to terminate the Indonesia DST investigation. USTR continues to monitor the status of Indonesia's DST, and may, if appropriate, initiate a new Section 301 investigation.

### Italy

Italy adopted a DST, effective on January 1, 2020. Italy's DST applies to companies that generate €750 million (approximately \$850 million) or more in worldwide revenues and €5.5 million (approximately \$6.25 million) or more in revenues deriving from the provision of digital services in Italy. Italy's DST applies a three percent rate on the total amount of taxable revenues generated during the calendar year (86 FR 2477).

On June 2, 2020, the U.S. Trade Representative initiated a Section 301 investigation of Italy's DST. On the same day, the U.S. Trade Representative requested consultations with the Government of Italy (85 FR 34709).

Based on the information obtained during the investigation and the advice of the Section 301 Committee, the U.S. Trade Representative determined that Italy's DST is unreasonable or discriminatory and burdens or restricts U.S. commerce, and therefore is actionable under sections 301(b) and 304(a) of the Trade Act (86 FR 2477).

On June 2, 2021, the U.S. Trade Representative determined to take action in the form of additional duties on certain products of Italy and to immediately suspend those additional duties for up to 180 days (86 FR 30350).

On October 8, 2021, Italy joined the United States and 134 other jurisdictions participating in the OECD/G20 Inclusive Framework on Base Erosion and Profit Shifting in reaching a political agreement on a two-pillar solution to address tax challenges arising from the digitalization of the world economy. As part of Pillar 1, all parties agreed to remove existing DSTs and other relevant similar measures, and to coordinate the withdrawal of these taxes. On October 21, 2021, the Department of Treasury issued a joint statement with Italy and four other countries on a transitional approach to those countries' DSTs prior to entry into force of Pillar 1. Based on Italy's commitment to remove its DST pursuant to Pillar 1 and on its political agreement to the transitional approach prior to Pillar 1's entry into force, the U.S. Trade

Representative determined to terminate the Section 301 action taken in the investigation of Italy's DST. In coordination with the Department of Treasury, USTR continues to monitor implementation of the removal of Italy's DST as provided for under Pillar 1 and the transitional approach as provided in the joint statement.

### Spain

Spain adopted a DST on October 7, 2020. Spain's DST applies a three percent tax to revenues from certain digital advertising, digital intermediation services, and data transmission services. The DST applies to companies generating at least €750 million (approximately \$850 million) in global revenues and €3 million (approximately \$3.4 million) in revenues attributable to Spain (86 FR 6407).

On June 2, 2020, the U.S. Trade Representative initiated a Section 301 investigation of Spain's DST. On the same day, the U.S. Trade Representative requested consultations with the Government of Spain (85 FR 34709).

On October 8, 2021, Spain joined the United States and 134 other jurisdictions participating in the OECD/G20 Inclusive Framework on Base Erosion and Profit Shifting in reaching a political agreement on a two-pillar solution to address tax challenges arising from the digitalization of the world economy. As part of Pillar 1, all parties agreed to remove existing DSTs and other relevant similar measures, and to coordinate the withdrawal of these taxes. On October 21, 2021, the Department of Treasury issued a joint statement with Spain and four other countries on a transitional approach to those countries' DSTs prior to entry into force of Pillar 1. Based on Spain's to remove its DST pursuant to Pillar 1 and on its political agreement to the transitional approach prior to Pillar 1's entry into force, the U.S. Trade Representative has determined to terminate the Section 301 action taken in the investigation of Spain's DST. In coordination with the Department of Treasury, USTR continues to monitor implementation of the removal of Spain's DST as provided for under Pillar 1 and the transitional approach as provided in the joint statement.

### Turkey

Turkey adopted a DST on December 7, 2019 and the DST entered into force as of March 1, 2020. The DST applies to companies that, during the previous calendar year, generated €750 million (approximately \$850 million) or more in worldwide revenues and TRY 20 million (approximately \$2.8 million) or more in revenues deriving from the provision of digital services in Turkey (86 FR 2480).

On June 2, 2020, the U.S. Trade Representative initiated a Section 301 investigation of Turkey's DST. On the same day, the U.S. Trade Representative requested consultations with the Government of Turkey (85 FR 34709).

Based on the information obtained during the investigation and the advice of the Section 301 Committee, the U.S. Trade Representative determined that Turkey's DST is unreasonable or discriminatory and burdens or restricts U.S. commerce, and therefore is actionable under sections 301(b) and 304(a) of the Trade Act (86 FR 2480).

On June 2, 2021, the U.S. Trade Representative determined to take action in the form of additional duties on certain products of Turkey and to immediately suspend those additional duties for up to 180 days (86 FR 30353).

On October 8, 2021, Turkey joined the United States and 134 other jurisdictions participating in the OECD/G20 Inclusive Framework on Base Erosion and Profit Shifting in reaching a political agreement on a two-pillar solution to address tax challenges arising from the digitalization of the world economy. As part of Pillar 1, all parties agreed to remove existing digital services taxes and other relevant similar

measures, and to coordinate the withdrawal of these taxes. On November 22, 2021, the Department of Treasury issued a joint statement with Turkey regarding a transitional approach to Turkey's Digital Service Tax prior to entry into force of Pillar 1. The joint statement reflects a political agreement that DST liabilities accrued during the transitional period will be creditable in defined circumstances against future taxes due under Pillar 1. Based on the commitment of Turkey to remove its Digital Service Tax pursuant to Pillar 1 and on Turkey's political agreement to the transitional approach prior to Pillar 1's entry into force, the U.S. Trade Representative determined to terminate the Section 301 action taken in the investigation of Turkey's DST. In coordination with the Department of Treasury, USTR continues to monitor implementation of the removal of Turkey's DST as provided for under Pillar 1 and the transitional approach as provided in the joint statement.

#### The United Kingdom

The United Kingdom (UK) adopted a DST on July 22, 2020. The UK DST applies a two percent tax on the revenues of certain search engines, social medial platforms and online marketplaces. The UK DST applies only to companies with global digital services revenues exceeding £500 million (approximately \$641 million) and UK digital services revenues exceeding £25 million (approximately \$34.1 million). Companies became liable for this DST on April 1, 2020 (86 FR 6406).

On June 2, 2020, the U.S. Trade Representative initiated a Section 301 investigation of the UK's proposed DST, which was subsequently adopted. On the same day, the U.S. Trade Representative requested consultations with the Government of the United Kingdom (85 FR 34709).

On October 8, 2021, the UK joined the United States and 134 other jurisdictions participating in the OECD/G20 Inclusive Framework on Base Erosion and Profit Shifting in reaching a political agreement on a two-pillar solution to address tax challenges arising from the digitalization of the world economy. As part of Pillar 1, all parties agreed to remove existing DSTs and other relevant similar measures, and to coordinate the withdrawal of these taxes. On October 21, 2021, the Department of Treasury issued a joint statement with the UK and four other countries on a transitional approach to those countries' DSTs prior to entry into force of Pillar 1. Based on the UK's commitment to remove its DST pursuant to Pillar 1 and on its political agreement to the transitional approach prior to Pillar 1's entry into force, the U.S. Trade Representative has determined to terminate the Section 301 action taken in the investigation of the UK's DST. In coordination with the Department of Treasury, USTR continues to monitor implementation of the removal of the UK's DST as provided for under Pillar 1 and the transitional approach as provided in the joint statement.

## **4. Enforcement of U.S. WTO Rights in European Union Large Civil Aircraft Dispute**

On October 6, 2004, the United States requested WTO dispute settlement consultations with the EC (now the EU), France, Germany, Spain, and the United Kingdom (certain Member States) concerning certain subsidies granted by the EU and certain Member states to the EU large civil aircraft (LCA) domestic industry, on the basis that these subsidies appeared to be inconsistent with their obligations under the GATT 1994 and the WTO Agreement on Subsidies and Countervailing Measures (SCM Agreement).

In May 2011, a WTO panel report, as amended by an Appellate Body report, confirmed that EU and certain Member state subsidies on the manufacture of LCA breached the EU's obligations under the SCM Agreement. The DSB adopted the reports on June 1, 2011, and recommended that the EU and certain Member states bring the WTO-inconsistent measures into compliance with WTO rules. The EU and certain Member states had until December 1, 2011, to bring the measures into compliance. On December 1, 2011,

the EU asserted that it had implemented the DSB recommendations. The United States did not agree, and requested authorization from the DSB to impose countermeasures commensurate with the adverse effects of the WTO-inconsistent measures. The EU objected to the request, referring the matter to arbitration to assess the proper level of any countermeasures.

In early 2012, the United States and the EU entered into a procedural agreement pursuant to which the arbitration would be suspended until after WTO compliance panel and any appellate proceedings determined whether the EU had implemented the DSB recommendations. On May 28, 2018, the DSB adopted compliance panel and Appellate Body reports confirming that launch aid to the Airbus A380 and A350 XWB aircraft continued to cause WTO-inconsistent adverse effects to U.S. interests.

At the request of the United States, and in accordance with the procedural agreement, on July 13, 2018, the WTO Arbitrator resumed its work in determining the level of countermeasures to be authorized as a result of the WTO inconsistencies.

On April 12 2019, USTR announced the initiation of a Section 301 investigation to enforce U.S. rights in the dispute. The notice of initiation solicited written comments on several aspects of the investigation, as well as comments on a list of products with a value of \$21 billion being considered for additional duties of up to 100 percent. Public hearings were held on May 15 to May 16, 2019.

USTR issued a second notice on July 5, 2019, that requested public comments on a supplementary list of products with a value of \$4 billion for which additional duties of up to 100 percent were also being considered. A second hearing was held on August 5, 2019.

On October 2, 2019, the WTO Arbitrator issued a report that concluded that the appropriate level of countermeasures in response to the WTO-inconsistent launch aid provided by the EU or certain Member states to their LCA domestic industry is approximately \$7.5 billion annually.

On October 9, 2019, the U.S. Trade Representative announced in the *Federal Register* (84 FR 54245) a determination that, based on the original panel and appellate reports, the compliance panel and appellate reports, the report of the WTO Arbitrator, and information obtained during the investigation, including public comments, the advice of the advisory committees, the Section 301 Committee, and the Trade Policy Staff Committee, U.S. rights under the GATT 1994 and Articles 5 and 6.3 of the SCM Agreement were being denied, that the subsidies provided by the EU and certain Member states were inconsistent with these agreements, and that the EU and certain Member states had not satisfactorily implemented the recommendation of the WTO DSB. The October 9 notice also announced a list of the products with an annual trade value of approximately \$7.5 billion that would be subject to additional duties of 10 percent or 25 percent, effective October 18, 2019.

On December 12, 2019, USTR published a notice in the *Federal Register* (84 FR 67992) seeking comments on a review of the October 18 action. Pursuant to the Section 301 statute, the notice sought comments on whether products subject to additional duties should be removed or remain on the final list, whether the rate of additional duty on specific products should be increased up to a level of 100 percent, and whether additional duties should be imposed on products which had been subject to public comment but were not subject to the October 18 action and the rate of additional duty to be applied to such products. A periodic revision of the action was announced on February 14, 2020, and a notice published in the *Federal Register* on February 21, 2020 (85 FR 10204). The February notice also included a determination that the United States may take appropriate action upon any EU imposition of additional duties on U.S. products in connection with the EU LCA dispute or the U.S. LCA dispute brought by the EU.

The next review was announced June 26, 2020, and included a notice which sought comment on an additional list of products with a value of approximately \$3.1 billion being considered for additional duties (85 FR 38488, as amended by 85 FR 39661 on July 1, 2020). The revised action was announced August 12, 2020, and included the determination that the action may be revised upon any EU imposition of additional duties on U.S. products in connection with the EU LCA dispute or the U.S. LCA dispute brought by the EU (85 FR 50866).

On November 9, 2020, following a decision by the WTO arbitrator in the U.S. LCA dispute that Washington State tax rate reductions in a 2012 reference period caused \$4 billion per year in adverse effects, the EU announced that it would impose additional duties of 15 percent and 25 percent on goods of the United States, effective November 10, 2020. The Washington State measure was withdrawn in April 2020, and the EU had no legal basis to retaliate. Furthermore, in exercising its \$4 billion authorization, the EU relied on a benchmark reference period affected by the economic downturn caused by the COVID-19 pandemic, which enabled the EU to cover a greater volume of imports than if, like the United States, it had used data from a period when trade was not affected by the pandemic.

On December 31, 2020, in response to the EU's action, the United States announced certain revisions to the August 2020 action, including an adjustment to mirror the benchmark period used by the EU in exercising its authorization (86 FR 674 of January 6, 2021). Using the new benchmark period, coupled with appropriate adjustments, the December 31, 2020, revision remained consistent with the WTO arbitrator's award to the United States.

In February 2021, the U.S. Trade Representative together with the affected United States industry agreed that it was unnecessary at that time to revise the action in the Section 301 investigation. (See 86 FR 9420.)

In March 2021, the United States and the United Kingdom, and the United States and the EU, issued joint statements promoting a resolution of the disputes and announcing that each party would suspend their imposition of additional duties on products of the other for four months. In accord with the joint statements, the United States announced modification of the action to suspend additional duties on products of the United Kingdom (UK) and of EU Member states, effective March 4, 2021 and March 11, 2021, respectively. (See 86 FR 13961 and 86 FR 14513.)

On June 15 and June 17, 2021, the United States reached understandings on cooperative frameworks with the UK and the EU regarding the dispute. In accordance with the understandings, the U.S. Trade Representative determined to suspend the action being taken in the Section 301 investigation for five years, beginning July 4, 2021, with respect to tariffs on goods of the UK, and beginning July 11, 2021, with respect to tariffs on goods of EU Member states (86 FR 36313). USTR will monitor implementation by the EU and UK of the framework understandings and their respective measures related to the matters covered in the LCA dispute, including whether the EU or UK provides financing to an LCA producer for the production or development of LCA that is not on market terms. If USTR considers that the implementation of the framework understandings or measures related to the WTO dispute are not satisfactory, USTR will take the any and all appropriate and feasible action under Section 301 to enforce U.S. WTO rights.

## **5. Vietnam's Acts, Policies, and Practices Related to the Import and Use of Illegal Timber**

On October 2, 2020, the U.S. Trade Representative initiated an investigation regarding whether Vietnam's acts, policies and practices related to Vietnam's import and use of illegally harvested or traded timber ("illegal timber") are unreasonable or discriminatory and burden or restrict United States commerce. On the same day, the United States requested consultations with Vietnam. The notice of initiation (85 FR

63639) explained that Vietnam relies on imports of timber harvested in other countries to supply the timber inputs needed for its wood products manufacturing sector, and evidence suggests that a significant portion of that imported timber was illegally harvested or traded. Through the notice of initiation, USTR solicited written comments. USTR received 71 submissions in response.

USTR and the Section 301 Committee convened a virtual public hearing on December 28, 2020, during which 19 witnesses provided testimony and responded to questions. On January 8, 2021, the United States held consultations with the Government of Vietnam.

On October 1, 2021, the United States and Vietnam signed an agreement that addresses U.S. concerns in the timber investigation. (See 86 FR 55681.) The Agreement secures commitments that will help keep illegally harvested or traded timber out of the supply chain and protect the environment and natural resources. In April 2022, the United States and Vietnam convened the first meeting of the Timber Working Group, which was established to facilitate coordination and oversee implementation of the agreement. The second meeting of the Timber Working Group was held in November 2022. USTR continues to monitor Vietnam's implementation of the Agreement.

*For further discussion on this investigation, see Chapter III.G.1 Trade and the Environment Free Trade Agreements and Bilateral Activities.*

## **6. Vietnam's Acts, Policies, and Practices Related to Currency Valuation**

On October 2, 2020, the U.S. Trade Representative initiated an investigation regarding whether Vietnam's acts, policies, and practices related to the valuation of its currency are unreasonable or discriminatory and burden or restrict United States commerce. On the same day, the United States requested consultations with Vietnam. The notice of initiation (85 FR 63637) explained that the State Bank of Vietnam's management of its currency is closely tied to the U.S. dollar, and that available analysis indicated that Vietnam's currency had been undervalued for the past three years. The notice further explained that available evidence indicated that the Government of Vietnam, through the State Bank of Vietnam, actively intervened in the foreign exchange market which contributed to the dong's undervaluation in 2019. Through the notice of initiation, USTR solicited public comments. USTR received 66 submissions in response.

On December 23, 2020, the United States held consultations with the Government of Vietnam. On December 29, 2020, USTR and the Section 301 Committee held a virtual public hearing on the investigation. During the hearing, 21 witnesses testified and responded to questions.

On January 15, 2021, in consultation with the Department of Treasury, based on the information obtained in the investigation, and taking account of public comments and advice of the Section 301 Committee and Advisory Committees, the U.S. Trade Representative determined that Vietnam's acts, policies, and practices related to currency valuation, including excessive foreign exchange market interventions and other related actions, taken in their totality, are unreasonable and burden or restrict U.S. commerce, and thus actionable under Section 301 (86 FR 6732).

On July 23, 2021, based on an agreement reached between the Department of Treasury and the State Bank of Vietnam regarding Vietnam's currency practices, the U.S. Trade Representative determined that no action under Section 301 in the currency investigation was warranted at that time because Vietnam's agreement with the Department of Treasury provided a satisfactory resolution of the matter subject to the investigation (86 FR 40675). USTR, in coordination with the Department of Treasury, continues to monitor Vietnam's implementation of its commitments under the agreement and associated measures going forward.



## C. Section 201

Section 201 of the Trade Act of 1974 provides a procedure whereby the President may grant temporary import relief to a domestic industry if increased imports are a substantial cause of serious injury or the threat of serious injury. Relief may be granted for an initial period of up to four years, with the possibility of extending the relief to a maximum of eight years. Import relief is designed to redress the injury and to facilitate positive adjustment by the domestic industry; it may consist of increased tariffs, quantitative restrictions, or other forms of relief. Section 201 also authorizes the President to grant provisional relief in cases involving “critical circumstances” or certain perishable agricultural products.

For an industry to obtain relief under Section 201, the U.S. International Trade Commission (USITC) must first determine that a product is being imported into the United States in such increased quantities as to be a substantial cause (a cause which is important and not less than any other cause) of serious injury, or the threat thereof, to the U.S. industry producing a like or directly competitive product. If the USITC makes an affirmative injury determination (or is equally divided on injury) and recommends a remedy to the President, the President may provide relief either in the amount recommended by the USITC or in such other amount as he finds appropriate. The criteria for import relief in Section 201 are based on Article XIX of the General Agreement on Tariffs and Trade (GATT) 1994—commonly referred to as the “escape clause”—and the World Trade Organization (WTO) Agreement on Safeguards.

Section 204 of the Trade Act of 1974 also requires the USITC to monitor developments with respect to the domestic industry following the President’s determination to impose a safeguard measure. When the duration of a safeguard measure is longer than three years, the USITC must submit a report to the President and Congress on the results of its monitoring no later than the midterm of the measure.

Safeguard measures are limited to an initial period of no more than four years. However, pursuant to Section 204 of the Trade Act of 1974, the relevant domestic industry may file a petition to extend a safeguard measure, or the President may request an extension investigation. If such a petition or request is received, the USITC must investigate and determine, pursuant to Section 204, whether (1) the action continues to be necessary to prevent or remedy serious injury, and (2) there is evidence that the industry is making a positive adjustment to import competition. If the USITC reaches an affirmative determination on these two questions, then Section 203 of the Trade Act of 1974 authorizes the President to extend the safeguard measure. The effective period of any safeguard action, including any extensions of a safeguard action, may not, in the aggregate, exceed eight years.

### *Extension of the Safeguard Measure on Certain Crystalline Silicon Photovoltaic Cells, Whether or Not Partially or Fully Assembled into Other Products*

Effective February 7, 2018, the President imposed a safeguard measure on imports of certain crystalline silicon photovoltaic cells (CSPV), whether or not partially or fully assembled into other products (CSPV products). Following receipt of a petition by the domestic industry requesting an extension of the safeguard measure, the USITC conducted an investigation under Section 204 of the Trade Act of 1974 and issued a report on December 8, 2021, in which it found that the safeguard measure continues to be necessary to prevent or remedy the serious injury to the domestic industry, and that there is evidence that the domestic industry is making a positive adjustment to import competition. On February 4, 2022, the President issued a proclamation extending the safeguard measure to (1) continue the tariff-rate quota (TRQ) on imports of solar cells for an additional four years; (2) continue the imposition of duties on imports of modules for an

additional four years, with annual reductions in the applicable duty rate; and (3) exclude bifacial panels from the extension.

In addition, pursuant to authority delegated by the President under Section 203 of the Trade Act of 1974, on July 8, 2022, the U.S. Trade Representative reached an agreement with Canada to limit the export from Canada and the import into the United States of CSPV products. The text of the Memorandum of Understanding Between the United States and Canada on Trade in Solar Products can be found on the [USTR website](#). Based on this agreement, the U.S. Trade Representative determined to suspend application of the safeguard measure to CSPV product imports from Canada effective February 1, 2022.

## **D. WTO and FTA Enforcement**

This section includes a discussion of current U.S. involvement in World Trade Organization (WTO) and free trade agreement (FTA) dispute settlement processes. The United States–Mexico–Canada Agreement (USMCA) also includes an innovative labor-related Rapid Response Mechanism (RRM) in the dispute settlement chapter to address protection of association and collective bargaining rights at the facility level.

*For further discussion of enforcement actions related to the Rapid Response Mechanism, see Chapter I.B.9 Mexico and Canada.*

### **Key Developments in 2022**

In 2022, the United States brought a new USMCA challenge against Canada’s administration of its dairy tariff-rate quotas. The U.S. case raises claims relating to the ineligibility of certain types of importers to apply for USMCA dairy tariff-rate quota (TRQ) allocations, the imposition of a 12-month activity requirement for TRQ allocation applicants and recipients, the partial allocation of the calendar year 2022 dairy TRQs, and the use of a market-share approach for determining TRQ allocations. The United States also initiated a new USMCA dispute by requesting consultations with Mexico on certain measures by Mexico that undermine American companies and U.S.-produced energy in favor of Mexico’s state-owned electrical utility, the Comisión Federal de Electricidad (CFE), and state-owned oil and gas company, Petróleos Mexicanos (PEMEX). Mexico’s actions include, but are not limited to, amendments to Mexico’s electricity law that would prioritize the distribution of CFE-generated power over cleaner sources of energy provided by private sector suppliers, such as wind and solar. They also include Mexico’s delays, denials, and revocations of U.S. companies’ abilities to operate in Mexico’s energy sector, including with regard to renewable energy projects.

Ongoing WTO dispute settlement actions include panel proceedings against China, India, Russia, and Turkey challenging their additional duties imposed on U.S. products in retaliation for U.S. duties on steel and aluminum products; an appeal by China of a panel report rejecting China’s challenge to the U.S. safeguard measure for solar products; compliance proceedings, initiated by China, to determine whether China has complied with the WTO’s recommendations regarding its excessive levels of annual domestic support and its administration of grains TRQs; and, an appeal by India of the Panel’s findings concerning the U.S. challenge of four export subsidy schemes benefitting numerous Indian exporters.

The cases described below provide further detail about current U.S. involvement in WTO and FTA dispute settlement processes. Further information on disputes to which the United States is a party, and a list of U.S. submissions, are available on the [Office of the United States Trade Representative \(USTR\) website](#).

## **Free Trade Agreement Disputes Brought by the United States**

### ***USMCA: Canada – Dairy TRQ Allocation Measures (CDA-USA-2021-31-01)***

On December 9, 2020, the United States requested USMCA Chapter 31 consultations with Canada regarding Canada’s administration of its dairy TRQs. These consultations concerned the 14 TRQs on dairy products that Canada has the right to maintain under the USMCA on milk, cream, skim milk powder, butter and cream powder, industrial cheeses, cheeses of all types, milk powders, concentrated or condensed milk, yogurt and buttermilk, powdered buttermilk, whey powder, products consisting of natural milk constituents, ice cream and ice cream mixes, and other dairy.

In notices to importers that Canada published in June and October 2020 and May 2021 for dairy TRQs, Canada set aside and limited access to a percentage of the quota for processors and for so-called “further processors.” By setting aside and limiting access to a percentage of each dairy TRQ exclusively for processors, the United States alleged that Canada undermined the ability of American dairy farmers, processors, and exporters to benefit from the agreed-upon TRQs and sell a wide range of dairy products to Canadian consumers. The United States challenged Canada’s measures as inconsistent with Articles 3.A.2.4(b), 3.A.2.6(a), 3.A.2.11(b), 3.A.2.11(c), and 3.A.2.11(e) of the USMCA.

On December 21, 2020, Canada and the United States held consultations via videoconference, but the Parties failed to resolve the matter. On May 25, 2021, the United States requested and established a dispute settlement panel under the USMCA to review Canada’s dairy TRQ allocation measures. The Panel was composed on July 5, 2021. The Parties composed the Panel as follows: Mr. Elbio Rosselli, Chair; and, Ms. Julie Bédard and Mr. Mark C. Hansen, Members. On October 25 and October 26, 2021, a panel hearing was held in Ottawa, Canada.

The final panel report was released to the Parties on December 20, 2021, and to the public on January 4, 2022. The Panel agreed with the United States that Canada’s allocation of dairy TRQs, specifically the set-aside of a percentage of each dairy TRQ exclusively for Canadian processors, is inconsistent with Canada’s commitment in Article 3.A.2.11(b) of the USMCA not to “limit access to an allocation to processors.”

On May 16, 2022, Canada published policy changes to implement the panel’s finding. The United States rejects the changes as a basis to resolve the dispute because Canada remains out of compliance with its USMCA obligations.

### ***USMCA: Canada – Dairy TRQ Allocation Measures 2 (CDA-USA-2022-31-01)***

On May 25, 2022, the United States requested consultations under Chapter 31 of the USMCA for the second time regarding Canada’s dairy TRQ allocation measures, specifically relating to the ineligibility of certain types of importers to apply for USMCA dairy TRQ allocations, the imposition of a 12-month activity requirement for TRQ allocation applicants and recipients, and the partial allocation of the calendar year 2022 dairy TRQs. Consultations were held on June 9, 2022, but the Parties failed to resolve the matter.

After initiating consultations with Canada in May 2022, the United States identified additional aspects of Canada’s measures that appear to be inconsistent with Canada’s obligations under the USMCA, and on December 20, 2022, the United States requested a new round of consultations with Canada. With the new request, the United States has expanded its challenge of Canada’s dairy TRQ allocation measures to include Canada’s use of a market-share approach for determining TRQ allocations. Canada applies different criteria for calculating the market share of different segments of applicants, and Canada is failing to allow importers the opportunity to fully utilize TRQ quantities. The United States continues to challenge Canada’s dairy TRQ allocation measures that impose new conditions on the allocation and use of the TRQs, and that

prohibit eligible applicants, including retailers, food service operators, and other types of importers, from accessing TRQ allocations. Through these measures, Canada undermines the market access that it agreed to provide in the USMCA. As of the end of 2022, the Parties are consulting on this matter.

***USMCA: Mexico – Measures Related to Energy (MEX-USA-2022-31-01)***

On July 20, 2022, the United States formally requested consultations with Mexico under the USMCA. The consultations relate to certain measures by Mexico that undermine American companies and U.S.-produced energy in favor of Mexico’s state-owned electrical utility, the Comisión Federal de Electricidad (CFE), and state-owned oil and gas company, Petróleos Mexicanos (PEMEX). Specifically, the United States is challenging a 2021 amendment to Mexico’s Electric Power Industry Law that prioritizes CFE-produced electricity over electricity generated by all private competitors; Mexico’s inaction, delays, denials, and revocations of private companies’ abilities to operate in Mexico’s energy sector; a December 2019 regulation granting only PEMEX an extension to comply with the maximum sulfur content requirements under Mexico’s applicable automotive diesel fuel standard; and, a June 2022 action that advantages PEMEX, CFE, and their products in the use of Mexico’s natural gas transportation network. These measures appear to be inconsistent with several of Mexico’s USMCA obligations, including under the Market Access, Investment, and State-Owned Enterprises chapters. As of the end of 2022, the Parties continue to consult on this matter.

**Free Trade Agreement Disputes Brought Against the United States**

***USMCA: United States – Crystalline Silicon Photovoltaic Cells Safeguard Measure on Solar Products (USA-CDA-2021-31-01)***

On December 22, 2020, Canada requested USMCA Chapter 31 consultations with the United States regarding implementation of a safeguard measure on certain crystalline silicon photovoltaic cells (CSPV products) (whether or not partially or fully assembled into other products) that are imported into the United States. The measure imposes increased duties and TRQs on global imports of covered products. Canada challenged the inclusion of imports from Canada in the measure. On December 30, 2020, Mexico requested to join the consultations under USMCA Chapter 31 as a third party. Consultations were held on January 28, 2021, but the Parties failed to resolve the matter.

On June 18, 2021, Canada requested the establishment of a USMCA Chapter 31 dispute settlement panel. In its panel request and subsequent written submissions, Canada alleged that the President’s decision in 2018 not to exclude Canadian products from the safeguard measure was inconsistent with USMCA Articles 10.2.1, 10.2.2, 10.2.5(b), 10.3, and 2.4.2. Canada also alleged that section 312 of the USMCA Implementation Act (19 U.S.C. § 4552), which provides the President with definitive authority to determine whether to exclude USMCA Parties from safeguard actions, is inconsistent with Article 10.3 of the USMCA. On June 25, 2021, Mexico filed a notification that it will participate as a third party in this dispute.

The Panel was composed on August 4, 2021. The Parties composed the Panel as follows: Mr. Mario Matus Baeza, Chair; and, Ms. Jennifer Hillman and Mr. Donald McRae, Members. A panel hearing was held on November 10, 2021, in Washington, D.C.

The Panel circulated its final report on February 15, 2022, which constituted a mixed result for the United States. The panel found that the United States acted inconsistently with aspects of USMCA Chapters 2 and 10 by including imports of solar products from Canada in the safeguard measure. However, the panel rejected Canada’s claim that a U.S. statutory provision vesting the President with authority to make

exclusion determinations for imports from USMCA Parties in safeguard proceedings is facially inconsistent with USMCA Chapter 10.

On July 8, 2022, the United States and Canada signed a Memorandum of Understanding (MOU) on trade in solar products, which constituted a resolution of this USMCA dispute.

### ***USMCA: United States – Automotive Rules of Origin***

On August 20, 2021, Mexico requested consultations with the United States regarding the interpretation and application of certain rules of origin provisions for automobiles under the USMCA. On August 26, 2021, Canada notified its intent to join the consultations. The United States held consultations with Mexico on September 24, 2021. Mexico requested and established a dispute settlement panel on January 6, 2022, and Canada joined the dispute as a co-complainant on January 13, 2022. The Parties composed the Panel on March 22, 2022, as follows: Mr. Elbio Rosselli, Chair; and, Ms. Kathleen Claussen, Ms. Ann Ryan Roberson, Mr. Jorge Miranda, and Mr. Donald McRae, Members. As of December 2022, the panel proceedings were ongoing.

### **World Trade Organization Disputes Brought by the United States**

In 2022, the United States continued to be one of the most active participants in the WTO dispute settlement process. This section includes brief summaries of dispute settlement activity in 2022 where the United States was a complainant (listed alphabetically by responding party, and then chronologically).

#### ***China – Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products (DS363)***

On April 10, 2007, the United States requested consultations with China regarding certain measures related to the import and/or distribution of imported films for theatrical release, audiovisual home entertainment products (*e.g.*, video cassettes and DVDs), sound recordings, and publications (*e.g.*, books, magazines, newspapers, and electronic publications). On July 10, 2007, the United States requested supplemental consultations with China regarding certain measures pertaining to the distribution of imported films for theatrical release and sound recordings.

Specifically, the United States was concerned that certain Chinese measures: (1) restricted trading rights (such as the right to import goods into China) with respect to imported films for theatrical release, audiovisual home entertainment products, sound recordings, and publications; and, (2) restricted market access for, or discriminated against, imported films for theatrical release and sound recordings in physical form, and foreign service providers seeking to engage in the distribution of certain publications, audiovisual home entertainment products, and sound recordings. The Chinese measures at issue appeared to be inconsistent with several WTO provisions, including provisions in the General Agreement on Tariffs and Trade (GATT) 1994 and General Agreement on Trade in Services (GATS), as well as specific commitments made by China in its WTO accession agreement.

The United States and China held consultations on June 5 and June 6, 2007, and on July 31, 2007. At the request of the United States, the WTO established a panel on November 27, 2007, to examine the U.S. complaint. On March 27, 2008, the Director-General composed the Panel as follows: Mr. Florentino P. Feliciano, Chair; and, Mr. Juan Antonio Dorantes and Mr. Christian Häberli, Members.

The report of the Panel was circulated to WTO Members and made public on August 12, 2009. In the final report, the Panel made three critical sets of findings. First, the Panel found that China's restrictions on foreign invested enterprises (and in some cases foreign individuals) from importing films for theatrical

release, audiovisual home entertainment products, sound recordings, and publications are inconsistent with China's trading rights commitments as set forth in China's protocol of accession to the WTO. The Panel also found that China's restrictions on the right to import these products are not justified by Article XX(a) of the GATT 1994. Second, the Panel found that China's prohibitions and discriminatory restrictions on foreign owned or controlled enterprises seeking to distribute publications and audiovisual home entertainment products and sound recordings over the Internet are inconsistent with China's obligations under the GATS. Third, the Panel also found that China's treatment of imported publications is inconsistent with the national treatment obligation in Article III:4 of the GATT 1994.

In September 2009, China filed a notice of appeal to the WTO Appellate Body, appealing certain of the Panel's findings, and the United States filed an appeal on one aspect of the Panel's analysis of China's defense under GATT Article XX(a). On December 21, 2009, the Appellate Body issued its report. The Appellate Body rejected each of China's claims on appeal. The Appellate Body also found that the Panel had erred in the aspect of the analysis that the United States had appealed. The Dispute Settlement Body (DSB) adopted the Appellate Body and panel reports on January 19, 2010. On July 12, 2010, the United States and China notified the DSB that they had agreed on a 14-month period of time for implementation, to end on March 19, 2011.

China subsequently issued several revised measures, and repealed other measures, relating to the market access restrictions on books, newspapers, journals, DVDs, and music. As China acknowledged, however, it did not issue any measures addressing theatrical films. Instead, China proposed bilateral discussions with the United States in order to seek an alternative solution. The United States and China reached agreement in February 2012 on an MOU providing for substantial increases in the number of foreign films imported and distributed in China each year and substantial additional revenue for foreign film producers. The MOU calls for China and the United States to engage in consultations in calendar year 2017 and, through this consultation process, to provide for further meaningful compensation to the United States. China and the United States initiated consultations in 2017; however, to date, China has not agreed to provide further meaningful compensation, as it committed to do under the MOU.

### ***China – Measures Relating to the Exportation of Various Raw Materials (DS394)***

On June 23, 2009, the United States requested consultations with China regarding China's export restraints on a number of important raw materials. The materials at issue are: bauxite, coke, fluor spar, magnesium, manganese, silicon metal, silicon carbide, yellow phosphorus, and zinc. These materials are inputs for numerous downstream products in the steel, aluminum, and chemical sectors.

The United States challenged China's export restraints on these raw materials as inconsistent with several WTO provisions, including provisions in the GATT 1994, as well as specific commitments made by China in its WTO accession agreement. Specifically, the United States challenged certain Chinese measures that impose: (1) quantitative restrictions in the form of quotas on exports of bauxite, coke, fluor spar, silicon carbide, and zinc ores and concentrates, as well as certain intermediate products incorporating some of these inputs; and, (2) export duties on several raw materials. The United States also challenged other related export restraints, including export licensing restrictions, minimum export price requirements, and requirements to pay certain charges before certain products can be exported, as well as China's failure to publish relevant measures.

The United States and China held consultations on July 30, and on September 1 and September 2, 2009, but did not resolve the dispute. The EU and Mexico also requested and held consultations with China on these measures. On November 19, 2009, the EU and Mexico joined the United States in requesting the establishment of a panel, and on December 21, 2009, the WTO established a single panel to examine all

three complaints. On March 29, 2010, the Director-General composed the Panel as follows: Mr. Elbio Rosselli, Chair; and, Ms. Dell Higgin and Mr. Nugroho Wisnumurti, Members.

The Panel's final report was circulated to Members on July 5, 2011. The Panel found that the export duties and export quotas imposed by China on various forms of bauxite, coke, fluorspar, magnesium, manganese, silicon carbide, silicon metal, and zinc constitute a breach of WTO rules and that China failed to justify those measures as legitimate conservation measures, environmental protection measures, or short supply measures. The Panel also found China's imposition of minimum export price, export licensing, and export quota administration requirements on these materials, as well as China's failure to publish certain measures related to these requirements inconsistent with WTO rules.

On January 30, 2012, the Appellate Body issued a report affirming the Panel's findings on all significant claims, including that the Panel correctly made recommendations for China to bring its measures into conformity with its WTO commitments.

The DSB adopted the Panel and Appellate Body reports on February 22, 2012. The United States, the EU, Mexico, and China agreed that China would have until December 31, 2012, to implement the WTO's recommendations.

At the conclusion of the reasonable period of time (RPT) for China to comply, it appeared that China had eliminated the export duties and export quotas on the products at issue in this dispute, as of January 1, 2013. However, China maintains export licensing requirements for a number of the products. The United States continues to monitor actions by China that might operate to restrict exports of raw materials at issue in this dispute.

### ***China – Certain Measures Affecting Electronic Payment Services (DS413)***

On September 15, 2010, the United States requested consultations with China concerning issues relating to certain restrictions and requirements maintained by China pertaining to electronic payment services (EPS) for payment card transactions and the suppliers of those services. EPS enable transactions involving credit card, debit card, charge card, check card, automated teller machine (ATM) card, prepaid card, or other similar card or money transmission product, and manage and facilitate the transfers of funds between institutions participating in such card-based electronic payment transactions.

EPS provide the essential architecture for card-based electronic payment transactions, and EPS are supplied through complex electronic networks that streamline and process transactions and offer an efficient and reliable means to facilitate the movement of funds from the cardholders purchasing goods or services to the individuals or businesses that supply them. EPS consist of a network, rules and procedures, and an operating system that allow cardholders' banks to pay merchants' banks the amounts they are owed. EPS suppliers receive, check and transmit the information that processors need to conduct the transactions. The rules and procedures established by the EPS supplier give the payment system stability and integrity, and enable net payment flows among the institutions involved in card-based electronic transactions. The best-known EPS suppliers are credit and debit card companies based in the United States.

China instituted and maintains measures that operate to block foreign EPS suppliers, including U.S. suppliers, from supplying these services, and that discriminate against foreign suppliers at every stage of a card-based electronic payment transaction. The United States challenged China's measures affecting EPS suppliers as inconsistent with China's national treatment and market access commitments under the GATS.

The United States and China held consultations on October 27 and October 28, 2010, but these consultations did not resolve the dispute. At the request of the United States, on March 25, 2011, the WTO established

a panel to examine the U.S. complaint. On July 4, 2011, the Director-General composed the Panel as follows: Mr. Virachai Plasai, Chair; and, Ms. Elaine Feldman and Mr. Martín Redrado, Members.

The Panel circulated its report on July 16, 2012. China did not appeal the Panel's findings, and the Panel Report was adopted by the DSB on August 31, 2012.

The United States prevailed on significant threshold issues, including:

- EPS is a single service (or EPS are integrated services) and each element of EPS is necessary for a payment card transaction to occur.
- EPS is properly classified under the same subsector, item (viii) of the GATS Annex on Financial Services, which appears as subsector (d) of China's Schedule (All payment and money transmission services, including credit, charge, and debit cards) as the United States argued, and no element of EPS is classified as falling in item (xiv) of the GATS Annex on Financial Services (settlement and clearing of financial assets, including securities, derivative products, and other negotiable instruments), as China argued and for which China has no WTO commitments.
- In addition to the "four-party" model of EPS (*e.g.*, Visa<sup>®</sup> and MasterCard<sup>®</sup>), the "three-party" model (*e.g.*, American Express<sup>®</sup>) and other variations, third-party issuer processor and merchant processors also are covered by subsector (d) of China's Schedule.

With respect to the U.S. GATS national treatment claims, the Panel found the following breaches:

- China imposes requirements on issuers of payment cards that payment cards issued in China bear the "Yin Lian/UnionPay logo," and therefore China requires issuers to become members of the China Union Pay (CUP) network; that the cards they issue in China meet certain uniform business specifications and technical standards; and, that these requirements fail to accord to services and service suppliers of any other Member treatment no less favorable than China accords to its own like services and service suppliers.
- China imposes requirements that all terminals (ATMs, merchant processing devices, and point of sale (POS) terminals) in China that are part of the national card inter-bank processing network be capable of accepting all payment cards bearing the Yin Lian/UnionPay logo, and that these requirements fail to accord to services and service suppliers of any other Member treatment no less favorable than China accords to its own like services and service suppliers.
- China imposes requirements on acquirers (those institutions that acquire payment card transactions and that maintain relationships with merchants) to post the Yin Lian/UnionPay logo, and, furthermore, China imposes requirements that acquirers join the CUP network and comply with uniform business standards and technical specifications of inter-bank interoperability, and that terminal equipment operated or provided by acquirers be capable of accepting bank cards bearing the Yin Lian/UnionPay logo, and that these requirements fail to accord to services and service suppliers of any other Member treatment no less favorable than China accords to its own like services and service suppliers.

With respect to the U.S. GATS market access claims, the Panel found that China's requirements related to certain Hong Kong and Macau transactions are inconsistent with Article XVI: 2(a) of the GATS because, contrary to China's Sector 7B (d) mode 3 market access commitments, China maintains a limitation on the number of service suppliers in the form of a monopoly.



The United States and China agreed that a RPT for China to implement the DSB recommendations and rulings would be 11 months from the date of adoption of the recommendations and rulings, that is, until July 31, 2013.

In April 2015, the State Council of China issued a formal decision announcing that China's market would be open to foreign suppliers that seek to provide EPS for domestic currency payment card transactions. The People's Bank of China followed this in July 2015 by publishing a draft licensing regulation for public comment. This draft licensing regulation was finalized in June 2016. In June 2020, four months after the entry into force of the China Economic and Trade Agreement, American Express became the first foreign supplier of electronic payment services to secure a license to operate in China's market. The United States continues to urge China to ensure that approvals for foreign EPS suppliers to operate in China occur without delay, in accordance with China's WTO obligations, and continues to monitor the situation closely.

### *China – Measures Related to the Exportation of Rare Earths, Tungsten and Molybdenum (DS431)*

On March 13, 2012, the United States requested consultations with China regarding China's export restraints on rare earths, tungsten, and molybdenum. These materials are vital inputs in the manufacture of electronics, automobiles, steel, petroleum products, and a variety of chemicals that are used to produce both everyday items and highly sophisticated, technologically advanced products, such as hybrid vehicle batteries, wind turbines, and energy efficient lighting.

The United States challenged China's export restraints on these materials as inconsistent with several WTO provisions, including provisions in the GATT 1994, as well as specific commitments made by China in its WTO accession agreement. Specifically, the United States challenged: (1) China's quantitative restrictions in the form of quotas on exports of rare earth, tungsten, and molybdenum ores and concentrates, as well as certain intermediate products incorporating some of these inputs; (2) China's export duties on rare earths, tungsten, and molybdenum; and, (3) China's other export restraints on these materials, including prior export performance and minimum capital requirements.

The United States, together with the EU and Japan, held consultations with China on April 25 and 26, 2012, but the consultations did not resolve the dispute.

On June 29, 2012, the EU and Japan joined the United States in requesting the establishment of a panel, and on July 23, 2012, the WTO DSB established a single panel to examine all three complaints. On September 24, 2012, the Director-General composed the Panel as follows: Mr. Nacer Benjelloun-Touimi, Chair; and, Mr. Hugo Cayrús and Mr. Darlington Mwape, Members. The Panel held its meetings with the Parties from February 26 to February 28, 2013, and on June 18 and June 19, 2013.

On March 26, 2014, the Panel circulated its report. The Panel found that the export quotas and export duties imposed by China on various forms of rare earths, tungsten, and molybdenum constitute a breach of WTO rules and that China failed to justify those measures as legitimate conservation measures or environmental protection measures, respectively. The Panel also found China's imposition of prior export performance and minimum capital requirements inconsistent with WTO rules.

On August 7, 2014, the Appellate Body issued a report affirming the Panel's findings on all significant claims.

On August 29, 2014, the DSB adopted the Panel and Appellate Body reports. In September 2014, China announced its intention to implement the DSB recommendations and rulings in the dispute, and stated that

it would need a RPT in which to do so. The United States, the EU, Japan, and China agreed that China would have until May 2, 2015, to comply with the recommendations and rulings.

China announced that it had eliminated its export quotas on the products at issue in this dispute as of January 1, 2015, and its export duties as of May 1, 2015.

However, at present, China maintains export licensing requirements for these products. Accordingly, the United States continues to monitor actions by China that might operate to restrict exports of the materials at issue in this dispute.

#### ***China – Measures Related to Demonstration Bases and Common Service Platform Programs (DS489)***

On February 11, 2015, the United States requested consultations regarding China’s “Demonstration Bases-Common Service Platform” export subsidy program. Under this program, China appears to provide prohibited export subsidies through “Common Service Platforms” to manufacturers and producers across seven economic sectors and dozens of sub-sectors located in more than 150 industrial clusters, known as “Demonstration Bases.”

Pursuant to this Demonstration Bases-Common Service Platform program, China provides free and discounted services as well as cash grants and other incentives to enterprises that meet export performance criteria and are located in 179 Demonstration Bases throughout China. Each of these Demonstration Bases is comprised of enterprises from one of seven sectors: (1) textiles, apparel, and footwear; (2) advanced materials and metals (including specialty steel, titanium, and aluminum products); (3) light industry; (4) specialty chemicals; (5) medical products; (6) hardware and building materials; and, (7) agriculture. China maintains and operates this extensive program through over 150 central government and sub-central government measures throughout China.

The United States held consultations with China on March 13, April 1, and April 2, 2015. At the request of the United States, on April 22, 2015, the WTO established a panel to examine the U.S. complaint. The United States and China held additional consultations following the establishment of the Panel and reached agreement in April 2016 on an MOU. Pursuant to the MOU, China agreed to terminate the export subsidies it had provided through the Demonstration Bases-Common Service Platform program. The United States continues to monitor China’s actions with respect to its compliance with the terms of the MOU.

#### ***China – Export Duties on Certain Raw Materials (DS508)***

On July 13 and July 19, 2016, the United States requested consultations with China regarding China’s restraints on the exportation of antimony, chromium, cobalt, copper, graphite, indium, lead, magnesia, talc, tantalum, and tin. These materials are critical to the production of downstream products made in the United States in industries including aerospace, automotive, construction, electronics, and steel.

The United States challenged China’s export restraints on these materials as inconsistent with several WTO provisions, including provisions in the GATT 1994, as well as specific commitments made by China in its WTO accession agreement. The export restraints include export quotas, export duties, and additional requirements that impose restrictions on the trading rights of enterprises seeking to export various forms of the materials, such as prior export performance requirements.

The United States, together with the EU, held consultations with China on September 8 and September 9, 2016. Consultations did not resolve the dispute.

At the request of the United States, the WTO established a panel on November 8, 2016. In light of Chinese actions to cease to apply the export duties and quotas in 2017, the United States is continuing to monitor China's actions.

### ***China – Domestic Support for Agricultural Producers (DS511)***

On September 13, 2016, the United States requested consultations with China concerning China's provision of domestic support in favor of agricultural producers, in particular, to those producing wheat, Indica rice, Japonica rice, and corn. It appears that China's level of domestic support is in excess of its commitment level of *nil* specified in Section I of Part IV of China's Schedule CLII because, for example, China provides domestic support in excess of its product-specific *de minimis* level of 8.5 percent for each of wheat, Indica rice, Japonica rice, and corn.

China's level of domestic support appears to be inconsistent with Articles 3.2, 6.3, and 7.2(b) of the Agriculture Agreement. The parties consulted on this matter on October 20, 2016, but the consultations did not resolve the dispute.

At the request of the United States, the WTO established a panel on January 25, 2017, to examine the U.S. complaint. Australia, Brazil, Canada, Colombia, Ecuador, Egypt, El Salvador, the EU, Guatemala, India, Indonesia, Israel, Japan, Kazakhstan, Korea, Norway, Pakistan, Paraguay, Philippines, Russia, Saudi Arabia, Singapore, Chinese Taipei, Thailand, Turkey, Ukraine, and Vietnam reserved their rights to participate in panel proceedings as third parties. On June 24, 2017, the parties agreed to compose the Panel as follows: Mr. Gudmundur Helgason, Chair; and, Mr. Juan Antonio Dorantes Sánchez and Ms. Elaine Feldman, Members.

On February 28, 2019, the Panel circulated its report. The Panel found that China had breached Articles 3.2 and 6.3 of the Agriculture Agreement by exceeding, in each year from 2012 to 2015, its *de minimis* level of support for wheat, Indica rice, and Japonica rice. The DSB adopted the Panel report on April 26, 2019. The United States and China agreed that the RPT for China to come into compliance with WTO rules would end March 31, 2020.

On July 16, 2020, the United States requested authorization to suspend the application to China of tariff concessions and other obligations at an estimated level of \$1.3 billion for 2020 pursuant to Article 22.2 of the Dispute Settlement Understanding (DSU). On July 27, 2020, China objected to the U.S. request, automatically referring the matter to arbitration. On August 5, 2020, China requested the establishment of a compliance panel pursuant to Article 21.5 of the DSU, and at its meeting on September 28, 2020, the DSB established a compliance panel.

### ***China – Administration of Tariff-Rate Quotas for Certain Agricultural Products (DS517)***

On December 15, 2016, the United States requested consultations with China regarding the administration of TRQs for certain agricultural products, namely, wheat, corn, and rice.

The measures identified in the request establish a system by which the National Development and Reform Commission (NDRC) annually allocates quota to eligible enterprises, and reallocates quota returned unused, based on eligibility requirements and allocation principles that are not clearly specified. The TRQs for these commodities have under filled, even in years where market conditions would suggest demand for imports. China's administration of these TRQs inhibits the filling of the TRQs, restricting opportunities for U.S. and other trading partners to export wheat, corn, and rice to China.

On February 9, 2017, the United States and China held consultations in Geneva. The EU, Canada, Australia, and Thailand requested to join the consultations, but China denied the third parties' requests.

The consultations failed to resolve the U.S. concerns, and at the request of the United States, the WTO established a panel on September 22, 2017. Australia, Brazil, Canada, Ecuador, the EU, Guatemala, India, Indonesia, Japan, Kazakhstan, Korea, Norway, Russia, Singapore, Chinese Taipei, Ukraine and Vietnam reserved third party rights. The Panel was composed on February 22, 2018, as follows: Mr. Mateo Diego-Fernandez, Chair; and, Mr. Stefan H. Johannesson and Mr. Esteban B. Conejos, Jr., Members.

The Panel circulated its report on April 18, 2019. The Panel found that with respect to the United States' claims under Paragraph 116 of China's Working Party Report:

- The basic eligibility criteria used in China's administration of its TRQs for wheat, rice, and corn are inconsistent with the obligations to administer TRQs on a transparent, predictable, and fair basis, and to administer TRQs using clearly specified requirements.
- The allocation principles used in China's administration of its wheat, rice, and corn TRQs are inconsistent with the obligations to administer TRQs on a transparent, predictable, and fair basis, and to administer TRQs using clearly specified administrative procedures.
- The reallocation procedures used in China's administration of its wheat, rice, and corn TRQs are inconsistent with the obligation to administer TRQs using clearly specified administrative procedures.
- The public comment process used in China's administration of its wheat, rice, and corn TRQs is inconsistent with the obligations to administer TRQs on a transparent, predictable, and fair basis, and to administer TRQs using clearly specified administrative procedures.
- The administration of STE and non-STE portions of China's wheat, rice, and corn TRQs is inconsistent with the obligations to administer TRQs on a transparent, predictable, and fair basis, to administer TRQs using clearly specified administrative procedures, and to administer TRQs in a manner that would not inhibit the filling of each TRQ.
- The usage requirements for imported wheat and corn used in China's administration of its TRQ for wheat and corn are inconsistent with the obligations to administer TRQs on a predictable basis, to administer TRQs using clearly specified administrative procedures, and to administer TRQs in a manner that would not inhibit the filling of each TRQ.

The Panel also found that China's administration of its wheat, rice, and corn TRQs is, as a whole, inconsistent with the obligations to administer TRQs on a transparent, predictable, and fair basis, to administer TRQs using clearly specified requirements and administrative procedures, and to administer TRQs in a manner that would not inhibit the filling of each TRQ.

The DSB adopted the Panel report on May 28, 2019. The United States and China agreed that the reasonable period of time for China to come into compliance with WTO rules would end on June 29, 2021.

On July 15, 2021, the United States requested authorization to suspend the application to China of tariff concessions and other obligations pursuant to Article 22.2 of the DSU. China objected to the U.S. request, automatically referring the matter to arbitration. On July 15, 2021, China requested the establishment of a

compliance panel pursuant to Article 21.5 of the DSU, and at its meeting on August 30, 2021, the DSB established a compliance panel.

### ***China – Additional Duties on Certain Products from the United States (DS558)***

On July 16, 2018, the United States requested consultations with China with respect to its imposition of additional duties on certain products originating in the United States. China imposed the additional duties in retaliation for the action the President took under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. The U.S. consultations request alleges that the additional duties contravene China’s obligations under the WTO Agreement because they: (1) fail to extend to U.S. products an advantage, favor, privilege or immunity granted by China to products originating in the territory of other WTO Members; (2) accord less favorable treatment to products originating in the United States; and, (3) impose duties in excess of those set forth in China’s schedule.

The United States held consultations with China on August 29, 2018, but these consultations did not resolve the dispute. At the request of the United States, the WTO established a panel on November 21, 2018, to examine the U.S. complaint. On January 25, 2019, the Director-General composed the Panel as follows: Mr. William Ehlers, Chair; and, Mr. Cristian Espinosa Cañizares and Ms. Mónica Rolong, Members. As of December 2022, panel proceedings were ongoing.

### ***European Union – Measures concerning meat and meat products (hormones) (DS26, 48)***

The United States and Canada challenged the EU ban on imports of meat from animals to which any of six hormones for growth promotional purposes had been administered. The Panel found that the EU ban is inconsistent with the EU’s obligations under the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), and that the ban is not based on science, a risk assessment, or relevant international standards.

Upon appeal, the Appellate Body affirmed the Panel’s findings that the EU ban fails to satisfy the requirements of the SPS Agreement. The Appellate Body also found that, while a country has broad discretion in electing what level of protection it wishes to implement, in doing so it must fulfill the requirements of the SPS Agreement. The Appellate Body concluded that in this case, the ban imposed is not rationally related to the conclusions of the risk assessments the EU had performed.

Because the EU did not comply with the recommendations and rulings of the DSB by May 13, 1999, the final date of its compliance period as set by arbitration, the United States sought WTO authorization to suspend concessions with respect to certain products of the EU in an amount equal to the value of the estimated annual harm to U.S. exports resulting from the EU’s failure to lift its ban on imports of U.S. meat. The EU exercised its right to request arbitration concerning the amount of the suspension. On July 12, 1999, the arbitrators determined the level of suspension to be \$116.8 million. On July 26, 1999, the DSB authorized the United States to suspend such concessions and the United States proceeded to impose 100 percent *ad valorem* duties on a list of EU products with an annual trade value of \$116.8 million.

On November 3, 2003, the EU notified the WTO that it had amended its hormones ban. On November 8, 2004, the EU requested consultations with respect to “the United States continued suspension of concessions and other obligations under the covered agreements” in the EU-Hormones dispute. The Appellate Body issued its report in the *U.S. – Continued Suspension (WT/DS320)* dispute on October 16, 2008.

On October 31, 2008, USTR announced that it was considering changes to the list of EU products on which 100 percent *ad valorem* duties had been imposed in 1999. A modified list of EU products was announced by USTR on January 15, 2009.

On December 22, 2008, the EU requested consultations with the United States and Canada pursuant to Articles 4 and 21.5 of the DSU, regarding the EU's implementation of the DSB's recommendations and rulings in the EU–Hormones dispute. In its consultations request, the EU stated that it considered that it has brought into compliance the measures found inconsistent in EU–Hormones by, among other things, adopting its revised ban in 2003. Consultations took place in February 2009.

Pursuant to an MOU between the United States and the EU, further litigation in the EU-Hormones compliance proceeding has been suspended.

In 2016, industry representatives requested that the United States reinstate suspension of concessions, as authorized by the DSB. USTR accordingly initiated proceedings under Section 306 of the Trade Act. In 2019, the United States and the EU concluded successful negotiations to resolve concerns with the operation of the TRQ established by the MOU. On August 2, 2019 the United States and the EU signed the *Agreement on the Allocation to the United States of a Share in the Tariff Rate Quota for High Quality Beef Referred to in the Revised MOU Regarding the Importation of Beef from Animals Not Treated with Certain Growth-promoting Hormones and Increased Duties Applied by the United States to Certain Products of the European Union*. On December 13, 2019, USTR published notice of its determination not to reinstate action in connection with the EU's measures concerning meat and meat products in the *Federal Register*.

*For further discussion of the U.S. suspension of concessions and the MOU, see Chapter II.B Section 301.*

### ***European Union – Measures affecting the approval and marketing of biotechnology products (DS291)***

Since the late 1990s, the EU has pursued policies that undermine the commercialization and trade of agricultural biotechnology products. After approving a number of agricultural biotechnology products through October 1998, the EU adopted an across-the-board moratorium under which no further biotechnology applications were allowed to reach final approval. In addition, six Member States (Austria, France, Germany, Greece, Italy, and Luxembourg) adopted unjustified bans on certain biotechnology crops that had been approved by the EU prior to the adoption of the moratorium. These measures have caused a growing portion of U.S. agricultural exports to be excluded from EU markets and unfairly cast concerns about biotechnology products around the world, particularly in developing countries.

On May 13, 2003, the United States filed a consultation request with respect to: (1) the EU's moratorium on all new biotechnology approvals; (2) delays in the processing of specific biotech product applications; and, (3) the product-specific bans adopted by six EU Member States (Austria, France, Germany, Greece, Italy, and Luxembourg). The United States requested the establishment of a panel on August 7, 2003. Argentina and Canada submitted similar consultation and panel requests. On August 29, 2003, the DSB established a panel to consider the claims of the United States, Argentina, and Canada. On March 4, 2003, the Director-General composed the Panel as follows: Mr. Christian Häberli, Chair; and Mr. Mohan Kumar and Mr. Akio Shimizu, Members.

The Panel issued its report on September 29, 2006. The Panel agreed with the United States, Argentina, and Canada that the disputed measures of the EU, Austria, France, Germany, Greece, Italy, and Luxembourg are inconsistent with the obligations set out in the SPS Agreement. In particular:

- The Panel found that the EU adopted a *de facto*, across-the-board moratorium on the final approval of biotechnological products, starting in 1999 up through the time the Panel was established in August 2003.
- The Panel found that the EU had presented no scientific or regulatory justification for the moratorium, and thus that the moratorium resulted in “undue delays” in violation of the EU’s obligations under the SPS Agreement.
- The Panel identified specific, WTO inconsistent “undue delays” with regard to 24 of the 27 pending product applications that were listed in the U.S. panel request.
- The Panel upheld the United States’ claims that, in light of positive safety assessments issued by the EU’s own scientists, the bans adopted by six EU Member States on products approved in the EU prior to the moratorium were not supported by scientific evidence, and were thus inconsistent with WTO rules.

The DSB adopted the Panel report on November 21, 2006. At the meeting of the DSB held on December 19, 2006, the EU notified the DSB that the EU intended to implement the recommendations and rulings of the DSB in these disputes, and stated that it would need a RPT for implementation. On June 21, 2006, the United States, Argentina, and Canada notified the DSB that they had agreed with the EU on a one-year period of time for implementation, to end on November 21, 2007. On November 21, 2007, the United States, Argentina, and Canada notified the DSB that they had agreed with the EU to extend the implementation period to January 11, 2008.

On January 17, 2008, the United States submitted a request for authorization to suspend concessions and other obligations with respect to the EU under the covered agreements at an annual level equivalent to the annual level of nullification or impairment of benefits accruing to the United States resulting from the EU’s failure to bring measures concerning the approval and marketing of biotechnology products into compliance with the recommendations and rulings of the DSB. On February 6, 2008, the EU objected under Article 22.6 of the DSU, claiming that the level of suspension proposed by the United States was not equivalent to the level of nullification or impairment, referring the matter to arbitration. The United States and the EU mutually agreed to suspend the Article 22.6 arbitration proceedings on February 18, 2008.

Subsequent to the suspension of the Article 22.6 proceeding, the United States continues monitoring EU developments and has been engaging with the EU in discussions with the goal of normalizing trade in biotechnology products.

### ***European Communities and certain Member States – Measures affecting trade in large civil aircraft (DS316)***

On October 6, 2004, the United States requested consultations with the EU, as well as with Germany, France, the UK, and Spain, with respect to subsidies provided to Airbus, a manufacturer of large civil aircraft. The United States alleged that such subsidies violated various provisions of the Agreement on Subsidies and Countervailing Measures (SCM Agreement), as well as Article XVI:1 of the GATT 1994. Consultations were held on November 4, 2004. On January 11, 2005, the United States and the EU agreed to a framework for the negotiation of a new agreement to end subsidies for large civil aircraft. The parties

set a three-month time frame for the negotiations and agreed that, during negotiations, they would not request panel proceedings.

The United States and the EU were unable to reach an agreement within the 90-day time frame. Therefore, the United States filed a request for a panel on May 31, 2005. The Panel was established on July 20, 2005. The U.S. request challenged several types of EU subsidies that appear to be prohibited, actionable, or both.

On October 17, 2005, the Deputy Director-General composed the Panel as follows: Mr. Carlos Pérez del Castillo, Chair; and, Mr. John Adank and Mr. Thinus Jacobsz, Members. The Panel met with the parties on March 20 and March 21, 2007, and on July 25 and July 26, 2007, and met with the parties and third parties on July 24, 2007. The Panel granted the parties' request to hold part of its meetings with the parties in public session. This portion of the Panel's meetings was videotaped and reviewed by the parties to ensure that business confidential information had not been disclosed before being shown in public on March 22 and July 27, 2007.

The Panel issued its report on June 30, 2010. It agreed with the United States that the disputed measures of the EU, France, Germany, Spain, and the UK were inconsistent with the SCM Agreement. In particular:

- Every instance of “launch aid” provided to Airbus was a subsidy because in each case, the terms charged for this unique low interest, success-dependent financing were more favorable than were available in the market.
- Some of the launch aid provided for the A380, Airbus's newest and largest aircraft, was contingent on exports and, therefore, a prohibited subsidy.
- Several instances in which German and French government entities created infrastructure for Airbus were subsidies because the infrastructure was not general, and the price charged to Airbus for use resulted in less than adequate remuneration to the government.
- Several government equity infusions into the Airbus companies were subsidies because they were on more favorable terms than available in the market.
- Several EU and Member State research programs provided grants to Airbus to develop technologies used in its aircraft.
- These subsidies caused adverse effects to the interests of the United States in the form of lost sales, displacement of U.S. imports into the EU market, and displacement of U.S. exports into the markets of Australia, Brazil, China, Korea, Mexico, Singapore, and Chinese Taipei.

The EU filed a notice of appeal on July 21, 2010. The WTO Appellate Body conducted an initial hearing on August 3, 2010 to discuss procedural issues related to the need to protect business confidential information and highly sensitive business information and issued additional working procedures to that end on August 10, 2010. The Appellate Body held two hearings on the issues raised in the EU's appeal of the Panel's findings of WTO inconsistent subsidization of Airbus. The first hearing, held November 11 to November 17, 2010, addressed issues associated with the main subsidy to Airbus, launch aid, and the other subsidies challenged by the United States. The second hearing held December 9 to December 14, 2010, focused on the Panel's findings that the European subsidies caused serious prejudice to the interests of the United States in the form of lost sales and declining market share in the EU and other third country markets. On May 18, 2011, the Appellate Body issued its report. The Appellate Body affirmed the Panel's central findings that European government launch aid had been used to support the creation of every model of large



civil aircraft produced by Airbus. The Appellate Body also confirmed that launch aid and other challenged subsidies to Airbus have directly resulted in Boeing losing sales involving purchases of Airbus aircraft by EasyJet, Air Berlin, Czech Airlines, Air Asia, Iberia, South African Airways, Thai Airways International, Singapore Airlines, Emirates Airlines, and Qantas, as well as lost market share, with Airbus gaining market share in the EU and in third country markets, including China and Korea, at the expense of Boeing. The Appellate Body also found that the Panel applied the wrong standard for evaluating whether subsidies are export subsidies, and that the Panel record did not have enough information to allow application of the correct standard.

On December 1, 2011, the EU provided a notification in which it claimed to have complied with the DSB recommendations and rulings. On December 9, 2011, the United States requested consultations regarding the notification and also requested authorization from the DSB to impose countermeasures. The United States and the EU held consultations on January 13, 2012. On December 22, 2011, the EU objected to the level of suspension of concessions requested by the United States, and the matter was referred to arbitration pursuant to Article 22.6 of the DSU. On January 19, 2012, the United States and the EU requested that the arbitration be suspended pending the conclusion of the compliance proceeding.

On March 30, 2012, in light of the Parties' disagreement over whether the EU had complied with the DSB's recommendations and rulings, the United States requested that the DSB refer the matter to the original Panel pursuant to Article 21.5 of the DSU. The DSB did so at a meeting held on April 13, 2012. On April 25, 2012, the compliance Panel was composed with the members of the original Panel: Mr. Carlos Pérez del Castillo, Chair; and, Mr. John Adank and Mr. Thinus Jacobsz, Members.

On September 22, 2016, the report of the Article 21.5 Panel was circulated to the Members. The Panel found that the EU breached Articles 5(c) and 6.3(a), (b), and (c) of the SCM Agreement, and that the EU and certain Member States failed to comply with the DSB recommendations under Article 7.8 of the SCM Agreement to "take appropriate steps to remove the adverse effects or ... withdraw the subsidy."

Significant findings by the compliance Panel against the EU include:

- 34 out of 36 alleged compliance "steps" notified by the EU did not amount to "actions" with respect to the subsidies provided to the Airbus or the adverse effects that those subsidies were to have caused in the original proceeding.
- As a result, the EU failed to withdraw the subsidies, as recommended by the DSB.
- Those subsidies were a genuine and substantial cause of lost sales to U.S. aircraft, and displacement and impedance of exports of U.S. aircraft to Australia, China, India, Korea, Singapore, and the United Arab Emirates.

On October 13, 2016, the EU notified the DSB of its decision to appeal certain issues of law and legal interpretations developed by the compliance panel. The Division hearing the appeal was composed of Ricardo Ramirez-Hernandez as Presiding Member, and Peter van den Bossche and Ujal Singh Bhatia.

On May 15, 2018, the Appellate Body issued its report. The Appellate Body confirmed that the EU and certain Member States failed to comply with the earlier WTO determination finding launch aid inconsistent with their WTO obligations. The Appellate Body further confirmed that almost \$5 billion in new launch aid for the A350 XWB was WTO-inconsistent. The Appellate Body found that the WTO-inconsistent subsidies continue to cause significant lost sales of Boeing aircraft in the twin-aisle and very large aircraft markets, and that these subsidies impede exports of Boeing 747 aircraft to numerous geographic markets. The Appellate Body also found that, due to the passage of time, the EU no longer needed to take action

regarding some of the earlier (*i.e.*, pre-A380) launch aid subsidies previously found to be WTO-inconsistent.

On July 13, 2018, at the request of the United States, the arbitration regarding the level of countermeasures (suspended in January 2012) was resumed. On October 2, 2019, the Arbitrator issued its decision that the level of countermeasures commensurate with the degree and nature of the adverse effects determined to exist is up to \$7.50 billion annually. On October 14, 2019, the WTO accordingly authorized the United States to take countermeasures consistent with the award of the Arbitrator. The United States imposed tariffs on certain imports from the involved EU member states pursuant to Section 301 of the Trade Act.

On May 17, 2018, the EU represented to the DSB that it had taken new steps to achieve compliance with its WTO obligations. However, following consultations, the United States did not agree that the EU had achieved compliance. At the request of the EU, the WTO established a second compliance panel on August 27, 2018.

On December 2, 2019, the second compliance Panel issued its report. The Panel found that the EU continued to be in breach of Articles 5(c) and 6.3(a), (b), and (c) of the SCM Agreement, and that the EU and certain Member States had accordingly failed to comply with the DSB recommendations under Article 7.8 of the SCM Agreement to “take appropriate steps to remove the adverse effects or ... withdraw the subsidy.” The Panel agreed with the United States that none of the measures taken by the four EU Member States amounted to a withdrawal of the launch aid for the A350XWB and A380. The Panel also found that that launch aid for the A380 and A350XWB continued to be a genuine and substantial cause of lost sales to U.S. aircraft, and impedance of exports of U.S. aircraft to China, India, Korea, Singapore, and the United Arab Emirates.

On December 6, 2019, the EU notified the DSB of its decision to appeal certain findings of the compliance Panel.

On June 15 and June 17, 2021, the United States reached understandings on cooperative frameworks with the EU and the UK, respectively, on the parallel aircraft disputes (DS316 and DS353). In accordance with the understandings, each side intends not to impose any WTO-authorized countermeasures for a period of five years starting from July 4, 2021. Each side also intends to provide any financing to its large civil aircraft producer (LCA producer) for the production or development of large civil aircraft on market terms. Additionally, each side intends to provide any funding for research and development (R&D) for large civil aircraft to its LCA producer through an open and transparent process while making the results of fully government funded R&D widely available. A working group is also established under each framework to analyze and overcome any disagreements in the sector, including on any existing support measures. The working group will also collaborate on jointly analyzing and addressing non-market practices of third parties that may harm their respective large civil aircraft industries.

*For further discussion of the U.S. countermeasures, see Chapter II.B Section 301.*

### ***European Union – Additional Duties on Certain Products from the United States (DS559)***

On July 16, 2018, the United States requested consultations with the EU with respect to its imposition of additional duties on certain products originating in the United States. The EU imposed the additional duties in retaliation for the action the President took under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. The U.S. consultations request alleges that the additional duties contravene the EU's obligations under the WTO Agreement because they: (1) fail to extend to U.S. products an advantage, favor, privilege or immunity granted by the EU to products originating in the territory of other WTO Members; (2) accord less favorable treatment to products originating in the United States; and, (3) impose duties in excess of those set forth in the EU's schedule.

The United States held consultations with the EU on August 28, 2018, but these consultations did not resolve the dispute. At the request of the United States, the WTO established a panel on November 21, 2018, to examine the U.S. complaint. On January 25, 2019, the Director-General composed the Panel as follows: Mr. William Ehlers, Chair; and, Ms. Olga Lucía Lozano Ferro and Mr. Anwar Zaheer Jamali, Members.

In November 2021, the United States and EU announced arrangements on steel and aluminum cooperation, and the EU announced that it would suspend its additional duties. The United States requested that the Panel suspend its work. The EU informed the Panel that it did not object to that request, and the Panel granted it. Pursuant to that agreement, the United States and the EU mutually agreed to resort to arbitration regarding the matter pending before the Panel in this dispute. Upon composition of the Arbitrator, the arbitration was immediately and indefinitely suspended and the dispute before this Panel was terminated. On January 17, 2022, the United States and the European Union notified the DSB that they were terminating this dispute before the panel in light of the agreed procedures for arbitration under Article 25 of the DSU. On January 20, 2022, the Chair of the panel informed the DSB that it had ceased all work in these proceedings.

On January 17, 2022, the United States and the European Union notified the DSB that they had agreed, pursuant to Article 25.2 of the DSU, to resort to arbitration on the matter pending before the panel in this dispute. The arbitrator was composed on January 20, 2022 with the same persons who served as members of the Panel. As provided in the Parties' communication of January 17, 2022, the arbitration was suspended.

### ***India – Measures Concerning the Importation of Certain Agricultural Products from the United States (DS430)***

On March 6, 2012, the United States requested consultations with India regarding its import prohibitions on various agricultural products from the United States. India asserts these import prohibitions are necessary to prevent the entry of avian influenza into India. However, the United States has not had an outbreak of highly pathogenic avian influenza since 2004. With respect to low pathogenic avian influenza, the only kind of avian influenza found in the United States since 2004, international standards do not support the imposition of import prohibitions, including the type maintained by India. The United States considers that India's restrictions are inconsistent with numerous provisions of the SPS Agreement, including Articles 2.2, 2.3, 3.1, 5.1, 5.2, 5.5, 5.6, 5.7, 6.1, 6.2, 7, Annex B, and Articles I and XI of GATT 1994.

The United States and India held consultations on April 16 and 17, 2012, but were unable to resolve the dispute. At the request of the United States, the WTO established a panel to examine the U.S. complaint on June 25, 2012. On February 18, 2014, the Director-General composed the Panel as follows: Mr. Stuart Harbinson, Chair; and, Ms. Delilah Cabb and Mr. Didrik Tønseth, Members.

The Panel issued its report on October 14, 2014. In its report, the Panel found in favor of the United States. Specifically, the Panel found that India's restrictions breach its WTO obligations because they: (1) are not based on international standards or a risk assessment that takes into account available scientific evidence; (2) arbitrarily discriminate against U.S. products because India blocks imports while not similarly blocking domestic products; (3) constitute a disguised restriction on international trade; (4) are more trade restrictive than necessary since India could reasonably adopt international standards for the control of avian influenza instead of imposing an import ban; (5) fail to recognize the concept of disease free areas and are not adapted to the characteristics of the areas from which products originate and to which they are destined; and, (6) were not properly notified in a manner that would allow the United States and other WTO Members to comment on India's restrictions before they went into effect. India filed its notice of appeal on January 26, 2015.

On June 4, 2015, the Appellate Body issued its report in this dispute, upholding the Panel's findings that India's restrictions: (1) are not based on international standards or a risk assessment that takes into account available scientific evidence; (2) arbitrarily discriminate against U.S. products because India blocks imports while not similarly blocking domestic products; (3) are more trade restrictive than necessary since India could reasonably adopt international standards for the control of avian influenza instead of imposing an import ban; and, (4) fail to recognize the concept of disease-free areas and are not adapted to the characteristics of the areas from which products originate and to which they are destined.

On July 13, 2015, India informed the DSB that it intended to implement the DSB's recommendations and rulings and would need a RPT to do so. On December 8, 2015, the United States and India agreed that the RPT would be 12 months, ending on June 19, 2016.

On July 7, 2016, the United States requested the authorization of the DSB to suspend concessions or other obligations pursuant to Article 22.2 of the DSU. India objected to the request, referring the matter to arbitration. The arbitrator was composed with the members of the original Panel. As of December 2022, the arbitration proceedings were ongoing.

On April 6, 2017, India requested the establishment of a compliance panel. India asserted that it had enacted a revised avian influenza measure that complied with India's WTO obligations. The compliance Panel was composed by the original panelists. As of December 2022, the compliance Panel proceedings were ongoing.

From 2018 through 2022, the United States and India on several occasions postponed both the release of the Arbitrator's decision on the level of suspension of concessions and the remaining steps in the compliance Panel proceeding while the two sides discuss potential resolution of the dispute. In March 2018, the United States and India agreed to veterinary export certificates for the shipment to India of U.S. poultry and poultry products.

### ***India – Solar Local Content I / II (DS456)***

In February 2013, the United States requested WTO consultations with India concerning domestic content requirements for participation in an Indian solar power generation program known as the National Solar Mission (NSM). Under Phase I of the NSM, which India initiated in 2010, India provided guaranteed long-term payments to solar power developers contingent on the purchase and use of solar cells and solar modules of domestic origin. India continued to impose domestic content requirements for solar cells and modules under Phase II of the NSM, which India launched in October 2013. In March 2014, the United States held consultations with India on Phase II of the NSM. In April 2014, after two rounds of unsuccessful consultations with India, the United States requested that the WTO DSB establish a dispute settlement panel. In May 2014, the DSB established a WTO panel to examine India's domestic content requirements under its NSM program. On September 24, 2014, the Parties agreed to compose the Panel as follows: Mr.

David Walker, Chair; and, Mr. Pornchai Danvivathana and Mr. Marco Tulio Molina Tejada, Members. The Panel held meetings with the Parties on February 3 and February 4, 2015, and on April 28 and April 29, 2015.

The Panel issued its final public report on February 24, 2016, finding in favor of the United States on all claims. The Panel found that India's domestic content requirements under its NSM are inconsistent with India's national treatment obligations under Article III:4 of the GATT 1994, and Article 2.1 of the Agreement on Trade-related Investment Measures (TRIMS Agreement). Because an Indian solar power developer may bid for and maintain certain power generation contracts only by using domestically produced equipment, and not by using imported equipment, India's requirements accord "less favorable" treatment to imported solar cells and modules than that accorded to like products of Indian origin. India appealed this decision to the WTO Appellate Body on April 20, 2016. The Appellate Body issued its report on September 16, 2016. The Appellate Body affirmed the Panel's finding that India's domestic content requirements (DCR measures) under its NSM are inconsistent with India's national treatment obligations under Article III:4 of the GATT 1994 and Article 2.1 of the TRIMS Agreement. The Appellate Body also affirmed that Panel's rejection of India's defensive claims under Articles III:8(a), XX(j) and XX(d) of the GATT 1994.

The DSB adopted the Panel and Appellate Body reports during a special meeting of the DSB on October 14, 2016. At that meeting, India informed the DSB that India intended to implement the DSB's recommendations and rulings in a manner that respects its WTO obligations, and that it would need an RPT to do so. India and the United States agreed that India would complete implementation of the DSB recommendations and rulings by December 14, 2017.

On December 14, 2017, India submitted a status report to DSB indicating that India had implemented the rulings and recommendations of the DSB. On December 19, 2017 the United States requested authorization from the DSB to suspend trade concessions under Article 22.2 of the DSU on grounds that India had not, in fact, brought its measures into conformity with WTO rules. India objected to the United States' request on January 3, 2018, referring the matter to arbitration.

On January 23, 2018, India requested the establishment of a compliance panel under Article 21.5 of the DSU to determine whether the measures that India has purportedly taken to comply with the recommendations and rulings of the DSB are consistent with WTO rules. At its meeting on February 28, 2018, the DSB agreed to establish a compliance panel.

#### ***India – Export Related Measures (DS541)***

On March 14, 2018, the United States requested consultations with India concerning certain Indian measures relating to export subsidy programs including: (1) the Export Oriented Units Scheme and sector specific schemes, including Electronics Hardware Technology Parks Scheme; (2) the Merchandise Exports from India Scheme; (3) the Export Promotion Capital Goods Scheme; (4) Special Economic Zones; and, (5) a duty-free imports for exporters program. The United States alleges that these programs are inconsistent with Articles 3.1(a) and 3.2 of the SCM Agreement because they provide prohibited subsidies contingent upon export performance. Consultations were held on April 11, 2018, but failed to resolve the dispute.

On May 17, 2018, the United States requested the establishment of a panel to examine the complaint. On July 16, 2018, the United States requested the Director-General to determine the composition of the Panel, and on July 23, 2018, the Director-General composed the Panel as follows: Mr. Jose Antonio S. Buencamino, Chair; and, Ms. Leora Blumberg and Mr. Serge Pannatier, Members.

On October 31, 2019, the Panel issued its report. The Panel found all of the challenged export subsidy programs inconsistent with Articles 3.1(a) and 3.2 of the SCM Agreement. The Panel rejected India's two principal defenses of its programs. First, the Panel disagreed with India's argument that India continued to have an exemption, based on a certain developing country status designation, to provide subsidies contingent upon export performance. Second, the Panel rejected India's defense that the export subsidy programs qualified as "duty-drawback" schemes. With respect to certain product lines under the duty-free imports for exporters program, the Panel found language for those lines limited the import duty exemption at issue to products used in the manufacture/processing of final products for export. Those product lines were exempted and were not deemed to be subsidies. However, the remaining product lines did not qualify for duty-drawback protection and were found to be subsidies.

On November 19, 2019, India notified the DSB of its decision to appeal the Panel's report.

### ***India – Additional Duties on Certain Products from the United States (DS585)***

On July 3, 2019, the United States requested consultations with India with respect to its imposition of additional duties on certain products originating in the United States. India imposed the additional duties in retaliation for the action the President took under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. The U.S. consultations request alleges that the additional duties contravene India's obligations under the WTO Agreement because they: (1) fail to extend to U.S. products an advantage, favor, privilege or immunity granted by India to products originating in the territory of other WTO Members; (2) accord less favorable treatment to products originating in the United States; and, (3) impose duties in excess of those set forth in India's schedule.

The United States held consultations with India on August 1, 2019, but these consultations did not resolve the dispute. At the request of the United States, the WTO established a panel on October 28, 2019 to examine the U.S. complaint. On January 7, 2020, following the agreement of the parties, the Panel was composed as follows: Mr. Hugo Cayrús, Chair; and, Mr. Anthony Abad and Mr. César Montaña Huerta, Members. As of December 2022, panel proceedings were ongoing.

### ***Indonesia – Import Restrictions on Horticultural Products, Animals, and Animal Products (DS455, DS465 and DS478)***

On May 8, 2014, the United States, joined by New Zealand, requested consultations with Indonesia concerning certain measures affecting the importation of horticultural products, animals, and animal products into Indonesia. The measures on which consultations were requested include Indonesia's import licensing regimes for horticultural products and for animals and animal products, as well as certain prohibitions and restrictions that Indonesia imposes through these regimes.

The United States had previously requested consultations on prior versions of Indonesia's import licensing regimes governing the importation of horticultural products and animals and animal products, including the regime established in 2012. The United States was concerned about these regimes and certain measures imposed through them and, on January 10, 2013, requested consultations with Indonesia. Indonesia subsequently amended or replaced its import licensing regulations changing their structure and requirements. The United States requested consultations again, this time joined by New Zealand, on August 30, 2013. Indonesia again amended its import licensing regimes shortly thereafter, and the consultation request in the current dispute (DS478) followed.

The United States was concerned that Indonesia, through its import licensing regimes, imposes numerous prohibitions and restrictions on the importation of covered products, including: (1) prohibiting the

importation of certain products altogether; (2) imposing strict application windows and validity periods for import permits; (3) restricting the type, quantity, and country of origin of products that may be imported; (4) requiring that importers actually import a certain percentage of the volume of products allowed under their permits; (5) restricting the uses for which products may be imported; (6) imposing local content requirements; (7) restricting imports on a seasonal basis; and, (8) setting a “reference price” below which products may not be imported. The Indonesian measures at issue appeared to be inconsistent with several WTO provisions, including Article XI:1 of the GATT 1994 and Article 4.2 of the Agriculture Agreement.

The United States and New Zealand held consultations with Indonesia on June 19, 2014, but these consultations failed to resolve the dispute. On March 18, 2015, the United States, together with New Zealand, requested the WTO to establish a dispute settlement panel to examine Indonesia’s import restrictions. A panel was established on May 20, 2015. The Director-General Composed the Panel as follows: Mr. Christian Espinoza Cañizares, Chair; and, Mr. Gudmundur Helgason and Ms. Angela Maria Orozco Gómez, Members. The Panel held meetings with the Parties on February 1 and February 2, 2016, and on April 13 and April 14, 2016.

The Panel circulated its report on December 22, 2016. The Panel found that all of Indonesia’s import restricting measures for horticultural products and animal products are inconsistent with Article XI:1 of the GATT 1994. The Panel also found that Indonesia has failed to demonstrate that the challenged measures are justified under any general exception available under the GATT 1994. Indonesia appealed the Panel’s report on February 17, 2017. An appellate report was issued on November 9, 2017, affirming the finding of the Panel that all of Indonesia’s measures are inconsistent with Article XI:1 of the GATT 1994 and that Indonesia had not established an affirmative defense with respect to any measure.

The WTO adopted the appellate report and the Panel report on November 22, 2017. A WTO arbitrator set the reasonable period of time for Indonesia to bring its measures into compliance with WTO rules to expire on July 22, 2018. On August 2, 2018, the United States requested WTO authorization to suspend concessions of other obligations pursuant to Article 22.2 of the DSU. On August 14, 2018, Indonesia objected to the United States’ proposed level of suspension of concessions pursuant to Article 22.6 of the DSU, referring the matter to arbitration. The United States paused the arbitration on August 20, 2018, to provide more time for the parties to discuss a resolution to the dispute. Indonesia notified the DSB on December 18, 2020, that a new law that aims to address one of the inconsistent measures had entered into force on November 2, 2020. With respect to the other inconsistent measures, Indonesia notified the DSB that it made “significant adjustments” to its relevant regulations that include the removal of some of the measures. As of December 31, 2022, Indonesia continued to assert to the DSB that it removed or adjusted the measures to comply with the DSB rulings and recommendations. The United States continues to monitor the situation closely.

### ***Russia – Additional Duties on Certain Products from the United States (DS566)***

On July 16, 2018, the United States requested consultations with Russia with respect to its imposition of additional duties on certain products originating in the United States. Russia imposed the additional duties in retaliation for the action the President took under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. The U.S. consultations request alleged that the additional duties contravene Russia’s obligations under the WTO Agreement because they: (1) fail to extend to U.S. products an advantage, favor, privilege or immunity granted by Russia to products originating in the territory of other WTO Members; (2) accord less favorable treatment to products originating in the United States; and, (3) impose duties in excess of those set forth in Russia’s schedule.

The United States held consultations with Russia on August 28, 2018, but these consultations did not resolve the dispute. At the request of the United States, the WTO established a panel on December 18, 2018 to examine the U.S. complaint. On January 25, 2019, the Director-General composed the Panel as follows: Mr. William Ehlers, Chair; and, Ms. Petina Gappah and Mr. Syed Tauquir Hussain Shah, Members. As of December 2022, panel proceedings were ongoing.

#### ***Turkey – Additional Duties on Certain Products from the United States (DS561)***

On July 16, 2018, the United States requested consultations with Turkey with respect to its imposition of additional duties on certain products originating in the United States. Turkey imposed the additional duties in retaliation for the action the President took under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. The U.S. consultations request alleges that the additional duties contravene Turkey’s obligations under the WTO Agreement because they: (1) fail to extend to U.S. products an advantage, favor, privilege or immunity granted by Turkey to products originating in the territory of other WTO Members; (2) accord less favorable treatment to products originating in the United States; and, (3) impose duties in excess of those set forth in Turkey’s schedule.

The United States held consultations with Turkey on August 29, 2018, as well as supplemental consultations on November 14, 2018, regarding an amendment to Turkey’s measure imposing the additional duties. These consultations, however, did not resolve the dispute. At the request of the United States, on January 28, 2019 the WTO established a panel to examine the matter. On February 29, 2019, the Director-General composed the Panel as follows: Mr. William Ehlers, Chair; and Mr. Johannes Bernabe and Mr. Homero Larrea, Members. As of December 2022, Panel proceedings were ongoing.

#### **Disputes Brought Against the United States**

This section includes summaries of dispute settlement activity for disputes in which the United States was a responding party (listed by DS number).

#### ***United States – Section 110(5) of the Copyright Act (DS160)***

As amended in 1998 by the Fairness in Music Licensing Act, section 110(5) of the U.S. Copyright Act exempts certain retail and restaurant establishments that play radio or television music from paying royalties to songwriters and music publishers. The EU claimed that, as a result of this exception, the United States was in violation of its TRIPS obligations. Consultations with the EU took place on March 2, 1999. A panel on this matter was established on May 26, 1999. On August 6, 1999, the Director-General composed the Panel as follows: Ms. Carmen Luz Guarda, Chair; and, Mr. Arumugamangalam V. Ganesan and Mr. Ian F. Sheppard, Members. The Panel issued its final report on June 15, 2000, and found that one of the two exemptions provided by section 110(5) is inconsistent with the U.S. WTO obligations. The Panel report was adopted by the DSB on July 27, 2000, and the United States has informed the DSB of its intention to respect its WTO obligations. On October 23, 2000, the EU requested arbitration to determine the period of time to be given to the United States to implement the Panel’s recommendation. By mutual agreement of the parties, Mr. J. Lacarte-Muró was appointed to serve as arbitrator. He determined that the deadline for implementation should be July 27, 2001. On July 24, 2001, the DSB approved a U.S. proposal to extend the deadline until the earlier of the end of the then current session of the U.S. Congress or December 31, 2001.

On July 23, 2001, the United States and the EU requested arbitration to determine the level of nullification or impairment of benefits to the EU as a result of section 110(5)(B). In a decision circulated to WTO Members on November 9, 2001, the arbitrators determined that the value of the benefits lost to the EU in



this case was \$1.1 million per year. On January 7, 2002, the EU sought authorization from the DSB to suspend its obligations *vis-à-vis* the United States. The United States objected to the details of the EU request, thereby causing the matter to be referred to arbitration.

However, because the United States and the EU had been engaged in discussions to find a mutually acceptable resolution of the dispute, the arbitrators suspended the proceeding pursuant to a joint request by the parties filed on February 26, 2002.

On June 23, 2003, the United States and the EU notified the WTO of a mutually satisfactory temporary arrangement regarding the dispute. Pursuant to this arrangement, the United States made a lump sum payment of \$3.3 million to the EU, to a fund established to finance activities of general interest to music copyright holders, in particular, awareness raising campaigns at the national and international level and activities to combat piracy in the digital network. The arrangement covered a three-year period, which ended on December 21, 2004.

### ***United States – Section 211 Omnibus Appropriations Act (DS176)***

Section 211 addresses the ability to register or enforce, without the consent of previous owners, trademarks or trade names associated with businesses confiscated without compensation by the Cuban government. The EU questioned the consistency of Section 211 with the TRIPS Agreement and requested consultations on July 7, 1999. Consultations were held September 13 and December 13, 1999. On June 30, 2000, the EU requested a panel. A panel was established on September 26, 2000, and at the request of the EU, the Director-General composed the Panel on October 26, 2000. The Director-General composed the Panel as follows: Mr. Wade Armstrong, Chair; and, Mr. François Dessemontet and Mr. Armand de Mestral, Members. The Panel report was circulated on August 6, 2001, rejecting 13 of the EU's 14 claims and finding that, in most respects, section 211 is not inconsistent with the obligations of the United States under the TRIPS Agreement. The EU appealed the decision on October 4, 2001. The Appellate Body issued its report on January 2, 2002.

The Appellate Body reversed the Panel's one finding against the United States and upheld the Panel's favorable findings that WTO Members are entitled to determine trademark and trade name ownership criteria. The Appellate Body found certain instances, however, in which section 211 might breach the national treatment and most favored nation obligations of the TRIPS Agreement. The Panel and Appellate Body reports were adopted on February 1, 2002, and the United States informed the DSB of its intention to implement the recommendations and rulings. The RPT for implementation ended on June 30, 2005. On June 30, 2005, the United States and the EU agreed that the EU would not request authorization to suspend concessions at that time and that the United States would not object to a future request on grounds of lack of timeliness.

In January 2016, the United States notified the EU of positive developments that resolved a longstanding issue of concern to the EU and others, which helped move this dispute into a more cooperative phase.

### ***United States – Antidumping measures on certain hot-rolled steel products from Japan (DS184)***

Japan alleged that the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission's preliminary and final determinations in their antidumping investigations of certain hot-rolled steel products from Japan issued on November 25 and November 30, 1998, February 12, 1999, April 28, 1999, and June 23, 1999, were erroneous and based on deficient procedures under the U.S. Tariff Act of 1930 and related regulations. Japan claimed that these procedures and regulations violate the GATT 1994, as well as the Agreement on Implementation of Article VI of the GATT 1994 (Antidumping Agreement) and the Agreement Establishing the WTO. Consultations were held on January 13, 2000, and a panel was established on March 20, 2000. In May 2000, the Director-General composed the Panel as follows: Mr. Harsha V. Singh, Chair; and, Mr. Yanyong Phuangrath and Ms. Lidia di Vico, Members. On February 28, 2001, the Panel circulated its report, in which it rejected most of Japan's claims, but found that, *inter alia*, particular aspects of the antidumping duty calculation, as well as one aspect of the U.S. antidumping duty law, were inconsistent with the Antidumping Agreement. On April 25, 2001, the United States filed a notice of appeal on certain issues in the Panel report.

The Appellate Body report was issued on July 24, 2001, reversing in part and affirming in part. The reports were adopted on August 23, 2001. Pursuant to a February 19, 2002 arbitral award, the United States was given 15 months, or until November 23, 2002, to implement the DSB's recommendations and rulings. On November 22, 2002, Commerce issued a new final determination in the hot-rolled steel antidumping duty investigation, which implemented the recommendations and rulings of the DSB with respect to the calculation of antidumping margins in that investigation. The RPT ended on July 31, 2005. With respect to the outstanding implementation issue, on July 7, 2005, the United States and Japan agreed that Japan would not request authorization to suspend concessions at that time and that the United States would not object to a future request on grounds of lack of timeliness.

### ***United States – Continued Dumping and Subsidy Offset Act of 2000 (CDSOA) (DS217/234)***

On December 21, 2000, Australia, Brazil, Chile, the EU, India, Indonesia, Japan, South Korea, and Thailand requested consultations with the United States regarding the Continued Dumping and Subsidy Offset Act of 2000 (19 U.S.C. § 754) (CDSOA), which amended Title VII of the Tariff Act of 1930 to transfer import duties collected under U.S. antidumping and countervailing duty orders from the U.S. Treasury to the companies that filed the antidumping and countervailing duty petitions. Consultations were held on February 6, 2001. On May 21, 2001, Canada and Mexico also requested consultations on the same matter, which were held on June 29, 2001. On July 12, 2001, the original nine complaining parties requested the establishment of a panel, which was established on August 23, 2001. On September 10, 2001, a panel was established at the request of Canada and Mexico, and all complaints were consolidated into one panel. The Panel was composed of: Mr. Luzius Wasescha, Chair; and, Mr. Maamoun Abdel-Fattah and Mr. William Falconer, Members.

The Panel issued its report on September 2, 2002, finding against the United States on three of the five principal claims brought by the complaining parties. Specifically, the Panel found that the CDSOA constitutes a specific action against dumping and subsidies and, therefore, is inconsistent with the Antidumping and SCM Agreements as well as Article VI of the GATT 1994. The Panel also found that the CDSOA distorts the standing determination conducted by Commerce and, therefore, is inconsistent with the standing provisions in the Antidumping and SCM Agreements. The United States prevailed against the complainants' claims under the Antidumping and SCM Agreements that the CDSOA distorts Commerce's consideration of price undertakings (agreements to settle antidumping and countervailing duty investigations). The Panel also rejected Mexico's actionable subsidy claim brought under the SCM Agreement. Finally, the Panel rejected the complainants' claims under Article X:3 of the GATT, Article

15 of the Antidumping Agreement, and Articles 4.10 and 7.9 of the SCM Agreement. The United States appealed the Panel's adverse findings on October 1, 2002.

The Appellate Body issued its report on January 16, 2003, upholding the Panel's finding that the CDSOA is an impermissible action against dumping and subsidies, but reversing the Panel's finding on standing. The DSB adopted the Panel and Appellate Body reports on January 27, 2003. At the meeting, the United States stated its intention to implement the DSB recommendations and rulings. On June 13, 2003, the Arbitrator determined that this period would end on December 27, 2003. On June 19, 2003, legislation to bring the Continued Dumping and Subsidy Offset Act into conformity with U.S. obligations under the Antidumping Agreement, the SCM Agreement, and the GATT of 1994 was introduced in the U.S. Senate (S. 1299).

On January 15, 2004, eight complaining parties (Brazil, Canada, Chile, the EU, India, Japan, South Korea, and Mexico) requested WTO authorization to retaliate. The remaining three complaining parties (Australia, Indonesia, and Thailand) agreed to extend to December 27, 2004, the period of time in which the United States had to comply with the WTO rulings and recommendations in this dispute. On January 23, 2004, the United States objected to the requests from the eight complaining parties to retaliate, thereby referring the matter to arbitration. On August 31, 2004, the Arbitrators issued their awards in each of the eight arbitrations. They determined that each complaining party could retaliate, on a yearly basis, covering the total value of trade not exceeding, in U.S. dollars, the amount resulting from the following equation: amount of disbursements under CDSOA for the most recent year for which data are available relating to antidumping or countervailing duties paid on imports from each party at that time, as published by the U.S. authorities, multiplied by 0.72.

Based on requests from Brazil, the EU, India, Japan, South Korea, Canada, and Mexico, on November 26, 2004, the DSB granted these Members authorization to suspend concessions or other obligations, as provided in DSU Article 22.7 and in the Decisions of the Arbitrators. The DSB granted Chile authorization to suspend concessions or other obligations on December 17, 2004. On December 23, 2004, and January 7 and January 11, 2005, the United States reached agreements with Australia, Thailand, and Indonesia that these three complaining parties would not request authorization to suspend concessions at that time, and that the United States would not object to a future request on grounds of lack of timeliness.

On February 8, 2006, the U.S. President signed the Deficit Reduction Act into law. That Act included a provision repealing the CDSOA. Certain of the complaining Parties nevertheless continued to impose retaliatory measures because they considered that the Deficit Reduction Act failed to bring the United States into immediate compliance.

The United States has informed WTO Members that it has withdrawn the challenged measure and come into compliance in this dispute. In 2022, the EU continued imposing countermeasures at a rate of 0.1 percent.

### ***United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services (DS285)***

On March 13, 2003, Antigua and Barbuda (Antigua) requested consultations regarding its claim that U.S. Federal, State, and territorial laws on gambling violate U.S. specific commitments under the GATS, as well as Articles VI, XI, XVI, and XVII of the GATS, to the extent that such laws prevent or can prevent operators from Antigua from lawfully offering gambling and betting services in the United States. Consultations were held on April 30, 2003.

Antigua requested the establishment of a panel on June 12, 2003. The DSB established a panel on July 21, 2003. At the request of Antigua, on August 21, 2003, the Director-General composed the Panel as follows:

Mr. B.K. Zutshi, Chair; and, Mr. Virachai Plasai and Mr. Richard Plender, Members. The Panel's final report, circulated on November 10, 2004, found that the United States breached Article XVI (Market Access) of the GATS by maintaining three U.S. Federal laws (18 U.S.C. §§ 1084, 1952, and 1955) and certain statutes of Louisiana, Massachusetts, South Dakota, and Utah. It also found that these measures were not justified under exceptions in Article XIV of the GATS.

The United States filed a notice of appeal on January 7, 2005. The Appellate Body issued its report on April 7, 2005, in which it reversed and/or modified several Panel findings. The Appellate Body overturned the Panel's findings regarding the state statutes, and found that the three U.S. Federal gambling laws at issue "fall within the scope of 'public morals' and/or 'public order'" under Article XIV. To meet the requirements of the Article XIV chapeau, the Appellate Body found that the United States needed to clarify an issue concerning Internet gambling on horse racing.

The DSB adopted the Panel and Appellate Body reports on April 20, 2005. On May 19, 2005, the United States stated its intention to implement the DSB recommendations and rulings. On August 19, 2005, an Article 21.3(c) arbitrator determined that the RPT for implementation would expire on April 3, 2006.

At the DSB meeting of April 21, 2006, the United States informed the DSB that the United States was in compliance with the recommendations and rulings of the DSB in the dispute. On June 8, 2006, Antigua requested consultations with the United States regarding U.S. compliance with the DSB recommendations and rulings. The parties held consultations on June 26, 2006. On July 5, 2006, Antigua requested the DSB to establish a panel pursuant to Article 21.5 of the DSU, and a panel was established on July 19, 2006. The chair of the original panel and one of the panelists were unavailable to serve. The Parties agreed on their replacements, and the Panel was composed as follows: Mr. Lars Anell, Chair; and, Mr. Mathias Francke and Mr. Virachai Plasai, Members. The report of the Article 21.5 Panel, which was circulated on March 30, 2007, found that the United States had not complied with the recommendations and rulings of the DSB in this dispute.

On May 4, 2007, the United States initiated the procedure provided for under Article XXI of the GATS to modify the schedule of U.S. commitments so as to reflect the original U.S. intent of excluding gambling and betting services.

The DSB adopted the report of the Article 21.5 panel on May 22, 2007. On June 21, 2007, Antigua submitted a request, pursuant to Article 22.2 of the DSU, for authorization from the DSB to suspend the application to the United States of concessions and related obligations of Antigua under the GATS and the TRIPS Agreement. On July 23, 2007, the United States referred this matter to arbitration under Article 22.6 of the DSU. The arbitration was carried out by the three panelists who served on the Article 21.5 Panel.

On December 21, 2007, the Article 22.6 arbitration award was circulated. The Arbitrator concluded that Antigua's annual level of nullification or impairment of benefits is \$21 million, and that Antigua may request authorization from the DSB to suspend its obligations under the TRIPS Agreement in this amount. On December 6, 2012, Antigua submitted a request under Article 22.7 of the DSU for authorization to suspend concessions or other obligations under the TRIPS Agreement consistent with the award of the Arbitrator. At the DSB meeting of January 28, 2013, the DSB authorized Antigua to suspend concessions or other obligations under the TRIPS Agreement consistent with the award of the Arbitrator.

During 2007 and early 2008, the United States reached agreement with every WTO Member, aside from Antigua, that had pursued a claim of interest in the GATS Article XXI process of modifying the U.S. schedule of GATS commitments so as to exclude gambling and betting services. Antigua and the United States have engaged in efforts to achieve a mutually agreeable resolution to this matter.

### ***United States – Subsidies on large civil aircraft (DS317)***

On October 6, 2004, the EU requested consultations with respect to “prohibited and actionable subsidies provided to U.S. producers of large civil aircraft.” The EU alleged that such subsidies violated several provisions of the SCM Agreement, as well as Article III:4 of the GATT. Consultations were held on November 5, 2004. On January 11, 2005, the United States and the EU agreed to a framework for the negotiation of a new agreement to end subsidies for large civil aircraft. The parties set a three-month timeframe for the negotiations and agreed that, during negotiations, they would not request panel proceedings. These discussions did not produce an agreement. On May 31, 2005, the EU requested the establishment of a panel to consider its claims. The EU filed a second request for consultations regarding large civil aircraft subsidies on June 27, 2005. This request covered many of the measures covered in the initial consultations, as well as many additional measures that were not covered.

A panel was established with regard to the October claims on July 20, 2005. On October 17, 2005, the Deputy Director-General established the Panel as follows: Ms. Marta Lucía Ramírez de Rincón, Chair; and, Ms. Gloria Peña and Mr. David Unterhalter, Members. Since that time, Ms. Ramírez and Mr. Unterhalter have resigned from the Panel. They have not been replaced.

The EU requested establishment of a panel with regard to its second panel request on January 20, 2006. That Panel was established on February 17, 2006. On December 8, 2006, the WTO issued notices changing the designation of this Panel to DS353. The summary below of *United States – Subsidies on large civil aircraft (Second Complaint) (DS353)* discusses developments with regard to this Panel.

### ***United States – Measures Affecting Trade in Large Civil Aircraft (Second Complaint) (DS353)***

On June 27, 2005, the EU filed a second request for consultations regarding large civil aircraft subsidies allegedly applied by the United States. The section above on *United States – Subsidies on large civil aircraft (DS317)* discusses developments with regard to the dispute arising from the initial request for consultations. The June 2005 request covered many of the measures in the initial consultations, as well as many additional measures that were not covered. The EU requested establishment of a panel with regard to its second panel request on January 20, 2006. A panel was established on February 17, 2006. On November 22, 2006, the Deputy Director-General composed the Panel as follows: Mr. Crawford Falconer, Chair; and, Mr. Francisco Orrego Vicuña and Mr. Virachai Plasai, Members.

The Panel granted the parties’ request to open the substantive meetings with the parties to the public via a screening of a videotape of the public session. The sessions of the Panel meeting that involved business confidential information and the Panel’s meeting with third parties were closed to the public.

On March 31, 2011, the Panel circulated its report with the following findings:

#### ***Findings against the EU***

- Most of the National Aeronautics and Space Administration (NASA) research spending challenged by the EU did not go to Boeing.
- Most of the U.S. Department of Defense (DoD) research payments to Boeing were not subsidies or did not cause adverse effects to Airbus.
- Treatment of patent rights under U.S. Government contracts is not a subsidy specific to the aircraft industry.

- Treatment of certain overhead expenses in U.S. Government contracts is not a subsidy.
- Washington State infrastructure and plant location incentives were not a subsidy or did not cause adverse effects.
- Commerce research programs were not a subsidy specific to the aircraft industry.
- The U.S. Department of Labor payments to Edmonds Community College in Snohomish County, Washington, were not specific subsidies.
- Kansas and Illinois tax programs were not subsidies or did not cause adverse effects.
- The Foreign Sales Corporation/Extraterritorial Income tax measures were a WTO inconsistent subsidy, but as the United States removed the subsidy in 2006, there was no need for any further recommendation.

#### *Findings against the United States*

- NASA research programs conferred a subsidy to Boeing of \$2.6 billion that caused adverse effects to Airbus.
- Tax programs and other incentives offered by the State of Washington and some of its municipalities conferred a subsidy of \$16 million that caused adverse effects to Airbus.
- Certain types of research projects funded under the U.S. Department of Defense's Manufacturing Technology and Dual Use Science and Technology programs were a subsidy to Boeing of approximately \$112 million that caused adverse effects to Airbus.

On April 1, 2011, the EU filed a notice of appeal on certain findings, and on April 28, 2011, the United States filed a notice of other appeal. On March 12, 2012, the Appellate Body circulated its report with the following findings:

- The Panel erred in its analysis of whether NASA and DoD research funding was a subsidy. However, the Appellate Body affirmed the Panel's subsidy finding with regard to NASA research funding and DoD research funding through assistance instruments on other grounds. The Appellate Body declared the Panel's findings with regard to DoD procurement contracts moot, but made no further findings.
- The Panel correctly found that NASA and DoD rules regarding the allocation of patent rights were not, on their face, specific subsidies. The Appellate Body found that the Panel should have addressed the EU allegations of de facto specificity, but was unable to complete the Panel's analysis of this issue.
- The Panel correctly found that Washington State tax measures and industrial revenue bonds issued by the City of Wichita were subsidies.
- The Panel erred in concluding that the WTO DSB was not obligated to initiate information-gathering procedures requested by the EU, but this error did not require any modification in the panel's ultimate findings.

- The Panel correctly concluded that NASA research funding and DoD funding of research through assistance instruments caused adverse effects to Airbus.
- The Panel erred in analyzing the effects of the Wichita industrial revenue bonds separately from other tax measures. The Appellate Body grouped the Wichita measure with the other tax benefits.
- The Panel erred in concluding that Washington State tax benefits, in tandem with Foreign Sales Corporation/ Extraterritorial Income (FSC/ETI) tax benefits program, caused lost sales, lost market share, and price depression of the Airbus A320 and A340 product lines. The Appellate Body found that the evidence before it justified a finding of lost sales only in two instances, involving 50 A320 airplanes.

On March 23, 2012, the DSB adopted its recommendations and rulings in this dispute. At the following DSB meeting, on April 13, 2012, the United States informed the DSB of its intention to implement the recommendations and rulings of the DSB in connection with this matter. On September 23, 2012, the United States notified the DSB that it had brought the challenged measures into compliance with the recommendations and rulings of the DSB.

On September 25, 2012, the EU requested consultations regarding the U.S. notification. On October 11, 2012, the EU requested that the DSB refer the matter to the original Panel pursuant to Article 21.5 of the DSU. The DSB did so at a meeting held on October 23, 2012. On October 30, 2012, the compliance Panel was composed with the members of the original Panel: Mr. Crawford Falconer, Chair; and, Mr. Francisco Orrego Vicuña and Mr. Virachai Plasai, Members.

The compliance Panel circulated its report on June 9, 2017, with the following findings:

*Findings against the EU*

- The EU alleged that DoD provided Boeing with funding and other resources worth \$2.9 billion to conduct research that assisted Boeing’s development of large civil aircraft. The Panel rejected most of the EU claims for procedural reasons. It found that the remaining claims were worth only \$41 million, that most of those programs were not subsidies. The Panel subsequently found that the DoD funding found to constitute subsidies did not cause adverse effects to Airbus.
- The Panel found that NASA R&D programs were subsidies, but only conferred benefits of approximately \$158 million. It found that these subsidies did not cause adverse effects to Airbus.
- The EU alleged that the Federal Aviation Administration (FAA) provided funding and resources worth \$28 million to Boeing. The Panel found that the FAA program in question was a subsidy, and agreed that it was worth \$28 million. However, it found that these subsidies did not cause adverse effects to Airbus.
- The EU alleged that Boeing received \$51 million in tax benefits from 2007 through 2014 under the FSC/ETI program that Congress discontinued in 2006. The Panel found that there was no evidence that Boeing benefitted from this program in the 2007 to 2014 period.
- The EU asserted that the City of Wichita issued “industrial revenue bonds” in a way that gave Boeing tax subsidies. The Panel found that this program was a subsidy, but that it did not constitute a WTO breach because it was not “specific,” *i.e.*, targeted toward particular entities or industries.

- The EU brought claims with respect to a number of Washington State programs. The Panel rejected one of the EU claims for procedural reasons. The Panel found that all of the remaining programs were subsidies. However, with one exception, the Panel found that these programs did not cause any adverse effects to Airbus.
- The EU alleged that several South Carolina programs worth a total of \$1.7 billion caused adverse effects to Airbus. The Panel found that all but three of these programs either were not subsidies or were not “specific,” *i.e.*, did not involve the type of targeting needed to establish a WTO breach. Although it found that three South Carolina programs, worth a total of \$78 million, were subsidies, the Panel concluded that they did not cause adverse effects to Airbus.

#### *Findings against the United States*

- The EU argued that Washington State’s adjustment to its Business and Occupation (“B&O”) tax applicable to aerospace manufacturing foregoes revenue that could otherwise be collected from Boeing, making it a subsidy for WTO purposes. The Panel found that this program confers a subsidy on Boeing, worth an average value of \$100-\$110 million per year during the period of review. The Panel further found that these subsidies cause adverse effects, but only with respect to certain sales of the Airbus A320 aircraft.

On June 29, 2017, the EU filed a notice of appeal on certain findings, and the United States filed a notice of other appeal on August 10, 2017. The Division assigned to hear the appeal consisted of Mr. Peter Van den Bossche, Mr. Thomas R. Graham, and Mr. Shree B.C. Servansing. On March 28, 2019, the Division circulated its report with the following relevant findings:

- The Panel did not err in including DoD procurement contracts within its terms of reference, but the panel did not sufficiently engage with evidence and arguments regarding whether the funding conferred a benefit. However, there were insufficient factual findings by the panel or undisputed facts on the record for the Appellate Body to complete the analysis in this respect.
- The Panel erred when considering whether revenue was “foregone” with respect to the FSC/ETI tax concessions by focusing on the conduct of eligible taxpayers rather than the government. The Appellate Body completed the legal analysis and found that the measure was inconsistent with the SCM Agreement to the extent that Boeing remains entitled to FSC/ETI tax concessions.
- The Panel did not err in using the period following the end of the implementation period to assess whether Wichita industrial revenue bonds were specific because of the granting of disproportionately large amounts of subsidies to certain enterprises, but the Panel erred in finding that no disparity existed between the expected and actual distribution of the subsidies. However, there were insufficient factual findings by the Panel or undisputed facts on the record for the Appellate Body to complete its legal analysis in this respect.
- The Panel did not err in its interpretation of the term “limited number” of certain enterprises with respect to the specificity of the South Carolina economic development bonds, but the panel erred by excluding evidence as to the percentage of bonds by value used by certain enterprises from its evaluation of whether the subsidy was specific by reason of predominant use by certain enterprises. However, there were insufficient factual findings by the Panel or undisputed facts on the record for the Appellate Body to complete its legal analysis in this respect.



- The Panel erred in the application of the term “designated geographical region” in assessing the specificity of the South Carolina multi-county industrial park job tax credits. The Appellate Body completed the legal analysis with respect to this and found that the subsidy was specific.
- The Panel correctly found that the EU had failed to establish that there was a continuation of the original adverse effects of the pre-2007 aeronautics R&D subsidies into the post-implementation period in the form of present serious prejudice in relation to the A330 and A350XWB.
- The Panel erred in its analysis of whether the technology effects of the pre-2007 aeronautics R&D subsidies in relation to certain U.S. aircraft continued into the post-implementation period, and therefore, the panel’s finding that the EU failed to establish that the pre-2007 R&D subsidies were a genuine and substantial cause of adverse effects to the A350XWB and A320neo in the post-implementation period was reversed. However, there were insufficient factual findings by the panel or undisputed facts on the record for the Appellate Body to complete its legal analysis in this respect, and there was no basis to conclude that the original adverse effects, in the form of technology effects, continued into the post-implementation period.
- The Panel correctly found that the EU failed to establish that the tied tax subsidies caused adverse effects in the twin-aisle LCA market in the post-implementation period, but that there were adverse effects in the post-implementation period in the form of significant lost sales in the single-aisle LCA and in the form of threat of impedance of imports of Airbus single-aisle LCA in the U.S. and United Arab Emirates markets.

On September 27, 2012, the EU requested authorization from the DSB to impose countermeasures. On October 22, 2012, the United States objected to the level of suspension of concessions requested by the EU, referring the matter to arbitration pursuant to Article 22.6 of the DSU. On November 27, 2012, the United States and the EU each requested that the arbitration be suspended pending the conclusion of the compliance proceeding. On June 5, 2019, at the request of the EU, the arbitration regarding the level of countermeasures was resumed. On October 13, 2020, the Arbitrator issued its decision with respect to the adverse effects caused by the Washington State tax rate reduction during an historical 2012 reference period. The Arbitrator determined the level of countermeasures commensurate with the degree and nature of the adverse effects determined to exist is approximately \$3.99 billion annually. On October 26, 2020, the WTO granted the EU authorization to take countermeasures consistent with the Arbitrator’s decision. Because the Washington State tax rate reduction was repealed effective April 1, 2020, the EU has no legal basis to maintain countermeasures on U.S. goods.

On June 15 and June 17, 2021, the United States reached understandings on cooperative frameworks with the EU and the UK, respectively, on the parallel aircraft disputes (DS316 and DS353). In accordance with the understandings, each side intends not to impose any WTO-authorized countermeasures for a period of five years starting from July 4, 2021. Each side also intends to provide any financing to its large civil aircraft producer (LCA producer) for the production or development of large civil aircraft on market terms. Additionally, each side intends to provide any funding for research and development (R&D) for large civil aircraft to its LCA producer through an open and transparent process while making the results of fully government funded R&D widely available. A working group was also established under each framework to analyze and overcome any disagreements in the sector, including on any existing support measures. The working group will collaborate on jointly analyzing and addressing non-market practices of third parties that may harm their respective large civil aircraft industries.

***United States — Countervailing Measures on Certain Hot-Rolled Carbon Steel Flat Products from India (DS436)***

On April 24, 2012, India requested consultations concerning countervailing measures on certain hot-rolled carbon steel flat products from India. India challenged the Tariff Act of 1930, in particular: sections 771(7)(G) regarding the cumulation of imports for purposes of an injury determination and 776(b) regarding the use of “facts available.” India also challenged Title 19 of the Code of Federal Regulations, sections 351.308 regarding “facts available” and 351.511(a)(2)(i)-(iv), which relates to Commerce’s calculation of benchmarks. In addition, India challenged the application of these and other measures in the U.S. Department of Commerce’s countervailing duty (CVD) determinations and the U.S. International Trade Commission’s (USITC) injury determination. Specifically, India argued that these determinations were inconsistent with Articles I and IV of the GATT 1994 and Articles 1, 2, 10, 11, 12, 13, 14, 15, 19, 21, 22, and 32 of the SCM Agreement. The DSB established a panel to examine the matter on August 31, 2012. The Panel was composed by the Director-General on February 18, 2013, as follows: Mr. Hugh McPhail, Chair; and, Mr. Anthony Abad and Mr. Hanspeter Tschaeni, Members.

The Panel met with the parties on July 9 and July 10, 2013, and on October 8 and October 9, 2013. The Panel circulated its report on July 14, 2014. The Panel rejected India’s claims against the U.S. statutes and regulations concerning facts available and benchmarks under Articles 12.7 and 14(d) of the SCM Agreement, respectively. It also rejected India’s “as such” claim regarding the U.S. statutory cumulation provision for injury determinations in five-year reviews, but found that the U.S. statute governing cumulation in original injury investigations was inconsistent with Article 15 of the SCM Agreement because it required the cumulation of subsidized imports with dumped non-subsidized imports in the context of CVD investigations. Applying this reasoning, the Panel also found that the USITC’s injury determination in the India Hot-Rolled Steel CVD investigation breached U.S. obligations under Article 15.

The Panel rejected India’s challenges under Article 1.1(a)(1) of the SCM Agreement to Commerce’s “public body” findings in two instances, as well as most of India’s claims with respect to Commerce’s application of facts available under Article 12.7 in the determination at issue. The Panel also rejected most of India’s claims against Commerce’s specificity determinations under Article 2.1, and its calculation of certain benchmarks used in the proceedings under Article 14(d). The Panel found that Commerce’s determination that certain low-interest loans constituted “direct transfers” of funds was consistent with Article 1.1(a)(1), but that Commerce’s determination that a captive mining program constituted a financial contribution was not consistent with Article 1.1(a). Finally, the Panel found that Commerce did not act inconsistently with Articles 11, 13, 21 and 22 of the SCM Agreement when it analyzed new subsidy allegations in the context of review proceedings.

On August 8, 2014, India appealed the Panel’s findings. On August 13, 2014, the United States also appealed certain of the Panel’s findings. The Appellate Body released its report on December 8, 2014.

The Appellate Body upheld the Panel’s findings regarding the U.S. benchmarks regulation, but found that certain instances of Commerce’s application of these regulations were inconsistent with Article 14(d). The Appellate Body rejected India’s interpretation of “public body” under Article 1.1(a)(1), but reversed the Panel’s finding that Commerce acted consistently in making the public body determination at issue on appeal. Regarding specificity, the Appellate Body rejected each of India’s appeals under Article 2.1(c), as it did with respect to India’s challenge to the Panel’s finding under Article 1.1(a)(1)(i) relating to “direct transfers of funds.” The Appellate Body also reversed the Panel’s finding that Commerce had acted inconsistently with Article 1.1(a)(1)(iii) in finding that a captive mining program constituted a provision of goods. Finally, the Appellate Body upheld the Panel’s rejection of India’s claims under Articles 11, 13, and 21 regarding new subsidy allegations. The Appellate Body reversed the Panel’s findings under Article

22 of the SCM Agreement, but was unable to complete the analysis. The DSB adopted the Appellate Body report and the Panel report, as modified by the Appellate Body report, on December 19, 2014.

Regarding injury, the Appellate Body found that the Panel had failed to conduct an objective examination of the U.S. cumulation statute. However, without any relevant Panel factual findings or arguments by the Parties, the Appellate Body erroneously found that one subsection of the cumulation provision (1677(7)(G)(i)(III)) was inconsistent with the SCM Agreement because it requires cumulation of subsidized imports with dumped non-subsidized imports in the context of CVD investigations, without considering that this subsection could apply only if Commerce self-initiated an investigation on the same day that a petition was filed covering the same products.

At the DSB meeting held on January 16, 2015, the United States notified the DSB of its intention to comply with the recommendations and rulings and indicated it would need an RPT to do so. On March 24, 2015, the United States and India informed the DSB that they had agreed on an RPT of 15 months, ending on March 19, 2016. At the United States' request, India then agreed to a 30-day extension to April 18, 2016.

On March 7, 2016, the USITC issued a Section 129 determination in the hot-rolled steel from India CVD proceeding to comply with the findings of the Appellate Body. On March 18, 2016, Commerce issued its preliminary determination memos in the Section 129 proceedings, and on April 14, 2016, Commerce issued its final Section 129 determinations. On April 22, 2016, the United States informed the DSB that it had complied with the recommendations and rulings in this dispute.

On June 5, 2017, India requested consultations regarding the U.S. implementation, and on March 28, 2018, India requested the establishment of a compliance panel. On May 31, 2018, the Panel was composed of the original panel members. The compliance Panel circulated its panel report on November 15, 2019. The compliance Panel rejected the majority of India's claims that the United States failed to bring its CVD determination and injury determination into compliance. The United States prevailed on eight sets of claims, including with respect to Commerce's determination that the National Mineral Development Corporation is a public body, rejection of in-country benchmarks, use of out-of-country benchmarks, the calculation of benefit under the Steel Development Fund program, inclusion of new subsidies in a review proceeding, disclosure of essential facts, the "appropriateness" of exceeding a terminated domestic settlement rate in a Section 129 proceeding, and all but one aspect of the injury determination. The compliance Panel found in favor of India on one specificity claim and on one injury issue. The compliance Panel also found that the United States' failure to amend one portion of the cumulation statute (19 USC § 1677(7)(G)(i)(III)) was inconsistent with the DSB recommendation made in the original proceedings of the dispute.

On December 18, 2019, the United States notified the DSB of its decision to appeal issues of law covered in the report of the compliance Panel and legal interpretations developed by the compliance Panel. Because no division of the Appellate Body can be established to hear this appeal, the United States has sought to confer with India to seek a positive solution to this dispute.

### ***United States — Countervailing Duty Measures on Certain Products from China (DS437)***

On May 25, 2012, China requested consultations regarding numerous U.S. countervailing duty determinations in which Commerce had determined that various Chinese state-owned enterprises were "public bodies" under Article 1.1(a)(1) of the SCM Agreement, with a view towards extending the Appellate Body's analysis in DS379 to those determinations. China challenged various other aspects of these investigations as well, including but not limited to Commerce's calculation of benchmarks, initiation

standard, determination of specificity of the subsidies, use of facts available, and finding that export restraints were a countervailable subsidy.

Consultations were held in July 2012, and a panel was established in September 2012. The Panel was composed by the Director-General on November 26, 2012, as follows: Mr. Mario Matus, Chair; and, Mr. Scott Gallacher and Mr. Hugo Perezcano Díaz, Members. The Panel met with the Parties on April 30 and May 1, 2013, and on June 18 and June 19, 2013. The Panel circulated its report on July 14, 2014. The Panel found that Commerce's determinations in 12 investigations that certain state-owned enterprises were "public bodies" were inconsistent with Article 1.1(a)(1) of the SCM Agreement, based on the Appellate Body's analysis in DS379. However, the Panel found in favor of the United States with respect to China's claims regarding Commerce's calculation of benchmarks, initiation of investigations, and use of facts available. The Panel also upheld most of Commerce's specificity determinations. The Panel also found that China established that Commerce acted inconsistently with Article 11.3 of the SCM Agreement by initiating countervailing duty investigations of export restraints.

On August 22, 2014, China appealed the Panel's findings regarding Commerce's calculation of benchmarks, specificity determinations, and use of facts available. On August 27, 2014, the United States appealed the Panel's finding that a section of China's panel request setting forth claims related to Commerce's use of facts available was within the panel's terms of reference. The Appellate Body held a hearing in Geneva on October 16 and October 17, 2014, with Peter Van den Bossche as Chair; and, Ujal Singh Battia and Seung Wha Chang as Members.

On December 18, 2014, the Appellate Body circulated its report. On benchmarks, the Appellate Body reversed the Panel and found that Commerce's determination to use out-of-country benchmarks in four countervailing duty investigations was inconsistent with Articles 1.1(b) and 14(d) of the SCM Agreement. On specificity, the Appellate Body rejected one of China's claims with respect to the order of analysis in *de facto* specificity determinations. However, the Appellate Body reversed the Panel's findings that Commerce did not act inconsistently with Article 2.1 when it failed to identify the "jurisdiction of the granting authority" and "subsidy programme" before finding the subsidy specific. On facts available, the Appellate Body accepted China's claim that the Panel's findings regarding facts available were inconsistent with Article 11 of the DSU, and reversed the Panel's finding that Commerce's application of facts available was not inconsistent with Article 12.7 of the SCM Agreement. Lastly, the Appellate Body rejected the U.S. appeal of the Panel's finding that China's panel request failed to meet the requirement of Article 6.2 of the DSU to present an adequate summary of the legal basis of its claim sufficient to present the problem clearly.

The DSB adopted the Appellate Body report and the Panel report, as modified by the Appellate Body report, on January 16, 2015. In a letter dated February 13, 2015, the United States notified the DSB of its intention to comply with its WTO obligations and indicated it would need a RPT to do so.

On June 26, 2015, China requested that the RPT be determined through arbitration pursuant to Article 21.3(c) of the DSU. On July 17, 2015, the Director-General appointed Mr. Georges M. Abi-Saab as the arbitrator. On October 9, 2015, the Arbitrator issued his award, deciding that the RPT would be 14 months and 16 days, ending on April 1, 2016.

Commerce subsequently issued redeterminations in 15 separate countervailing duty investigations and with respect to one "as such" finding of the DSB. Commerce implemented these determinations on April 1, 2016, and May 26, 2016. On June 22, 2016, the United States notified the DSB that it had brought the challenged measures into compliance with the recommendations and rulings of the DSB.

On May 13, 2016, China requested consultations regarding the U.S. implementation. The United States and China held consultations on May 27, 2016. On July 8, 2016, China requested that the DSB refer the

matter to the original Panel pursuant to Article 21.5 of the DSU. The DSB did so at a meeting held on July 21, 2016. On October 5, 2016, the compliance Panel was composed with one member of the original Panel: Mr. Hugo Perezcano Diaz, Chair; and, two additional panelists Mr. Luis Catibayan and Mr. Thinus Jacobsz, Members, who were selected to replace unavailable members of the original panel. The compliance Panel circulated its report on March 21, 2018. The compliance Panel found that Commerce's redeterminations that certain state-owned enterprises were "public bodies" were not inconsistent with Article 1.1(a)(1) of the SCM Agreement, and Commerce's Public Bodies Memorandum is not inconsistent with the SCM Agreement, "as such." The compliance Panel also upheld Commerce's redetermination concerning regional specificity. However, the compliance Panel found in favor of China with respect to China's claims regarding Commerce's calculation of benchmarks and its input specificity analysis.

On April 27, 2018, the United States appealed certain findings of the compliance Panel regarding the Public Bodies Memorandum, Commerce's benchmarks and input specificity redeterminations, and whether certain Commerce determinations were within the compliance Panel's terms of reference. On May 2, 2018, China appealed certain findings of the compliance Panel regarding Commerce's redeterminations that certain state-owned enterprises were "public bodies," the Public Bodies Memorandum, and the legal interpretation of Articles 1.1(b) and 14(d) of the SCM Agreement. The three persons hearing the appeal were Thomas R. Graham as Presiding Member; and, Ujal Singh Battia and Shree B.C. Servansing. An appellate report was circulated on July 16, 2019. The Appellate Majority upheld the findings of the compliance Panel. The appellate report includes a lengthy dissent that calls into question the reasoning and interpretative analysis of the appellate majority and prior Appellate Body reports.

The DSB considered the appellate report and the compliance Panel report, as modified by the appellate report, at its meeting on August 15, 2019. The United States noted in its DSB statement that, through the interpretations applied in this proceeding, based primarily on erroneous approaches by the Appellate Body in past reports, the WTO dispute settlement system is weakening the ability of WTO Members to use WTO tools to discipline injurious subsidies. The SCM Agreement is not meant to provide cover for, and render untouchable, one Member's policy of providing massive subsidies to its industries through a complex web of laws, regulations, policies, and industrial plans. Finding that the kinds of subsidies at issue in this dispute cannot be addressed using existing WTO remedies, such as countervailing duties, calls into question the usefulness of the WTO to help WTO Members address the most urgent economic problems in today's global economy. The United States noted specific aspects of the findings of the appellate report that are erroneous and undermine the interests of all WTO Members in a fair-trading system, including erroneous interpretations of "public body" and out-of-country benchmarks, diminishing U.S. rights and adding to U.S. obligations, engaging in fact-finding, and treating prior reports as "precedent."

On October 17, 2019, China requested authorization to suspend concessions and other obligations pursuant to Article 22.2 of the DSU. On October 25, 2019, the United States objected to China's request, referring the matter to arbitration pursuant to Article 22.6 of the DSU. On November 15, 2019, the WTO notified the parties that the arbitration would be carried out by the panelists who served during the compliance proceeding: Mr. Hugo Perezcano Diaz, Chair; and, Mr. Luis Catibayan and Mr. Thinus Jacobsz, Members. The Arbitrator held a virtual hearing with the parties in November 2020. In January 2022, the Arbitrator decided that the level of suspension of concessions or other obligations should be no more than \$645.121 million annually.

#### ***United States – Anti-Dumping and Countervailing Measures on Large Residential Washers from Korea (DS464)***

On August 29, 2013, the United States received from Korea a request for consultations pertaining to antidumping and countervailing duty measures imposed by the United States pursuant to final determinations issued by Commerce following antidumping and countervailing duty investigations

regarding large residential washers (washers) from Korea. Korea claimed that Commerce's determinations, as well as certain methodologies used by Commerce, were inconsistent with U.S. commitments and obligations under Articles 1, 2, 2.1, 2.4, 2.4.2, 5.8, 9.3, 9.4, 9.5, 11, and 18.4 of the Antidumping Agreement, Articles 1.1, 1.2, 2.1, 2.2, 10, 14, and 19.4 of the SCM Agreement; Articles VI, VI:1, VI:2, and VI:3 of the GATT 1994; and Article XVI:4 of the WTO Agreement. Specifically, Korea challenged Commerce's alleged use of "zeroing" and application of the second sentence of Article 2.4.2 of the Antidumping Agreement, as applied in the washers antidumping investigation and "as such." Korea also challenged Commerce's determinations in the washers countervailing duty investigation that Article 10(1)(3) of Korea's Restriction of Special Taxation Act (RSTA) is a subsidy that is specific within the meaning of Article 2.1 of the SCM Agreement, Commerce's determination of the amount of subsidy benefit received by a respondent under Article 10(1)(3) of the RSTA, Commerce's determination that Article 26 of the RSTA is a regionally specific subsidy, and Commerce's imposition of countervailing duties on one respondent that were attributable to tax credits that the respondent received for investments that it made under Article 26 of the RSTA.

The United States and Korea held consultations on October 3, 2013. On December 5, 2013, Korea requested that the DSB establish a panel. On January 22, 2014, a panel was established. On June 20, 2014, the Director-General composed the Panel as follows: Ms. Claudia Orozco, Chair; and Mr. Mazhar Bangash and Mr. Hanspeter Tschaeni, Members.

The Panel circulated its report on March 11, 2016. The Panel found that aspects of Commerce's antidumping determination were inconsistent with the second sentence of Article 2.4.2 of the Antidumping Agreement, including the determination to apply an alternative, average-to-transaction comparison methodology and the application of that methodology to all transactions rather than just to so-called pattern transactions. The Panel rejected other claims asserted by Korea, including Korea's argument that Commerce acted inconsistently with Article 2.4.2 by determining the existence of a pattern exclusively on the basis of quantitative criteria.

The Panel found that aspects of Commerce's differential pricing methodology are inconsistent "as such" with the second sentence of Article 2.4.2 of the Antidumping Agreement. The Panel also found that the United States' use of zeroing when applying the average-to-transaction comparison methodology is inconsistent with the second sentence of Article 2.4.2 and Article 2.4, both "as such" and as applied in the washers antidumping investigation.

In addition, the Panel made several findings on the CVD issues raised by Korea. The Panel found that Commerce's disproportionality analysis, in its original and remand determinations, was inconsistent with Article 2.1(c) of the SCM Agreement. But the Panel rejected Korea's remaining claims – *i.e.*, its claim that Commerce's regional specificity determination was inconsistent with Article 2.2 of the SCM Agreement, and its claims concerning the proper quantification of subsidy ratios.

On April 19, 2016, the United States appealed certain of the Panel's findings. Korea filed another appeal on April 25, 2016.

On September 7, 2016, the Appellate Body circulated its report. The Appellate Body upheld several of the Panel's findings under the Antidumping Agreement, including the Panel's finding that the average-to-transaction comparison methodology should be applied only to so-called pattern transactions, the Panel's finding that the use of zeroing is inconsistent with the second sentence of Article 2.4.2 and Article 2.4, both "as such" and as applied, and the Panel's finding that the differential pricing methodology is inconsistent "as such" with the second sentence of Article 2.4.2 of the Antidumping Agreement. The Appellate Body reversed other findings made by the Panel. For instance, the Appellate Body found that an investigating authority must assess the price differences at issue on both a quantitative and qualitative basis, and the

Appellate Body mooted the Panel's finding concerning systemic disregarding, finding instead that the combined application of comparison methodologies is impermissible. With respect to the CVD issues, the Appellate Body upheld the Panel's rejection of Korea's regional specificity claim, but found that certain aspects of Commerce's calculation of subsidy rates were inconsistent with Article 19.4 of the SCM Agreement and Article VI:3 of the GATT 1994.

On September 26, 2016, the DSB adopted the Panel and Appellate Body reports. On October 26, 2016, the United States stated that it intends to implement the recommendations of the DSB in this dispute in a manner that respects U.S. WTO obligations, and that it will need a reasonable period of time in which to do so. On April 13, 2017, an Article 21.3(c) arbitrator determined that the RPT for implementation would expire on December 26, 2017.

On January 11, 2018, Korea requested authorization to suspend concessions and other obligations pursuant to Article 22.2 of the DSU. On January 19, 2018, the United States objected to Korea's request, referring the matter to arbitration pursuant to Article 22.6 of the DSU. On February 6, 2018, the WTO notified the parties that the arbitration would be carried out by the original panelists: Ms. Claudia Orozco, Chair; and Mr. Mazhar Bangash and Mr. Hanspeter Tschaeni, Members. The Arbitrator circulated its decision on February 8, 2019. The Arbitrator determined that the level of nullification or impairment to Korea from U.S. noncompliance with respect to the antidumping and countervailing duty measures on washers totaled no more than \$84.81 million per year, and the Arbitrator further specified a formula for calculating the nullification or impairment for products other than washers.

On May 6, 2019, Commerce published a notice in the U.S. *Federal Register* announcing the revocation of the antidumping and countervailing duty orders on washers (84 Fed. Reg. 19,763 (May 6, 2019)). With this action, the United States completed implementation of the DSB recommendations concerning those antidumping and countervailing duty orders.

### ***United States – Certain Methodologies and their Application to Anti-Dumping Proceedings Involving China (DS471)***

On December 3, 2013, the United States received a request from China for consultations pertaining to antidumping measures imposed by the United States pursuant to final determinations issued by Commerce following antidumping investigations regarding a number of products from China, including certain coated paper suitable for high-quality print graphics using sheet-fed presses; certain oil country tubular goods; high pressure steel cylinders, polyethylene terephthalate film, sheet, and strip; aluminum extrusions; certain frozen and canned warm water shrimp; certain new pneumatic off-the-road tires; crystalline silicon photovoltaic cells, whether or not assembled into modules; diamond sawblades and parts thereof; multilayered wood flooring; narrow woven ribbons with woven selvage; polyethylene retail carrier bags; and, wooden bedroom furniture. China claimed that Commerce's determinations, as well as certain methodologies used by Commerce, are inconsistent with U.S. obligations under Articles 2.4.2, 6.1, 6.8, 6.10, 9.2, 9.3, 9.4, and Annex II of the Antidumping Agreement; and, Article VI:2 of the GATT 1994. Specifically, China challenged Commerce's application in certain investigations and administrative reviews of a "targeted dumping methodology," "zeroing" in connection with such methodology, a "single rate presumption for non-market economies," and an "NME-wide methodology" including certain "features." China also challenged a "single rate presumption" and the use of "adverse facts available" "as such."

The United States and China held consultations on January 23, 2014. On February 13, 2014, China requested that the DSB establish a panel, and a panel was established on March 26, 2014. On August 28, 2014, the Director-General composed the Panel as follows: Mr. José Pérez Gabilondo, Chair; and, Ms. Beatriz Leycegui Gardoqui and Ms. Enie Neri de Ross, Members.

The Panel circulated its report on October 19, 2016. The Panel found that a number of aspects of the “targeted dumping methodology” applied by Commerce in three challenged investigations were not inconsistent with the requirements of the Antidumping Agreement, including certain quantitative aspects of Commerce’s methodology. However, the Panel found fault with other aspects of Commerce’s methodology and with Commerce’s explanation of why resort to the alternative methodology was necessary. The Panel also found that Commerce’s application of the alternative methodology to all sales, rather than only to so-called pattern sales, and Commerce’s use of “zeroing” in connection with the alternative methodology, were inconsistent with the second sentence of Article 2.4.2 of the Antidumping Agreement. The Panel found that Commerce’s use of a rebuttable presumption that all producers and exporters in China comprise a single entity under common government control – the China-government entity – to which a single antidumping margin is assigned, both as used in specific proceedings and generally, is inconsistent with certain obligations in the Antidumping Agreement concerning when exporters and producers are entitled to a unique antidumping margin or rate. Finally, the Panel agreed with the United States that China had not established that Commerce has a general norm whereby it uses adverse inferences to pick information that is adverse to the interests of the China-government entity in calculating its antidumping margin or rate. The Panel also decided to exercise judicial economy with respect to the information Commerce utilized in particular proceedings.

On November 18, 2016, China appealed certain of the Panel’s findings regarding Commerce’s “targeted dumping methodology,” use of “adverse facts available,” and the “single rate presumption.” The Appellate Body held a hearing in Geneva on February 27 and February 28, 2017, and issued a report on May 11, 2017. The Appellate Body rejected virtually all of China’s claims on appeal and did not make any additional findings of inconsistency against the United States.

On May 22, 2017, the DSB adopted the Panel and Appellate Body reports. On June 19, 2017, the United States stated that it intends to implement the recommendations of the DSB in this dispute in a manner that respects U.S. WTO obligations, and that it will need a reasonable period of time in which to do so. On October 17, 2017, China requested that an Article 21.3(c) arbitrator determine the RPT for implementation. The Arbitrator determined the reasonable period of time to be 15 months, expiring on August 22, 2018.

On September 9, 2018, China requested authorization to suspend concessions and other obligations pursuant to Article 22.2 of the DSU. On September 19, 2018, the United States objected to China’s request, referring the matter to arbitration. On October 5, 2018, the WTO notified the parties that the arbitration would be carried out by the original panelists: Mr. José Pérez Gabilondo, Chair; and, Ms. Beatriz Leycegui Gardoqui and Ms. Enie Neri de Ross, Members. The Arbitrator circulated its decision on November 1, 2019. The Arbitrator determined that the level of nullification or impairment to China from U.S. noncompliance with respect to determinations made by Commerce in a number of antidumping proceedings involving goods from China, as well as certain methodologies China claimed Commerce applies in antidumping proceedings, totaled no more than \$3.579 billion per year.

### ***United States – Anti-Dumping Measures on Oil Country Tubular Goods from Korea (DS488)***

On December 22, 2014, the United States received from Korea a request for consultations pertaining to antidumping duties imposed on oil country tubular goods from Korea. Korea claimed that the calculation by Commerce of the constructed value profit rate for Korean respondents was inconsistent with U.S. obligations under Articles 2.2, 2.2.2, 2.4, 6.2, 6.4, 6.9, and 12.2.2 of the Antidumping Agreement and Articles I and X:3 of the GATT 1994. Korea also claimed that Commerce’s decision regarding the affiliation of a certain Korean respondent to a supplier, and the effects of that decision, was inconsistent with Articles 2.2.1.1 and 2.3 of the Antidumping Agreement and that its selection of two mandatory respondents was inconsistent with Article 6.10, including Articles 6.10.1 and 6.10.2. Korea further claimed that Commerce’s methodology for disregarding a respondent’s exports to third-country markets was



inconsistent “as such” and “as applied” in the investigation at issue with Article 2.2 of the Antidumping Agreement.

The United States and Korea held consultations on January 21, 2015. On February 23, 2015 Korea requested the establishment of a panel. The DSB established a panel on March 25, 2015, and the Parties agreed to the composition of the Panel on July 13, 2015 as follows: Mr. John Adank, Chair; and, Mr. Abd El Rahman Ezz El Din Fawzy and Mr. Gustav Brink, Members. Subsequently, Mr. Adank withdrew as Chair prior to the second substantive meeting of the Panel, and the Parties agreed that Mr. Crawford Falconer would replace Mr. Adank as Chair. The Panel met with the parties on July 20 and July 21, 2016, and November 1 and November 2, 2016.

The Panel circulated its report on November 14, 2017. The Panel found that the United States had acted inconsistently with the chapeau of Article 2.2.2 of the Antidumping Agreement because Commerce did not determine profit for constructed value based on actual data pertaining to sales of the like product in the home market. The Panel also found that the United States had acted inconsistently with Articles 2.2.2(i) and (iii) because Commerce relied on a narrow definition of the “same general category of products” in concluding it could not determine profit under Article 2.2.2(i) and in concluding that it could not calculate a profit cap under Article 2.2.2(iii). The Panel further found that the United States had acted inconsistently with Article 2.2.2(iii) because Commerce failed to calculate and apply a profit cap. The Panel exercised judicial economy with respect to Korea’s claims that the United States acted inconsistently with the chapeau of Article 2.2.2 because Commerce did not determine profit for constructed value based on actual data pertaining to sales of the like product in third-country markets and with respect to Articles 1 and 9.3 as a consequence of substantive violations of Articles 2.2.2, 2.2.2(i), and 2.2.2(iii). Finally, the Panel found two of Korea’s claims with respect to profit for constructed value to be outside its terms of reference, specifically its claim that the United States had violated Article 2.2.2(iii) because Commerce had determined the profit rate based on a certain company’s financial statements and its claim that the United States had violated Article X: 3(a) of the GATT 1994, because Commerce had purportedly acted contrary to its agency practice of determining profit.

The Panel otherwise rejected the remaining claims asserted by Korea with respect to the investigation at issue, including claims regarding the use of constructed export price and the selection of costs for calculation of constructed normal value; found such claims to be outside its terms of reference; or, exercised judicial discretion. For example, the Panel specifically found that Korea failed to demonstrate that the United States acted inconsistently with Articles 6.10 and 6.10.2 of the Antidumping Agreement in its selection of mandatory respondents. The Panel also specifically rejected Korea’s claims that Commerce’s methodology for disregarding a respondent’s exports to third-country markets was inconsistent “as such” and “as applied” in the investigation with Article 2.2 of the Antidumping Agreement. Finally, the Panel exercised judicial economy with respect to Korea’s claim that the United States had acted inconsistently with Article 2.4.

On January 12, 2018, the DSB adopted the Panel report in this dispute. On February 26, 2018, the United States and Korea informed the DSB that they had agreed that the reasonable period of time to implement the DSB’s recommendations and rulings would be 12 months, expiring on January 12, 2019. On November 23, 2018, Commerce published a notice in the *Federal Register* commencing a proceeding to gather information, analyze record evidence, and consider the determinations which would be necessary to bring its measures into conformity with the DSB recommendations and rulings. On January 11, 2019, the United States and Korea informed the DSB that they had mutually agreed to extend the reasonable period of time for an additional six months, expiring on July 12, 2019.

On July 5, 2019, Commerce published a final decision memorandum, addressed all comments submitted by interested parties, and implemented the recommendations and rulings of the DSB in a manner that

respects U.S. WTO obligations. On July 11, 2019, the United States informed the DSB that these actions brought the United States into compliance with the panel findings in this dispute.

On July 29, 2019, Korea requested the authorization of the DSB to suspend concessions or other obligations pursuant to Article 22.2 of the DSU on the grounds that the United States had failed to comply with the DSB's recommendations and rulings within the reasonable period of time. On August 8, 2019, the United States objected to Korea's proposed level of suspension of concessions pursuant to Article 22.6 of the DSU, referring the matter to arbitration. On February 6, 2020, Korea and the United States reached an understanding regarding procedures under Articles 21 and 22 of the DSU, under which each party agreed it would accept a report by the compliance panel without appeal.

### ***United States – Countervailing Measures on Supercalendered Paper from Canada (DS505)***

On March 30, 2016, Canada requested consultations with the United States to consider claims related to U.S. countervailing duties on supercalendered paper from Canada (Investigation C-122-854). Consultations between the United States and Canada took place in Washington, D.C. on May 4, 2016.

On June 9, 2016, Canada requested the establishment of a panel challenging certain actions of Commerce with respect to the countervailing duty investigation and final determination, the countervailing duty order, and an expedited review of that order. The Panel request also presented claims with respect to alleged U.S. “ongoing conduct” or, in the alternative, a purported rule or norm, with respect to the application of facts available in relation to subsidies discovered during the course of a countervailing duty investigation.

Canada alleged that the U.S. measures at issue were inconsistent with obligations under Articles 1.1(a)(1), 1.1(b), 2, 10, 11.1, 11.2, 11.3, 11.6, 12.1, 12.2, 12.3, 12.7, 12.8, 14, 14(d), 19.1, 19.3, 19.4, 22.3, 22.5, and 32.1 of the SCM Agreement; and Article VI:3 of the GATT 1994.

A panel was established on July 21, 2016. On August 31, 2016, the Panel was composed by the Director-General to include: Mr. Paul O'Connor, Chair; and, Mr. David Evans and Mr. Colin McCarthy, Members. The Panel met with the parties on March 21 and March 22, 2017, and on June 13 and June 14, 2017. The Panel report was circulated on July 5, 2018. The Panel report, among other things, upheld Canada's claims that there was “ongoing conduct” with respect to Commerce's treatment of subsidies that Canadian respondents refused to disclose in response to Commerce questionnaires, but which Commerce subsequently discovered during verification in the course of the countervailing duty investigation. The Panel report also found that such treatment was inconsistent with Article 12.7 of the SCM Agreement. Commerce terminated the countervailing duties on July 5, 2018.

On August 27, 2018, the United States notified the DSB of its decision to appeal the Panel's findings related to the alleged “ongoing conduct” and to the treatment of undisclosed subsidies discovered during the course of a countervailing duty investigation. The persons hearing the appeal were Ujal Singh Battia as Presiding Member, and Thomas R. Graham and Hong Zhao. A hearing was held in Geneva on November 4 and 5, 2019, and an appellate report was issued on February 6, 2020. The document contains a majority view upholding the findings of the Panel and also a separate opinion that calls into question the reasoning and interpretative analysis of the appellate majority concerning “ongoing conduct.”

The DSB considered the appellate document and panel report at its meeting on March 5, 2020. The United States noted in its DSB statement that there were serious procedural and substantive concerns with the appellate document, and objected to the adoption of the document as an Appellate Body Report. The United States explained that the document cannot be an Appellate Body report because the Chinese national who served on the appeal was not a valid member of the Appellate Body given that the individual is affiliated with the Government of China, in breach of Article 17.3 of the DSU. The concern related to the individual's

service was further compounded because the appeal directly implicated the interests of the Government of China. The United States also reiterated its concerns of ex-Appellate Body members' continuation of service without authorization by the DSB, and the failure to adhere to the deadline in Article 17.5 of the DSU. Accordingly, the United States did not join in a consensus to adopt the document and report that were before the DSB. The United States explained that because there was no valid Appellate Body report in this dispute, the document and report could only be adopted by positive consensus. Because there was no consensus on adoption, the DSB did not validly adopt any document and report in this dispute, and therefore there was no valid recommendation of the DSB with which to bring a measure into conformity with a covered agreement.

On June 18, 2020, Canada requested authorization to suspend concessions and other obligations pursuant to Article 22.2 of the DSU. On June 26, 2020, the United States objected to Canada's request, referring the matter to arbitration pursuant to Article 22.6 of the DSU. On August 6, 2020, the WTO notified the parties that the arbitration would be carried out by the panelists who served during the panel proceeding: Mr. Paul O'Connor, Chair; and, Mr. David Evans and Mr. Colin McCarthy, Members. The Arbitrator held a virtual hearing with the Parties in September 2021. The Arbitrator's decision was circulated on July 13, 2022. The Arbitrator adopted the U.S. economic model as the basis for determining a future level of nullification or impairment, and rejected Canada's proposed formula as the basis of the Arbitrator's award. However, during the arbitration, the United States disputed Canada's ability to pursue countermeasures and the Arbitrator's ability to issue a decision, given that the challenged "ongoing conduct" measure had been removed with the revocation of the CVD order. The United States argued that Canada did not suffer from any economic harm from the disputed conduct, and may never experience any economic effect. Therefore, following the issuance of the Arbitrator's decision, there was no monetary award for Canada to seek based on the CVD order on supercalendered paper.

#### ***United States – Certain Measures Relating to the Renewable Energy Sector (DS510)***

On September 9, 2016, India requested WTO consultations regarding alleged domestic content requirement and subsidy measures maintained under renewable energy programs in the States of California, Connecticut, Delaware, Massachusetts, Michigan, Minnesota, Montana, and Washington.

India's request alleges the U.S.-state measures are inconsistent with: Articles III:4, XVI:1, and XVI:4 of the GATT 1994; Article 2.1 and 2.2 of the TRIMS Agreement; and, Articles 3.1(b), 3.2, 5(a), 5(c), 6.3(a), 6.3(c), and 25 of the SCM Agreement. Consultations between India and the United States took place in Geneva on November 16 and November 17, 2016.

A panel was established on March 21, 2017. On April 11, 2018, India requested the Director-General to compose the Panel. On April 21, 2018, the Panel was composed by the Director-General to include: Mr. Alberto Juan Dumont, Chair; and, Ms. Penelope Jane Ridings and Mr. Miguel Rodriguez Mendoza, Members.

The Panel circulated its report on June 27, 2019. The Panel found that certain measures maintained by the States of California, Massachusetts, Minnesota, and Washington were not within its terms of reference. With respect to the other measures, the Panel found that each of the measures was inconsistent with Article III:4 of the GATT 1994 because it accorded less favorable treatment to imported products as compared to like domestic products. The Panel exercised judicial economy on India's claims under Articles 2.1 and 2.2 of the TRIMS Agreement and Articles 3.1(b) and 3.2 of the SCM Agreement.

On August 15, 2019, the United States notified the DSB of its decision to appeal certain issues of law and legal interpretations in the panel report. On August 20, 2019, India notified the DSB of its decision to appeal.

### *United States – Measures Related to Price Comparison Methodologies (DS515)*

On December 12, 2016, China requested consultations with the United States regarding its use of a non-market economy (NME) methodology in the context of antidumping investigations involving Chinese producers. In its request, China asserts that WTO Members were required to terminate the use of an NME methodology by December 11, 2016, and thereafter apply the provisions of the Antidumping Agreement and the GATT 1994 to determine normal value.

Specifically, China alleges that the following “measures” are inconsistent with Articles 2.1, 2.2, 9.2, 18.1, and 18.4 of the Antidumping Agreement and Articles I:1, VI:1, and VI:2 of GATT 1994:

- Sections 771(18) and 773 of the Tariff Act of 1930, as amended;
- Part 351.408 of Commerce’s regulations, 19 C.F.R. § 351.408;
- Commerce’s 2006 determination that China is a ‘non-market economy’ for purposes of the Tariff Act of 1930, as amended;
- The failure of the United States, by way of omission, to revoke the 2006 determination or otherwise modify its laws with respect to antidumping investigations and reviews of Chinese products initiated and/or resulting in preliminary or final determinations after December 11, 2016.

China also challenged Section 773(e) of the Tariff Act of 1930 – the constructed value provision that applies to market economies – to the extent that it permits the use of “surrogate values.” Consultations took place on February 7 and February 8, 2017, in Geneva.

China requested supplemental consultations on November 3, 2017, which took place on January 4, 2018, in Geneva. As part of its supplemental consultations request, China further alleged that certain of the following “measures” were also inconsistent with: Articles 2.1, 2.2, 5.2, 5.3, 7.1(ii), 9.2, 9.3, 11.1, 11.2, 11.3, 18.1, and 18.4 of the Antidumping Agreement; Articles I:1, VI:1, and VI:2 of GATT 1994; and, Article XVI:4 of the Marrakesh Agreement Establishing the WTO:

- Commerce’s 2017 determination that China is a “non-market economy” for purposes of the Tariff Act of 1930, as amended;
- The policy or practice of using surrogate values to determine normal value in both original and administrative review determinations in antidumping proceedings involving Chinese products, whether that conduct is pursuant to Section 773(c) of the Tariff Act, Section 773(e), or any other provision of U.S. law;
- Certain named Commerce final determinations of normal value in antidumping investigations or administrative reviews of Chinese imports made subsequent to December 11, 2016, which were based on the use of “surrogate values”;
- Commerce’s preliminary affirmative determinations in *Certain Hardwood Plywood Products From the People’s Republic of China* (June 23, 2017), *Certain Aluminum Foil From the People’s Republic of China* (October 26, 2017), and *Carton-Closing Staples from the People’s Republic of China* (October 27, 2017);

- Certain named Commerce final determinations in sunset reviews in which Commerce relied on margins of dumping calculated on the basis of “surrogate values”;
- The policy or practice of making final determinations in sunset reviews of antidumping orders applicable to Chinese products relying on margins of dumping calculated on the basis of surrogate values, whether pursuant to Section 773(c) of the Tariff Act of 1930, Section 773(e), or any other provision of U.S. law; and,
- The failure of Commerce, by way of omission, to conduct “reviews based on changed circumstances” pursuant to Section 751(b) of the Tariff Act in the antidumping investigations of Chinese products, by virtue of the expiration of Section 15(a)(ii) of China’s Accession Protocol.

China further added that the measures at issue are “not justifiable” under the second Supplementary Provision of Article VI:1 of GATT 1994, as referenced in Article 2.7 of the Antidumping Agreement. The parties consulted in December 2016 and November 2017, but China has not moved forward with panel proceedings.

***United States – Countervailing Measures on Certain Pipe and Tube Products from Turkey (DS523)***

On March 8, 2017, Turkey requested consultations concerning CVD measures imposed by the United States pursuant to four final CVD determinations issued by Commerce pertaining to certain pipe and tube products. Turkey alleges inconsistencies with Articles 1.1(a)(1), 1.1(b), 2.1(c), 2.4, 10, 12.7, 14(d), 15.3, 19.4, and 32.1 of the SCM Agreement, and Article VI:3 of the GATT 1994.

Turkey challenges the application of measures in four final CVD determinations with respect to the provision of hot-rolled steel for less than adequate remuneration. Specifically, Turkey challenges Commerce’s “public bodies” determination, use of facts available, and determination of specificity of the subsidy program. Turkey also challenges Commerce’s calculation of benchmarks, both as applied and “as such.” With respect to injury, Turkey challenges the USITC’s “practice” of cross-cumulating imports, as well as the application of that practice in the underlying determinations.

Consultations between the United States and Turkey took place in Geneva on April 28, 2017. A panel was established on June 19, 2017, and on September 14, 2017, the Director-General composed the Panel as follows: Mr. Guillermo Valles, Chair; and, Ms. Luz Elena Reyes de la Torre and Mr. Jose Antonio de la Puente Leon, Members.

The Panel circulated its report on December 18, 2018. With respect to public body, the Panel found that Commerce acted inconsistently with Article 1.1(a)(1) by failing to apply the standard set out previously by the Appellate Body, and failing to establish based on record evidence that the relevant entities were public bodies. With respect to benchmarks as such, the Panel rejected Turkey’s claims that Commerce has a practice of rejecting in-country benchmarks solely based on majority or substantial government ownership or control of the market. For benchmarks as applied, the Panel declined to make a finding under Article 14(d) of the SCM Agreement because the relevant determination had ceased to have legal effect prior to the Panel’s establishment. With respect to specificity, the Panel found that Commerce acted inconsistently with Articles 2.1(c) and 2.4 of the SCM Agreement by failing to identify and clearly substantiate the existence of a subsidy program, and failing to take into account the extent of diversification of Turkey’s economy and the length of time in which the program had been in place. With respect to facts available, the Panel found Commerce acted inconsistently with Article 12.7 of the SCM Agreement by failing to do a comparative process of reasoning and evaluation before selecting from the facts available in certain circumstances. With respect to injury, the Panel found that Article 15.3 of the SCM Agreement does not permit the USITC to assess cumulatively the effects of imports not subject to CVD investigations with the

effects of imports subject to CVD investigations. The Panel thus found cross-cumulation by the USITC, both in the original investigations at issue and as a practice, to be inconsistent with Article 15.3. With respect to cross-cumulation in sunset reviews, the Panel found the USITC did not act inconsistently with Article 15.3 of the SCM Agreement, either “as such” or in connection with the sunset review at issue.

On January 25, 2019, the United States notified the DSB of its decision to appeal certain legal conclusions and interpretations of the Panel. On January 30, 2019, Turkey also filed an appeal. The persons hearing this appeal had been Ujal Singh Bhatia as Presiding Member, and Thomas Graham and Hong Zhao.

#### ***United States – Countervailing Measures on Softwood Lumber from Canada (DS533)***

On November 28, 2017, the United States received from Canada a request for consultations pertaining to the final determination issued by Commerce following a CVD investigation regarding softwood lumber from Canada. Canada claimed that Commerce’s determination is inconsistent with U.S. commitments and obligations under Articles 1.1(a), 1.1(b), 2.1(a), 2.1(b), 10, 11.2, 11.3, 14(d), 19.1, 19.3, 19.4, 21.1, 21.2, 32.1, and 32.5 of the SCM Agreement; and, Article VI:3 of the GATT 1994. Specifically, Canada challenged Commerce’s determinations regarding benchmarks for stumpage, log export permitting processes, and non-stumpage programs.

The United States and Canada held consultations on January 17, 2018. At Canada’s request, the WTO established a panel on April 9, 2018. On July 6, 2018, the Director-General composed the panel as follows: Ms. Enie Neri de Ross, Chair; and, Mr. Gustav Brink and Mr. Alberto Trejos, Members. As of December 2022, Panel proceedings were ongoing.

The Panel circulated its report on August 24, 2020. The Panel found that Commerce’s determinations regarding benchmarks for stumpage, log export permitting processes, and non-stumpage programs were inconsistent with the SCM Agreement. The Panel effectively applied the WTO Appellate Body’s flawed test for using out-of-country benchmarks in its analysis of benchmarks from within Canada that Commerce used to measure the benefit of subsidies. The Panel also applied a heightened level of scrutiny in its review of Commerce’s determination, in essence putting itself in the place of the investigating authority, contrary to the terms of the SCM Agreement.

On September 28, 2020, the United States notified the DSB of its decision to appeal certain issues of law covered in the panel report.

#### ***United States – Anti-Dumping Measures Applying Differential Pricing Methodology to Softwood Lumber from Canada (DS534)***

On November 28, 2017, the United States received from Canada a request for consultations pertaining to the final determination issued by Commerce following an antidumping investigation regarding softwood lumber from Canada. Canada claimed that Commerce’s determination is inconsistent with U.S. commitments and obligations under Articles 1, 2.1, 2.4, and 2.4.2 of the Antidumping Agreement; and Articles VI:1 and VI:2 of the GATT 1994. Specifically, Canada challenged Commerce’s application of a differential pricing methodology, including the United States’ use of zeroing when applying the average-to-transaction comparison methodology.

The United States and Canada held consultations on January 17, 2018. At Canada’s request, the WTO established a panel on April 9, 2018. On May 22, 2018, the Director-General composed the Panel as follows: Mr. Thinus Jacobsz, Chair; and, Ms. María Valeria Raiteri and Mr. Guillermo Valles, Members.

The Panel circulated its report on April 9, 2019. The Panel found that Commerce's use of zeroing when applying the average-to-transaction comparison methodology was not inconsistent with the Antidumping Agreement or the GATT 1994. Among other things, the Panel reasoned that nothing in the text of the Antidumping Agreement directly addresses the use of zeroing. The Panel agreed with the United States that, if the use of zeroing were prohibited in connection with the alternative, targeted dumping methodology, then the alternative calculation methodology necessarily always would result in a margin of dumping that is mathematically equivalent to that calculated using the normal calculation methodology, which would render the alternative methodology useless. In coming to its conclusion, the Panel also examined and disagreed with findings in prior WTO Panel and Appellate Body reports. The Panel explained why it found the approach of those reports not persuasive.

The Panel also found that one aspect of Commerce's differential pricing analysis, in which Commerce aggregated differences in export prices across categories (*i.e.*, purchasers, regions, and time periods) to find a single pattern of export prices which differed significantly among different purchasers, regions, and time periods, was inconsistent with the requirements of the Antidumping Agreement.

On June 4, 2019, Canada notified the DSB of its decision to appeal certain of the panel's findings. The persons hearing this appeal had been Hong Zhao as Presiding Member, and Ujal Singh Bhatia and Thomas Graham.

#### ***United States – Certain Systemic Trade Remedies Measures from Canada (DS535)***

On December 20, 2017, Canada requested consultations with the United States concerning certain laws, regulations, and practices that Canada claims are maintained by the U.S. in its AD and CVD proceedings. Specifically, Canada alleged that the United States: (1) failed to implement WTO-inconsistent findings by liquidating final duties in excess of WTO-consistent rates, and failed to refund cash deposits collected in excess of WTO-consistent rates; (2) retroactively collected provisional AD and CVD duties following preliminary affirmative critical circumstances determinations; (3) treated export controls as a financial contribution and improperly initiated investigations into and/or imposed duties; (4) improperly calculated the benefit in determining whether there is a provision of goods for less than adequate remuneration; (5) effectively closed the evidentiary record before the preliminary determination and failed to exercise its discretion to accept additional factual information; and, (6) created an institutional bias in favor of affirmative results in injury, threat of injury, or material retardation when the commissioners of the U.S. International Trade Commission are evenly divided on whether a determination should be affirmative or negative.

Canada claims these alleged measures are inconsistent with Articles VI (in particular, VI:2 and VI:3) and X:3(a) of the GATT 1994; Articles 1, 3.1, 6 (in particular, 6.1, 6.2, and 6.9), 7 (in particular, 7.4 and 7.5), 9 (in particular, 9.2, 9.3, 9.3.1, and 9.4), 10 (in particular, 10.1 and 10.6), 11 (in particular 11.1 and 11.2), 18 (in particular, 18.1 and 18.4) of the Antidumping Agreement; Articles 1 (in particular, 1.1(a) and 1.1(b)), 10, 11 (in particular, 11.2, 11.3, and 11.6), 12 (in particular, 12.1 and 12.8), 14(d), 15.1, 17 (in particular, 17.3, 17.4, and 17.5), 19 (in particular, 19.1, 19.3 and 19.4), 20 (in particular, 20.1 and 20.6), 21 (in particular, 21.1 and 21.2), and 32 (in particular, 32.1 and 32.5) of the SCM Agreement; and, Articles 21.1 and 21.3 of the DSU.

Consultations between the United States and Canada took place on February 6, 2018.

#### ***United States — Anti-Dumping Measures on Fish Fillets from Vietnam (DS536)***

On January 8, 2018, Vietnam requested consultations concerning anti-dumping measures on fish fillets from Vietnam. Vietnam claimed that Commerce's determinations, as well as certain methodologies used

by Commerce, are inconsistent with U.S. obligations under Articles 1, 2.1, 2.4, 2.4.2, 6, 9, 11, 17.6, and Annex II of the Antidumping Agreement; Articles I:1, VI:1, VI:2, and X:3(a) of the GATT 1994; and, Vietnam's Protocol of Accession. The United States and Vietnam held consultations on March 1, 2018, but were unable to resolve the dispute. On June 8, 2018, Vietnam requested the establishment of a panel. The DSB established a panel on July 20, 2018. On December 3, 2018, the Director-General composed the panel as follows: Mr. José Alfredo Graça Lima, Chair; and, Mr. Shahid Bashir and Mr. Greg Weppner, Members. The Panel met with the parties on May 8 and May 9, 2019, and on August 6 and August 7, 2019.

In 2020 and continuing in 2021 and 2022, the United States and Vietnam have, on several occasions, jointly informed the panel that they remain engaged in discussions with respect to the resolution of this dispute and requested that the panel postpone circulation of the final report. The Panel has accepted these requests.

***United States – Anti-Dumping and Countervailing Duties on Certain Products and the Use of Facts Available (DS539)***

In February 2018, Korea requested WTO dispute settlement consultations regarding Commerce's use of facts available in certain antidumping and countervailing duty measures against Korea, and certain laws, regulations, and other measures maintained by the United States with respect to the use of facts available in antidumping and countervailing duty proceedings. The United States and Korea held consultations in March 2018, but those consultations failed to resolve the dispute. On April 27, 2018, Korea requested the establishment of a panel. On May 28, 2018, the DSB established a panel. Following agreement of the parties, a panel was composed on December 5, 2018 as follows: Ms. Marta Lemme, Chair; and Ms. Leonora Blumberg and Mr. Matthew Kennedy, Members.

The Panel circulated its report on January 21, 2021. The Panel found that Commerce acted inconsistently with the Antidumping Agreement, or SCM Agreement, in either resorting to facts available or selecting the replacement facts in the eight instances challenged by Korea. With respect to the "as such" claim against an alleged unwritten measure, the panel found that Korea failed to establish that such an unwritten rule even existed. This obviated the Panel's need to evaluate whether such a rule (if it did exist) would breach the Antidumping Agreement or SCM Agreement.

On March 19, 2021, the United States notified the DSB of its decision to appeal certain issues of law covered in the panel report.

***United States – Tariff Measures on Certain Goods from China (DS543)***

On April 4, 2018, China requested consultations with the United States concerning certain tariff measures on Chinese goods that the United States might implement under Section 301-310 of the U.S. Trade Act of 1974. China alleged that the tariff measures are inconsistent with U.S. commitments and obligations under Articles I:1, II:1(a), and II:1(b) of the GATT 1994 and Article 23 of the DSU. On July 6, July 16, and September 18, respectively, China requested additional consultations regarding tariff measures imposed under Section 301 that supplemented its original consultations request of April 4, 2018. The United States and China held consultations in Geneva on August 28 and October 22, 2018.

At China's request, the WTO established a panel on January 28, 2019. On June 3, 2019 the Panel was composed by the Director-General. Following the resignation of a panelist on September 25, 2019, the Director-General appointed a new panelist on October 17, 2019. The Panel includes: Mr. Alberto Juan Dumont, Chair; and, Mr. Álvaro Espinoza and Ms. Athaliah Lesiba Molokomme, Members.

The Panel circulated its report on September 15, 2020. The Panel concluded that the tariff measures at issue are inconsistent with Article I:1 of the GATT 1994 (MFN), because they fail to provide treatment for



Chinese products that is no less favorable than that granted to like products originating from other WTO Members, and with Articles II:1(a) and (b) of the GATT 1994, because the additional duties are in excess of the bound rates found in the U.S. Schedule.

On October 27, 2020, the United States notified the DSB of its decision to appeal certain issues of law covered in the panel report.

***United States – Certain Measures on Steel and Aluminum Products (DS544)***

On April 5, 2018, China requested consultations concerning certain duties that the United States had imposed under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. China claimed that imposition of the duties breached various provisions of the GATT 1994, and the Agreement on Safeguards. The United States and China held consultations on July 19, 2018, but the consultations failed to resolve the dispute. At China’s request, the WTO established a panel on November 21, 2018. On January 25, 2019, the Panel was composed by the Director-General to include: Mr. Elbio Rosselli, Chair; and, Mr. Esteban B. Conejos, Jr. and Mr. Rodrigo Valenzuela, Members.

The Panel circulated its final report on December 9, 2022. The Panel concluded that the Section 232 measures are inconsistent with Article I of the GATT 1994 because exemptions for certain countries from Section 232 tariffs confer an advantage to products from those countries that have not been accorded immediately and unconditionally to like products from all other Members, and with Article II:1(a) and Article II:1(b) of the GATT 1994 because the Section 232 duties do not accord the treatment provided for in the United States’ Schedule. The Panel rejected the complainant’s claims under Article XIX of the GATT 1994 and the Agreement on Safeguards because the measures at issue are not safeguard measures, as they were sought, taken, or maintained pursuant to a provision of the GATT 1994 other than Article XIX, namely Article XXI of the GATT 1994. The Panel disagreed with the long-standing U.S. interpretation that the essential security exception is self-judging and concluded that the measures at issue were not “taken in time of war or other emergency in international relations” within the meaning of Article XXI(b)(iii). Accordingly, the Panel found that the Section 232 measures were not justified under Article XXI(b)(iii) of the GATT 1994. In response to the reports, the United States rejected the Panel’s flawed interpretation and conclusions and reiterated that the United States has held the clear and unequivocal position, for over 70 years, that issues of national security cannot be reviewed in WTO dispute settlement and the WTO has no authority to second-guess the ability of a WTO Member to respond to a wide-range of threats to its security.

***United States – Safeguard Measure on Imports of Crystalline Silicon Photovoltaic Products (DS545)***

On May 14, 2018, Korea requested consultations with the United States concerning a safeguard measure imposed by the United States on imports of CSPV products. Korea claimed that the measure appears to be inconsistent with Articles 1, 2.1, 3.1, 3.2, 4.1, 4.2, 5.1, 5.2, 7.1, 7.4, 8.1, 12.1, 12.2, and 12.3 of the Agreement on Safeguards; and, Articles II:1, X:3, XIII, and XIX:1(a) of the GATT 1994. China, the EU, Malaysia, and Thailand requested to join the consultations, and the United States accepted each request. Consultations were held on June 26, 2018.

At Korea’s request, the WTO established a panel on September 26, 2018.

***United States – Safeguard Measure on Imports of Large Residential Washers (DS546)***

On May 14, 2018, Korea requested consultations with the United States concerning a safeguard measure imposed by the United States on imports of large residential washers. Korea claimed that the measure

appears to be inconsistent with Articles 1, 2.1, 2.2, 3.1, 3.2, 4.1, 4.2, 5.1, 7.1, 7.4, 8.1, 12.1, 12.2, and 12.3 of the Agreement on Safeguards; and Articles I:1, II, X:3 and XIX:1(a) of the GATT 1994. Thailand requested to join consultations, and the United States accepted Thailand's request. Consultations were held on June 26, 2018.

At Korea's request, the WTO established a panel on September 26, 2018. On July 1, 2019, the Panel was composed by the Director-General to include: Mr. Alexander Hugh McPhail, Chair; and, Mr. Welber Oliveira Barral and Ms. Stephanie Sin Far Lee, Members.

On February 8, 2022, the panel rejected certain of Korea's claims, including against aspects of the ITC's serious injury investigation, the President's chosen form of the safeguard measure, and whether the United States timely notified key decisional points in the safeguard investigation. However, the panel found certain aspects of the ITC's serious injury determination were WTO-inconsistent. The panel also found that the United States acted inconsistently with the WTO Agreement on Safeguards by not providing Korea with sufficient time to allow for the possibility, through consultations, for meaningful consultations between announcement of the final safeguard measure and the date it took effect. The United States and Korea have been engaged in dialogue to attempt to resolve this dispute. To facilitate such dialogue, the parties have jointly requested the WTO Dispute Settlement Body to extend the deadline to either adopt or appeal the panel report. The most recent extension expires on February 27, 2023.

***United States – Certain Measures on Steel and Aluminum Products (DS547)***

On May 18, 2018, India requested consultations concerning certain duties that the United States had imposed under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. India claimed that imposition of the duties breached various provisions of the GATT 1994 and the Agreement on Safeguards. The United States and India held consultations on July 20, 2018, but the consultations failed to resolve the dispute. At India's request, the WTO established a panel on December 4, 2018. On January 25, 2019, the Panel was composed by the Director-General to include: Mr. Elbio Rosselli, Chair; and, Mr. Esteban B. Conejos, Jr. and Mr. Rodrigo Valenzuela, Members. As of December 2022, Panel proceedings were ongoing.

***United States – Certain Measures on Steel and Aluminum Products (DS548)***

On June 1, 2018, the EU requested consultations concerning certain duties that the United States had imposed under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. The EU claimed that imposition of the duties breached various provisions of the GATT 1994 and the Agreement on Safeguards. The United States and the EU held consultations on July 19, 2018, but the consultations failed to resolve the dispute. At the EU's request, the WTO established a panel on November 21, 2018. On January 25, 2019, the Panel was composed by the Director-General to include: Mr. Elbio Rosselli, Chair; and, Mr. Esteban B. Conejos, Jr. and Mr. Rodrigo Valenzuela, Members.

In November 2021, the United States and the EU announced arrangements on steel and aluminum, including U.S. TRQs for EU steel and aluminum products free of duties under Section 232. The EU requested that the Panel suspend its work. The United States informed the Panel that it did not object to that request, and the Panel granted it. Pursuant to that agreement, the United States and the EU mutually agreed to resort to arbitration regarding the matter pending before the Panel in this dispute. Upon composition of the Arbitrator, the arbitration was immediately and indefinitely suspended and the dispute before the Panel was terminated.

On January 17, 2022, the EU and the United States notified the DSB that they were terminating this dispute before the panel in light of the agreed procedures for arbitration under Article 25 of the DSU. On January 20, 2022, the Chair of the Panel informed the DSB that it had ceased all work in these proceedings.

On January 17, 2022, the EU and the United States notified the DSB that they had agreed, pursuant to Article 25.2 of the DSU, to resort to arbitration on the matter pending before the Panel in this dispute. The Arbitrator was composed on January 20, 2022 with the same persons who served as members of the Panel. As provided in the Parties' communication of January 17, 2022, the arbitration was suspended.

#### ***United States – Certain Measures on Steel and Aluminum Products (DS552)***

On June 13, 2018, Norway requested consultations concerning certain duties that the United States had imposed under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. Norway claimed that imposition of the duties breached various provisions of the GATT 1994 and the Agreement on Safeguards. The United States and Norway did not hold consultations. At Norway's request, the WTO established a panel on November 21, 2018. On January 25, 2019, the Panel was composed by the Director-General to include: Mr. Elbio Rosselli, Chair; and, Mr. Esteban B. Conejos, Jr. and Mr. Rodrigo Valenzuela, Members.

The Panel circulated its final report on December 9, 2022. The Panel concluded that the Section 232 measures are inconsistent with Article I of the GATT 1994, because exemptions for certain countries from Section 232 tariffs confer an advantage to products from those countries that has not been accorded immediately and unconditionally to like products from all other Members, and with Article II:1(a) and Article II:1(b) of the GATT 1994 because the Section 232 duties do not accord the treatment provided for in the United States' Schedule. The Panel also concluded that the Section 232 measures were inconsistent with Article XI:1 of the GATT 1994 because by imposing import quotas on steel and aluminum from certain countries, the United States has instituted prohibitions or restrictions other than duties, taxes or other charges on the importation of those products of the territory of those members. The Panel rejected the complainant's claims under Article XIX of the GATT 1994 and the Agreement on Safeguards because the measures at issue are not safeguard measures, as they were sought, taken, or maintained pursuant to a provision of the GATT 1994 other than Article XIX, namely Article XXI of the GATT 1994.

The Panel disagreed with the long-standing U.S. interpretation that the essential security exception is self-judging and concluded that the measures at issue were not "taken in time of war or other emergency in international relations" within the meaning of Article XXI(b)(iii). Accordingly, the Panel found that the Section 232 measures were not justified under Article XXI(b)(iii) of the GATT 1994. In response to the reports, the United States rejected the Panel's flawed interpretation and conclusions and reiterated that the United States has held the clear and unequivocal position, for over 70 years, that issues of national security cannot be reviewed in WTO dispute settlement and the WTO has no authority to second-guess the ability of a WTO Member to respond to a wide-range of threats to its security.

#### ***United States – Certain Measures on Steel and Aluminum Products (DS554)***

On June 29, 2018, Russia requested consultations concerning certain duties that the United States had imposed under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. Russia claimed that imposition of the duties breached various provisions of the GATT 1994 and the Agreement on Safeguards. The United States and Russia held consultations on August 30, 2018, but the consultations failed to resolve the dispute. At Russia's request, the WTO established a panel on November 21, 2018. On January 25, 2019, the Panel was composed by the Director-General to include: Mr. Elbio Rosselli, Chair; and, Mr. Esteban B. Conejos, Jr. and Mr. Rodrigo Valenzuela, Members. In April 2022, following Russia's premeditated and unprovoked

full-scale invasion of Ukraine in violation of international law, the United States suspended permanent normal trade relations with Russia and will continue to partner with other WTO Members to isolate and ostracize Russia in the WTO and other multilateral institutions.

#### ***United States – Certain Measures on Steel and Aluminum Products (DS556)***

On July 9, 2018, Switzerland requested consultations concerning certain duties that the United States had imposed under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. Switzerland claimed that imposition of the duties breached various provisions of the GATT 1994 and the Agreement on Safeguards. The United States and Switzerland held consultations on August 30, 2018, but the consultations failed to resolve the dispute. At Switzerland's request, the WTO established a panel on December 4, 2018. On January 25, 2019, the Panel was composed by the Director-General to include: Mr. Elbio Rosselli, Chair; and, Mr. Esteban B. Conejos, Jr. and Mr. Rodrigo Valenzuela, Members.

The Panel circulated its final report on December 9, 2022. The Panel concluded that the Section 232 measures are inconsistent with Article I of the GATT 1994, because exemptions for certain countries from Section 232 tariffs confer an advantage to products from those countries that has not been accorded immediately and unconditionally to like products from all other Members, and with Article II:1(a) and Article II:1(b) of the GATT 1994 because the Section 232 duties do not accord the treatment provided for in the United States' Schedule. The Panel also concluded that the Section 232 measures were inconsistent with Article XI:1 of the GATT 1994 because by imposing import quotas on steel and aluminum from certain countries, the United States has instituted prohibitions or restrictions other than duties, taxes or other charges on the importation of those products of the territory of those members. The Panel rejected the complainant's claims under Article XIX of the GATT 1994 and the Agreement on Safeguards, because the measures at issue are not safeguard measures, as they were sought, taken, or maintained pursuant to a provision of the GATT 1994 other than Article XIX, namely Article XXI of the GATT 1994.

The Panel disagreed with the long-standing U.S. interpretation that the essential security exception is self-judging and concluded that the measures at issue were not "taken in time of war or other emergency in international relations" within the meaning of Article XXI(b)(iii). Accordingly, the Panel found that the Section 232 measures were not justified under Article XXI(b)(iii) of the GATT 1994. In response to the reports, the United States rejected the Panel's flawed interpretation and conclusions and reiterated that the United States has held the clear and unequivocal position, for over 70 years, that issues of national security cannot be reviewed in WTO dispute settlement and the WTO has no authority to second-guess the ability of a WTO Member to respond to a wide-range of threats to its security.

#### ***United States – Safeguard Measure on Imports of Crystalline Silicon Photovoltaic Products (DS562)***

On August 14, 2018, China requested consultations with the United States concerning a safeguard measure imposed by the United States on CSPV products. China claimed that the measure appears to be inconsistent with Articles 2.1, 2.2, 3.1, 3.2, 4.1, 4.2, 5.1, 7.1, 7.4, 8.1, 12.1, 12.2, and 12.3 of the Agreement on Safeguards; and, Articles X:3, XIII, XIX:1(a), and XIX:2 of the GATT 1994. The EU and Thailand requested to join the consultations, and the United States accepted each request. Consultations were held on October 22, 2018.

At China's request, the WTO established a panel on August 15, 2019. On October 24, 2019, the Panel was composed by the Director-General to include: Mr. Guillermo Valles, Chair; and, Mr. José Antonio de la Puente León and Ms. Chantal Ononaiwu, Members.

The Panel circulated its final report on September 2, 2021. The Panel rejected all of China’s claims against the U.S. safeguard measure.

On September 16, 2021, China notified the DSB of its decision to appeal certain issues of law covered in the panel report.

***United States — Certain Measures Related to Renewable Energy (DS563)***

On August 2018, China requested consultations with the United States concerning certain measures adopted and maintained in the States of California, Michigan, and Washington in relation to alleged subsidies or domestic content requirements in the energy sector. China alleged that the measures appear to be inconsistent with U.S. obligations under Articles 3.1(b) and 3.2 of the SCM Agreement, Articles 2.1 and 2.2 of the TRIMS Agreement, and Article III:4 of the GATT 1994. The United States and China held consultations on October 23, 2018.

***United States – Certain Measures on Steel and Aluminum Products (DS564)***

On August 15, 2018, Turkey requested consultations concerning certain duties that the United States had imposed under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. Turkey claimed that imposition of the duties breached various provisions of the GATT 1994, and the Agreement on Safeguards. The United States and Turkey held consultations on October 10, 2018, but the consultations failed to resolve the dispute. At Turkey’s request, the WTO established a panel on November 21, 2018. On January 25, 2019, the Panel was composed by the Director-General to include: Mr. Elbio Rosselli, Chair; and, Mr. Esteban B. Conejos, Jr. and Mr. Rodrigo Valenzuela, Members.

The Panel circulated its final report on December 9, 2022. The Panel concluded that the Section 232 measures are inconsistent with Article I of the GATT 1994 because exemptions for certain countries from Section 232 tariffs confer an advantage to products from those countries that has not been accorded immediately and unconditionally to like products from all other Members, and with Article II:1(a) and Article II:1(b) of the GATT 1994 because the Section 232 duties do not accord the treatment provided for in the United States’ Schedule. The Panel also concluded that the Section 232 measures were inconsistent with Article XI:1 of the GATT 1994 because by imposing import quotas on steel and aluminum from certain countries, the United States has instituted prohibitions or restrictions other than duties, taxes or other charges on the importation of those products of the territory of those members. The Panel rejected the complainant’s claims under Article XIX of the GATT 1994 and the Agreement on Safeguards, because the measures at issue are not safeguard measures, as they were sought, taken, or maintained pursuant to a provision of the GATT 1994 other than Article XIX, namely Article XXI of the GATT 1994.

The Panel disagreed with the long-standing U.S. interpretation that the essential security exception is self-judging and concluded that the measures at issue were not “taken in time of war or other emergency in international relations” within the meaning of Article XXI(b)(iii). Accordingly, the Panel found that the Section 232 measures were not justified under Article XXI(b)(iii) of the GATT 1994. In response to the reports, the United States rejected the Panel’s flawed interpretation and conclusions and reiterated that the United States has held the clear and unequivocal position, for over 70 years, that issues of national security cannot be reviewed in WTO dispute settlement and the WTO has no authority to second-guess the ability of a WTO Member to respond to a wide-range of threats to its security.

### ***United States – Tariff Measures on Certain Goods from China II (DS565)***

On August 23, 2018, China requested consultations with the United States concerning certain tariff measures on Chinese goods that the United States might implement under Section 301-310 of the U.S. Trade Act of 1974. China alleged that the tariff measures are inconsistent with U.S. commitments and obligations under Articles I:1, II:1(a), and II:1(b) of the GATT 1994 and Article 23 of the DSU. The United States and China held consultations on October 22, 2018.

### ***United States – Anti-Dumping and Countervailing Duties on Ripe Olives from Spain (DS577)***

On January 29, 2019, the EU requested consultations with the United States concerning the imposition of antidumping and countervailing duties on ripe olives from Spain. The EU alleged that the duties imposed, as well as the administrative acts and legislation that were the basis for the imposition of those duties, appear to be inconsistent with various provisions of the Antidumping Agreement, the SCM Agreement and the GATT 1994. The United States and the EU held consultations on March 20, 2019, but the consultations failed to resolve the dispute. At the EU's request, the WTO established a panel on June 24, 2019. On October 18, 2019, the WTO Director-General composed the Panel as follows: Mr. Daniel Moulis, Chair; and, Mr. Martin Garcia and Ms. Charis Tan, Members.

On November 19, 2021, the Panel circulated its report. The Panel found that the United States acted inconsistently with the SCM Agreement and GATT 1994 in calculating the final subsidy rate of one respondent, and in relying upon a provision of the Tariff Act of 1930 to attribute benefits to downstream agricultural processors. The Panel also found that certain factual findings related to Commerce's specificity determination were inconsistent with the SCM Agreement. The Panel rejected the EU's other claims concerning specificity and rejected all of the EU's claims concerning the USITC's injury determination. On December 20, 2021, the DSB adopted the Panel report.

On January 19, 2022, the United States stated that it intended to implement the recommendations of the DSB in this dispute in a manner that respects U.S. WTO obligations, and that it will need a reasonable period of time in which to do so. On July 1, 2022, the United States and the EU informed the DSB that they had agreed that the reasonable period of time to implement the DSB's recommendations and rulings would be 12 months and 25 days, expiring on January 14, 2023. In July 2022, Commerce initiated an administrative proceeding pursuant to Section 129 of the Uruguay Round Agreement Act to reexamine Commerce's original countervailing duty determination.

Commerce issued its preliminary Section 129 determination on September 26, 2022, and its final Section 129 determination on December 20, 2022. In its final Section 129 determination Commerce: (1) reconsidered its specificity analysis of the basic payment scheme (BPS) program and found that the program is *de facto* specific under Section 771(5A)(D)(iii)(III) of the Tariff Act of 1930, as amended; (2) modified its definition of the "prior stage product" from all raw olives to four biologically distinct table and dual-use olive varieties and found that 55.28 percent of these varieties were processed into table olives; and, (3) revised Aceitunas Guadalquivir S.L.U.'s total subsidy rate from 27.02 percent to 11.63 percent and the all-others rate from 14.97 percent to 11.08 percent.

### ***United States – Anti-Dumping Measures on Carbon-Quality Steel from Russia (DS586)***

On July 5, 2019, Russia requested consultations with the United States concerning antidumping duty measures pertaining to hot-rolled flat-rolled carbon quality steel products from Russia. Russia alleged that the measures appear to be inconsistent with various provisions of the Antidumping Agreement and the GATT 1994. The United States and Russia held consultations on September 11, 2019.

### ***United States – Origin Marking Requirement (DS597)***

On October 30, 2020, Hong Kong, China, requested consultations concerning certain measures affecting marks of origin with respect to imported goods produced in Hong Kong, China. Hong Kong, China, alleged that the measures are inconsistent with Articles I:1, IX:1, and X:3(a) of the GATT 1994, Articles 2(c), 2(d), and 2(e) of the Agreement on Rules of Origin, and Article 2.1 of the Agreement on Technical Barriers to Trade. The United States and Hong Kong, China, held consultations on November 24, 2020. At the request of Hong Kong, China, the WTO established a panel on February 22, 2021. On April 29, 2021, the Director-General composed the Panel as follows: Ms. Beatriz Leycegui Gardoqui, Chair; and, Mr. Johannes Human and Mr. Alexander Hugh McPhail, Members.

On December 21, 2022, the Panel circulated its report. The Panel found that the marking requirement is inconsistent with Article IX:1 of the GATT 1994 because it accords products of Hong Kong, China, less favorable treatment with respect to marking requirements than the treatment accorded to like products of other countries, and exercised judicial economy with respect to the claims under Article I:1 of the GATT 1994, Article 2(c) and 2(d) of the Agreement on Rules of Origin, and Article 2.1 of the Agreement on Technical Barriers to Trade. The Panel disagreed with the long-standing U.S. interpretation that the essential security exception is self-judging and concluded that the situation with respect to Hong Kong, China is not “an emergency in international relations” within the meaning of Article XXI(b)(iii). The Panel therefore concluded that the measure at issue is not justified under Article XXI(b) of the GATT 1994. In response to the reports, the United States rejected the Panel’s flawed interpretation and conclusions and reiterated that the United States has held the clear and unequivocal position, for over 70 years, that issues of national security cannot be reviewed in WTO dispute settlement and the WTO has no authority to second-guess the ability of a WTO Member to respond to what it considers a threat to its security.

### ***United States – Measures on Certain Semiconductors and Other Products, and Related Services and Technologies (DS615)***

On December 12, 2022, China requested consultations concerning measures related to trade restrictions on certain advanced computing semiconductor chips, supercomputer items, semiconductor manufacturing items, and related services and technologies destined for China. China alleged that the measures are inconsistent with Articles I:1, XI:1, and X:3 of the GATT 1994, Article 2 of the TRIMs Agreement, Article 28 of the TRIPS Agreement, and Article VI of the GATS.

## **E. Other Monitoring and Enforcement Activities**

### **1. Preference Programs Monitoring and Enforcement**

#### **Generalized System of Preferences**

During 2022, the Office of the U.S. Trade Representative (USTR) and the Trade Policy Staff Committee (TPSC) Subcommittee on the Generalized System of Preferences (GSP) (19 U.S.C. § 2461 *et seq.*) continued to monitor beneficiary countries’ compliance with the 15 GSP eligibility criteria established by Congress. These criteria include taking steps to afford internationally recognized worker rights, providing the United States with equitable and reasonable market access, reducing trade-distorting investment practices, providing adequate and effective protection of intellectual property (IP) rights to U.S. rights holders, and enforcing arbitral awards in favor of U.S. citizens or corporations.

### ***Monitoring of Country Practice Reviews***

As a result of the lapse of the GSP program’s authorization on December 31, 2020, USTR did not open or close any reviews of designated GSP beneficiary countries’ eligibility or hold public hearings on existing reviews in 2022. As of December 31, 2022, there were seven reviews pending, including reviews of Indonesia and South Africa on IP protection and IP enforcement; a review of Ecuador on enforcement of arbitral awards; and, reviews of Azerbaijan, Eritrea, Kazakhstan, and Zimbabwe on worker rights.

### ***Engagement with Generalized System of Preferences Beneficiary Countries***

Throughout 2022, USTR engaged with GSP beneficiary countries on GSP eligibility criteria, including Algeria, Argentina, Brazil, Cambodia, Ecuador, Egypt, Kazakhstan, Kyrgyz Republic, Lebanon, Pakistan, the Philippines, Thailand, Ukraine, Uruguay, and Uzbekistan. Discussions took place during trade and investment framework agreement and other bilateral meetings.

*For further discussion of the Generalized System of Preferences, see Chapter I.D.1 Generalized System of Preferences and III.H.2 Trade and Labor Preference Programs.*

### **The African Growth and Opportunity Act**

The African Growth and Opportunity Act (AGOA) (Title 1 of The Trade and Development Act of 2000, Public Law 106–200, 19 U.S.C. § 3701 *et seq.*) requires the President to determine annually which of the sub-Saharan African countries listed in the Act are eligible to receive AGOA benefits. The TPSC Subcommittee on AGOA examines through an annual review whether each country already eligible for AGOA has continued to meet the eligibility criteria and whether circumstances in ineligible countries have improved sufficiently to warrant their designation as an AGOA beneficiary country. The AGOA eligibility criteria include establishing or making continual progress in establishing: (1) a market-based economy; (2) rule of law; (3) poverty-reduction policies; (4) a system to combat corruption and bribery; and, (5) protection of internationally recognized worker rights. AGOA also requires that eligible countries do not engage in activities that undermine U.S. national security or foreign policy interests, or engage in gross violations of internationally recognized human rights.

The annual review takes into account information drawn from U.S. Government agencies, the private sector, civil society, African governments, and other interested stakeholders. Through the AGOA eligibility review process, the annual AGOA Forum meeting, and ongoing dialogue with AGOA partners, AGOA provides incentives to promote economic and political reform as well as trade expansion in AGOA-eligible countries in support of broad-based economic development.

As of January 1, 2023, there were 35 countries eligible for beneficiary status under the AGOA program. The annual eligibility review conducted in 2022 resulted in the termination of Burkina Faso’s AGOA eligibility as of January 1, 2023. The President made this determination based upon Burkina Faso’s unconstitutional change in government during the review period. For additional information on country compliance with the AGOA eligibility criteria, see USTR’s 2022 Biennial Report on the Implementation of the African Growth and Opportunity Act.

*For further discussion on the AGOA Program and related activities, see Chapter I.C.6 Sub-Saharan Africa and I.D.2.African Growth and Opportunity Act.*



## **Caribbean Basin Initiative**

USTR monitors Caribbean Basin Initiative (CBI) (19 U.S.C. § 2701 *et seq.*) beneficiary countries' compliance with eligibility criteria set out in the various statutes, including the Caribbean Basin Economic Recovery Act (CBERA) (Public Law 98–67) and the Caribbean Basin Trade Partnership Act (CBTPA) (Title II of the Trade and Development Act of 2000, Public Law 106–200). For the CBERA, these criteria include taking steps to respect internationally recognized worker rights, providing the United States with equitable and reasonable market access, respecting the IP rights of U.S. copyright owners, and enforcing arbitral awards in favor of U.S. citizens or corporations. Additional criteria for the CBTPA include demonstrating a commitment to undertake World Trade Organization obligations, providing appropriate IP protection, providing specific internationally recognized worker rights, implementing commitments to eliminate the worst forms of child labor, meeting U.S. counter-narcotics criteria, taking steps to implement the Inter-American Convention against Corruption, and applying transparent, nondiscriminatory and competitive procedures in government procurement. For information on compliance of each country with CBI eligibility criteria, see USTR's [Fourteenth Report to Congress on the Operation of the Caribbean Basin Economic Recovery Act](#).

*For further discussion of the Caribbean Basin Initiative, see Chapter I.D.5 Caribbean Basin Initiative.*

## **Haitian Hemispheric Opportunity through the Partnership Encouragement Act**

Pursuant to requirements of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008 (HOPE II Act) (Public Law 110–234, Title XV, Subtitle D, Part I), producers must comply with established or be making continual progress towards establishing with the protection of internationally recognized worker rights to be eligible for duty-free treatment under HOPE II. The Department of Labor (DOL), in consultation with USTR, is charged with publicly identifying noncompliant producers on a biennial basis and providing assistance to such producers to comply with the standards. In addition, the DOL provides support to at-risk producers to help ensure that they do not fall out of compliance. During 2022, the DOL continued to monitor producer-level compliance with worker rights criteria and to follow up with producers to address concerns related to worker rights criteria to ensure continued compliance with HOPE II labor requirements. The United States also continued to work closely with the Government of Haiti and the International Labor Organization on implementation of the Technical Assistance Improvement and Compliance Needs Assessment and Remediation (TAICNAR) program to monitor factories' compliance with internationally recognized worker rights. For information on monitoring efforts, see the [2022 USTR Annual Report on the Implementation of the TAICNAR Program and Assessment of Producer Eligibility](#).

## **Nepal Trade Preference Program**

The United States regularly engages with Nepal through the United States–Nepal Trade and Investment Framework Agreement Council to ensure that Nepal is meeting the Nepal Trade Preference Program (NTPP) statutory criteria, which are comprised of the eligibility requirements of GSP and AGOA. These include making continual progress in establishing a market-based economy, rule of law, and the protection of internationally recognized worker rights. The Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. § 4454), which created the program, requires the President to determine annually whether Nepal is eligible to receive benefits under the legislation. These decisions are supported by an annual interagency review, chaired by USTR, that examines whether Nepal meets the eligibility criteria. For information on Nepal's eligibility to receive preferential trade benefits, see the [2022 USTR Annual Report to Congress on the Implementation of the Nepal Trade Preference Program](#).

*For further discussion of the Nepal Preference Program see Chapter I.D.4 Nepal Trade Preference Program.*

## **2. Special 301**

Pursuant to Section 182 of the Trade Act of 1974, as amended by the Omnibus Trade and Competitiveness Act of 1988, the Uruguay Round Agreements Act of 1994, and the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. § 2242), the Office of the U.S. Trade Representative (USTR) is required to identify “those foreign countries that deny adequate and effective protection of intellectual property rights, or deny fair and equitable market access to United States persons that rely on intellectual property protection.” Countries that have the most onerous or egregious acts, policies, or practices and whose acts, policies, or practices have the greatest adverse impact (actual or potential) on relevant U.S. products are designated as “Priority Foreign Countries” (PFC), unless those countries are entering into good faith negotiations or are making significant progress in bilateral or multilateral negotiations to provide adequate and effective protection of intellectual property (IP).

In addition, USTR has created a Special 301 “Priority Watch List” (PWL) and “Watch List” (WL). Placement of a trading partner on the PWL or WL indicates that particular problems exist in that country with respect to IP protection, enforcement, or market access for persons relying on IP. Countries placed on the PWL are the focus of increased bilateral attention concerning the specific problem areas. USTR develops an action plan for each foreign country identified for placement on the PWL and that has remained on the PWL for at least one year.

Additionally, Section 306 of the Trade Act of 1974 requires USTR to monitor a trading partner’s compliance with measures that are the basis for resolving an investigation under Section 301. USTR may take trade action if a country fails to implement such measures satisfactorily.

The Special 301 PWL and WL placements not only indicate those trading partners whose IP protection and enforcement regimes most concern the United States, but also alert firms considering trade or investment relationships with such countries that their IP may not be adequately protected.

### **2022 Special 301 Review Results**

On April 27, 2022, USTR announced the results of the 2022 Special 301 Review. The 2022 Special 301 Report was the result of stakeholder input and interagency consultation.

USTR requested written submissions from the public through a [Federal Register notice](#) published on December 13, 2021. Due to the COVID-19 pandemic, USTR fostered public participation via written submissions rather than an in-person hearing, with the interagency Special 301 Subcommittee of the Trade Policy Staff Committee (TPSC) sending written questions on February 23, 2022, about issues relevant to the review to those that submitted written comments, including to representatives of foreign governments, industry, and non-governmental organizations.

The *Federal Register* notice drew submissions from 44 non-government stakeholders and 18 foreign governments. USTR posted online all submissions received, as well as the written questions from the TPSC and the written responses at [www.regulations.gov](http://www.regulations.gov), docket number [USTR-2021-0021](#).

For more than 30 years, the Special 301 Report has identified positive advances as well as areas of continued concern. The Report has reflected changing technologies, promoted best practices, and situated these critical issues in their policy context, underscoring the importance of IP protection and enforcement to the

United States and its trading partners. During this period, there has been significant progress in a variety of countries, including in Australia, Costa Rica, Israel, Italy, Japan, Jamaica, Korea, the Philippines, Spain, Taiwan, and Uruguay.

Considerable concerns still remain. In 2022, USTR received stakeholder input on more than 100 trading partners, but focused the review on the nominations contained in submissions that complied with the requirement in the *Federal Register* notice to identify whether a particular trading partner should be designated as a PFC, or placed on the PWL or WL, or not listed in the Special 301 Report, and that were filed by the deadlines provided in the notice. Following extensive research and analysis, USTR listed 7 countries on the PWL and 20 countries on the WL. Several countries, including Chile, Indonesia, the People's Republic of China, India, Thailand, and Turkey, have been listed every year since the Report's inception. The 2022 listings were as follows:

**Priority Watch List:** Argentina, Chile, India, Indonesia, the People's Republic of China, Russia, and Venezuela.

**Watch List:** Algeria, Barbados, Bolivia, Brazil, Canada, Colombia, Dominican Republic, Ecuador, Egypt, Guatemala, Mexico, Pakistan, Paraguay, Peru, Thailand, Trinidad and Tobago, Turkey, Turkmenistan, Uzbekistan, and Vietnam.

When appropriate, USTR may conduct an Out-of-Cycle Review (OCR) to encourage progress on IP issues of concern. OCRs provide an opportunity to address and remedy such issues through heightened engagement with trading partners and other stakeholders. Successful resolution of specific IP issues of concern can lead to a positive change in a trading partner's Special 301 status outside of the typical period for the annual review.

USTR also conducts a review focused on prominent and illustrative examples of online and physical markets that reportedly engage in or facilitate substantial piracy or counterfeiting. USTR started identifying notorious markets in the Special 301 Report in 2006. In 2010, USTR began publishing the Notorious Markets List (NML) separately from the Special 301 Report in order to increase public awareness and guide related enforcement efforts. Since publication of the first NML, several online markets closed or saw their business models disrupted as a result of enforcement efforts. In some instances, in an effort to legitimize their overall business, companies made the decision to close down problematic aspects of their operations; while others cooperated with authorities to address unauthorized conduct on their sites. Notwithstanding the progress that has occurred, online piracy and counterfeiting continue to grow, requiring robust, sustained, and coordinated responses by governments, private sector stakeholders, and consumers.

The NML also includes an "issue focus" that highlights an issue related to the facilitation of substantial trademark counterfeiting or copyright piracy. As announced in the [Federal Register notice](#) published on August 26, 2022, the issue focus for the 2022 NML will examine the impact of online piracy on U.S. workers.

The Special 301 Review and NML serve a critical function by identifying opportunities and challenges in foreign markets related to adequate and effective IP protection and enforcement facing U.S. innovative and creative industries, which are key industries for job creation and economic development. The Special 301 Report and NML inform the public and U.S. trading partners, and serve as a positive catalyst for change. USTR remains committed to meaningful and sustained engagement with U.S. trading partners, with the goal of resolving these challenges. Information related to Special 301 (including public hearing transcripts and videos), the NML, and USTR's overall IP efforts can be found [online](#).

### **3. Section 1377 Review of Telecommunications Agreements**

Section 1377 of the Omnibus Trade and Competitiveness Act of 1988 requires the Office of the U.S. Trade Representative (USTR) to review by March 31 of each year the operation and effectiveness of U.S. telecommunications trade agreements. The purpose of this review is to determine whether any act, policy, or practice of a foreign country that has entered into a telecommunications-related agreement with the United States: (1) is not in compliance with the terms of the agreement, or (2) otherwise denies, within the context of the agreement, to telecommunications products and services of U.S. firms, mutually advantageous market opportunities in that country.

USTR addresses these issues in its annual National Trade Estimate Report on Foreign Trade Barriers. This approach allows USTR to describe, in one comprehensive report, all of the overlapping barriers concerning telecommunications services and goods, along with related digital trade issues.

In its 2022 Section 1377 Review, USTR focused on issues related to: limits on foreign investment, barriers to competition and licensing issues, international termination rates, satellite services, telecommunications equipment trade, and local content requirements.

### **4. Section 337**

Section 337 of the Tariff Act of 1930, as amended, makes it unlawful to engage in unfair acts or unfair methods of competition in the importation of goods or sale of imported goods. Most Section 337 investigations concern alleged infringement of intellectual property rights, such as U.S. patents.

The U.S. International Trade Commission (USITC) conducts Section 337 investigations through adjudicatory proceedings under the Administrative Procedure Act. The proceedings normally involve an evidentiary hearing before a USITC administrative law judge who issues an Initial Determination that is subject to review by the USITC (all sitting commissioners). If the USITC finds a violation, it can order that imported infringing goods be excluded from entry into the United States, issue cease and desist orders requiring firms to stop unlawful conduct in the United States, such as the sale or other distribution of imported infringing goods in the United States, or both. The USITC also is authorized to issue temporary exclusion or cease and desist orders before it completes an investigation if the complainant shows that there is reason to believe there has been a violation of Section 337 and shows that it will suffer irreparable harm absent issuance of a temporary exclusion order. Many Section 337 investigations are terminated after the parties reach settlement agreements or agree to the entry of consent orders. In cases in which the USITC finds a violation of Section 337, it must decide whether certain public interest factors nevertheless preclude the issuance of a remedial order. The four public interest considerations are the order's effect on: (1) public health and welfare; (2) competitive conditions in the U.S. economy; (3) the production of like or directly competitive articles in the United States; and, (4) U.S. consumers. USITC Section 337 determinations are subject to judicial review on the merits in the U.S. Court of Appeals for the Federal Circuit, with possible appeal to the U.S. Supreme Court. The Department of Homeland Security U.S. Customs and Border Protection enforces USITC exclusion and seizure orders.

If the USITC issues an affirmative determination and concomitant remedial order(s), it transmits the determination, order(s), and the record upon which the determination is based to the President for policy review. The Presidential review, set out in Section 337(j)(1)(B), Section 337(j)(2), and Section 337(j)(4) of the Tariff Act of 1930, has been delegated to the United States Trade Representative (USTR). The USTR conducts these reviews in consultation with other agencies. Importation of the subject goods may continue during this review process if the importer pays a bond in an amount determined by the USITC. If the USTR, exercising the functions assigned by the President, does not disapprove the USITC's determination

within 60 days, the USITC's determination and order(s) become final. If the USTR disapproves a determination before the end of the 60-day review period, the determination and order(s) have no force or effect as of the date the USTR notifies the USITC. If the USTR formally approves the determination before the end of the 60-day review period, the determination and order(s) become final on the date that the President or the USTR notifies the USITC.

During 2022, the USITC instituted 59 new Section 337 investigations and commenced 20 ancillary proceedings. The USITC also issued affirmative determinations and remedial orders in 22 investigations in calendar year 2022. The USTR did not take any action in 17 of those investigations in calendar year 2022:

*Certain Vacuum Insulated Flasks and Components Thereof*, 337-TA-1216;

*Certain Audio Players and Controllers, Components Thereof, and Products Containing the Same*, 337-TA-1191;

*Certain LED Landscape Lighting Devices and Components Thereof*, 337-TA-1261;

*Certain Variable Speed Wind Turbine Generators and Components Thereof*, 337-TA-1218;

*Certain Movable Barrier Operator Systems and Components Thereof*, 337-TA-1209;

*Certain Vaporizer Cartridges and Components Thereof*, 337-TA-1211;

*Certain Electric Shavers and Components and Accessories Thereof*, 337-TA-1230;

*Certain In Vitro Fertilization Products, Components Thereof, and Products Containing the Same*, 337-TA-1196;

*Certain Apparatus and Methods of Opening Containers*, 337-TA-1255;

*Certain Cloud-Connected Wood-Pellet Grills and Components Thereof*, 337-TA-1237;

*Certain Toner Supply Containers and Components Thereof (II)*, 337-TA-1260;

*Certain Gabapentin Immunoassay Kits and Test Strips, Components Thereof, and Methods Therefor*, 337-TA-1239;

*Certain Batteries and Products Containing Same*, 337-TA-1244;

*Certain Toner Supply Containers and Components Thereof (I)*, 337-TA-1259;

*Certain Portable Battery Jump Starters and Components Thereof*, 337-TA-1256;

*Certain Electrical Connectors and Cages, Components Thereof, and Products Containing the Same*, 337-TA-1241; and

*Certain Plant-Derived Recombinant Human Serum Albumins ("rHSA") and Products Containing Same*, 337-TA-1238.

All 17 determinations and orders became final in 2022 after Presidential review. Presidential reviews of the remaining five investigations were completed in early 2023:

*Certain Composite Baseball and Softball Bats and Components Thereof*, 337-TA-1283;

*Certain Electrolyte Containing Beverages and Labeling and Packaging Thereof*, 337-TA-1269;

*Certain Chocolate Milk Powder and Packaging Thereof*, 337-TA-1232 (Remand);

*Certain Universal Golf Club Shaft and Golf Club Head Connection Adaptors, Certain Components Thereof, and Products Containing the Same*, 337-TA-1320; and

*Certain Wearable Electronic Devices with ECG Functionality and Components Thereof*, 337-TA-1266.

## **5. Antidumping Actions**

Under the U.S. antidumping law, duties are imposed on imported merchandise when the U.S. Department of Commerce (Commerce) determines that the merchandise is being dumped (sold at “less than fair value”) and the U.S. International Trade Commission (USITC) determines that there is material injury or threat of material injury to the domestic industry, or material retardation of the establishment of an industry, “by reason of” those imports. The antidumping law’s provisions are incorporated in Title VII of the Tariff Act of 1930 and have been substantially amended by the Trade Agreements Act of 1979, the Trade and Tariff Act of 1984, the Trade and Competitiveness Act of 1988, the 1994 Uruguay Round Agreements Act, and the Trade Facilitation and Trade Enforcement Act of 2015.

An antidumping investigation usually begins when a U.S. industry, or an entity filing on its behalf, submits a petition alleging, with respect to certain imports, the dumping and injury elements described above. If the petition meets the applicable requirements, Commerce will initiate an antidumping investigation. In special circumstances, Commerce also may self-initiate an investigation.

After initiation, the USITC decides, generally within 45 days of the filing of the petition, whether there is a “reasonable indication” of material injury or threat of material injury to a domestic industry, or material retardation of an industry’s establishment, “by reason of” the allegedly dumped imports. If this preliminary injury determination by the USITC is negative, the investigation is terminated and no duties are imposed; if it is affirmative, Commerce will make preliminary and final determinations concerning the allegedly dumped sales into the U.S. market. If Commerce’s preliminary determination is affirmative, it will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries and require importers to post a cash deposit equal to the estimated weighted-average dumping margin. If Commerce’s preliminary determination is negative, there is no suspension of liquidation of entries. In either scenario, Commerce will complete its investigation and issue a final determination.

If Commerce’s final determination regarding dumping is negative, the investigation is terminated and no duties are imposed. If affirmative, the USITC makes a final injury determination. If the USITC determines that there is material injury or threat of material injury, or material retardation of an industry’s establishment, “by reason of” the dumped imports, then Commerce will issue an antidumping order and direct CBP to assess, upon further instruction by Commerce, antidumping duties and require cash deposits on imported goods. If the USITC’s final injury determination is negative, the investigation is terminated and the cash deposits are refunded.

Upon request of an interested party, Commerce conducts annual reviews of dumping margins pursuant to Section 751 of the Tariff Act of 1930, as amended. Section 751 also provides for Commerce and USITC review in cases of changed circumstances and periodic review in conformity with the five-year “sunset” provisions of the U.S. antidumping law.

Antidumping determinations may be appealed to the U.S. Court of International Trade, with further judicial review possible in the U.S. Court of Appeals for the Federal Circuit and the U.S. Supreme Court. For certain investigations involving Canadian or Mexican merchandise, final determinations may be reviewed by a binational panel established under the United States–Mexico–Canada Agreement.

The United States initiated 19 antidumping investigations in 2022 and imposed 15 antidumping orders.

## **6. Countervailing Duty Actions**

The U.S. countervailing duty (CVD) law dates back to late 19th century legislation authorizing the imposition of CVDs on subsidized sugar imports. The current CVD provisions are contained in Title VII of the Tariff Act of 1930, as amended by subsequent legislation including the Uruguay Round Agreements Act. As with the antidumping law, the U.S. International Trade Commission (USITC) and the U.S. Department of Commerce (Commerce) jointly administer the CVD law, and the U.S. Department of Homeland Security Customs and Border Protection (CBP) collects duties and enforces CVD orders on imported goods.

The CVD law’s purpose is to offset certain foreign government subsidies that benefit imports into the United States. CVD procedures under Title VII are very similar to antidumping procedures, and CVD determinations by Commerce and the USITC are subject to the same system of judicial review as antidumping determinations. Commerce normally initiates investigations based upon a petition submitted by a U.S. industry or an entity filing on its behalf. The USITC is responsible for investigating material injury issues. The USITC makes a preliminary finding as to whether there is a reasonable indication of material injury or threat of material injury, or material retardation of an industry’s establishment, by reason of imports subject to investigation. If the USITC’s preliminary determination is negative, the investigation terminates; otherwise, Commerce issues preliminary and final determinations on subsidization. If Commerce’s final determination of subsidization is affirmative, the USITC proceeds with its final injury determination of whether a domestic industry is materially injured, threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports for which Commerce has made an affirmative determination. If the USITC’s final determination is affirmative, Commerce will issue a CVD order. CBP collects CVDs on imported goods. If the USITC’s final injury determination is negative, the investigation is terminated.

Upon request of an interested party, Commerce conducts annual reviews of countervailable subsidy rates pursuant to Section 751 of the Tariff Act of 1930, as amended. Section 751 also provides for Commerce and USITC review in cases of changed circumstances and periodic review in conformity with the five-year “sunset” provisions of the U.S. antidumping law.

CVD determinations may be appealed to the U.S. Court of International Trade with further judicial review possible in the U.S. Court of Appeals for the Federal Circuit and the U.S. Supreme Court. For certain investigations involving Canadian or Mexican merchandise, final determinations may be reviewed by a binational panel established under the United States–Mexico–Canada Agreement.

The United States initiated 11 CVD investigations and imposed 8 new CVD orders in 2022.



## 7. Subsidies Monitoring and Other Antidumping and Countervailing Duty Enforcement

### Subsidies Enforcement

The World Trade Organization (WTO) Agreement on Subsidies and Countervailing Measures (SCM Agreement) establishes multilateral disciplines on subsidies. Among its various disciplines, the SCM Agreement provides remedies for subsidies that have adverse effects not only in the importing country's market, but also in the subsidizing government's market and in third-country markets. Prior to the SCM Agreement coming into effect in 1995, the U.S. countervailing duty (CVD) law was, in effect, the only practical mechanism for U.S. companies to address subsidized foreign competition. However, the CVD law focuses exclusively on the effects of foreign subsidized competition in the United States. Although the procedures and remedies are different, the multilateral remedies of the SCM Agreement provide an alternative tool to address foreign subsidies that affect U.S. businesses in an increasingly global marketplace.

Section 281 of the Uruguay Round Agreements Act of 1994 (URAA) and other authorities set out the responsibilities of the Office of the U.S. Trade Representative (USTR) and the U.S. Department of Commerce (Commerce) in enforcing U.S. rights in the WTO under the SCM Agreement. USTR coordinates the development and implementation of overall U.S. trade policy with respect to subsidy matters; represents the United States in the WTO, including the WTO Committee on Subsidies and Countervailing Measures and in WTO dispute settlement relating to subsidies disciplines; and leads the interagency team on matters of policy. The role of Commerce's Enforcement and Compliance (E&C) is to enforce the CVD law and, in accordance with responsibilities assigned by the Congress in the URAA, to pursue certain subsidies enforcement activities of the United States with respect to the disciplines embodied in the SCM Agreement. The E&C's Subsidies Enforcement Office (SEO) is the specific office charged with carrying out these duties.

The primary mandate of the SEO is to examine subsidy complaints and concerns raised by U.S. exporting companies and to monitor foreign subsidy practices to determine whether there is reason to believe they are impeding U.S. exports to foreign markets and are inconsistent with the SCM Agreement. Once sufficient information about a subsidy practice has been gathered to permit it to be reliably evaluated, USTR and Commerce confer with an interagency team to determine the most effective way to proceed. It is frequently advantageous to pursue resolution of these problems through a combination of informal and formal contacts, including, where warranted, dispute settlement action in the WTO. Remedies for violations of the SCM Agreement may, under certain circumstances, involve the withdrawal of a subsidy program or the elimination of the adverse effects of the program.

During 2022, USTR and E&C addressed numerous inquiries and met with representatives of U.S. industries concerned with the subsidization of foreign competitors. These efforts continued to be importantly enhanced by E&C officers stationed overseas (*e.g.*, in China), who help gather, clarify, and check the accuracy of information concerning foreign subsidy practices. U.S. Government officers stationed at U.S. Embassies where E&C are not present also handled such inquiries.

The SEO's electronic subsidies database continued to fulfill the goal of providing the U.S. trading community with a centralized location to obtain information about the remedies available under the SCM Agreement and much of the information that is needed to develop a CVD case or a WTO subsidies complaint. This database is accessible to the public through the [SEO website](#). The website includes an overview of the SEO, helpful links, and an easily navigable tool that provides information about each



subsidy program investigated by Commerce in CVD cases since 1980. This database is frequently updated, making information on subsidy programs quickly available to the public.

### **Monitoring and Challenging Foreign Antidumping, Countervailing Duty, and Safeguard Actions**

The WTO Agreement on Implementation of Article VI (Antidumping Agreement) and the SCM Agreement permit WTO Members to impose antidumping (AD) duties or CVDs to offset injurious dumping or subsidization of products exported from one Member to another. The United States actively monitors, evaluates, and where appropriate, participates in ongoing AD and CVD cases conducted by foreign countries in order to safeguard the interests of U.S. industry and to ensure that Members abide by their WTO obligations in conducting such proceedings.

To this end, the United States works closely with U.S. companies affected by foreign countries' AD and CVD investigations in an effort to help them better understand WTO Members' AD and CVD systems. The United States also advocates on their behalf in connection with ongoing investigations, with the goal of obtaining fair and objective treatment that is consistent with the WTO Agreements. In addition, with regard to CVD cases, the United States provides extensive information in response to questions from foreign governments regarding the subsidy allegations at issue in a particular case.

Further, E&C tracks foreign AD and CVD actions, as well as safeguard actions involving U.S. exporters, enabling U.S. companies and U.S. Government agencies to monitor other WTO Members' administration of such actions. Information about foreign trade remedy actions affecting U.S. exports is accessible to the public via the [E&C website](#). The stationing of E&C officers to certain overseas locations and close contacts with U.S. Government officers stationed in embassies worldwide has contributed to the Administration's efforts to monitor the application of foreign trade remedy laws with respect to U.S. exports. In addition, E&C promotes fair treatment, transparency, and consistency with WTO obligations through technical exchanges and other bilateral engagements.

During the past year, several trade remedy actions involving exports from the United States were closely monitored, notable examples of which include: (1) (Antidumping) Brazil's separate investigations of caustic soda and empty gelatin capsules; (2) (Safeguards) Peru's investigation of clothing; (3) (Countervailing Duty) China's on-going expiry review of distilled dried grains; and, (4) (Countervailing Duty) Colombia's ongoing expiry review of ethanol.

WTO Members must notify, on an ongoing basis and without delay, their preliminary and final determinations to the WTO. Twice a year, WTO Members also must notify the WTO of all AD and CVD actions they have taken during the preceding six-month period. The actions are identified in semiannual reports submitted for discussion in meetings of the relevant WTO committees. Finally, Members are required to notify the WTO of changes in their AD and CVD laws and regulations. These notifications are accessible through the [WTO website](#).

# III. OTHER TRADE ACTIVITIES

## A. Promoting Equitable, Inclusive and Durable Trade Policy and Expanding Stakeholder Engagement

### 1. Overview of Intersectional and Interconnected Strategies and Actions

A core principle of the Office of the United States Trade Representative's (USTR) 2022 trade activities centered on how trade and investment policy could contribute to and advance the United States' economic competitiveness, resiliency, and equity. White House directives to ensure intersectional and interconnected trade and investment policy include: Executive Order (EO) 13985 on [\*Advancing Racial Equity and Support for Underserved Communities Through the Federal Government\*](#); EO 13988 on [\*Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation\*](#); EO 14020 establishing and naming USTR as a member of the [\*White House Gender Policy Council\*](#); EO 14031 on [\*Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders\*](#); and the Presidential Memoranda on [\*Tribal Consultation and Strengthening the Nation-to-Nation Relationship\*](#) and [\*Advancing the Human Rights of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Persons around the World\*](#). In addition, USTR serves on the White House Council on Native American Affairs, and the U.S. Trade Representative co-chairs the White House Initiative and President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders with the Department of Health and Human Services Secretary. USTR also contributed to the development and release of the United States' inaugural [\*National Strategy on Gender Equity and Equality\*](#).

#### Strategic Plan, Fiscal Years 2022-2026

In March 2022, following the most expansive and inclusive review and revision in the agency's recent history, USTR released its [\*Strategic Plan, Fiscal Years 2022-2026\*](#). Developed in accordance with the USTR's obligations under the Government Performance and Results Act (GPRA) Modernization Act of 2010, the Strategic Plan informs the public of the agency's overarching mission and priorities. The agency's Strategic Plan also informs USTR's annual performance and assessment goals and objectives so that all employees will evaluate their individual progress and contributions towards the agency's overall objectives. Revised with consultation and input from all of the agency's offices and staff, including the agency's newly established Diversity, Equity, Inclusion, and Accessibility Council, the new Strategic Plan unequivocally reflects that inclusive engagement and advancing racial and gender equity are strategic priorities for U.S. trade and investment policy.

In particular, the Strategic Plan includes the goal to "Develop Equitable Trade Policy Through Inclusive Processes." By applying an intersectional and interconnected framework, USTR's equity trade and investment policy approach strives to identify and address barriers in order to achieve the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as women and girls; Black, Latino, Indigenous, and Native American persons; Asian Americans and Pacific Islanders, and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons; persons with disabilities; persons who live in rural areas; and, persons otherwise adversely affected by persistent poverty or inequality. To inform this strategic framework, USTR strives to build relationships with underserved and disadvantaged communities; in policy development, negotiations, and implementation and enforcement of agreements and legislation; and, ensure that these concerns and perspectives are also sought out, respected, and heard.

## **Advisory Committee Administration**

Beginning with the October 2021 Trade and Environmental Policy Advisory Committee (TEPAC) *Federal Register* nomination notice, USTR began incorporating equity and diversity, inclusion, and accessibility principles into the public notices for those seeking nomination to USTR’s trade advisory committees. USTR announced that it would be asking the TEPAC to provide “advice and recommendations on trade policies that eliminate social and economic structural barriers to equality and economic opportunity, and to better understand the projected impact of proposed trade policies on communities of color and underserved communities.” In 2022, USTR applied similar principles in its notices seeking candidates to serve on the Trade Advisory Committee on Africa (TACA) and the Intergovernmental Policy Advisory Committee (TEPAC). USTR also briefs cleared advisors on equitable and inclusive trade and investment policy activities.

*For a discussion of the TEPAC and other advisory committees, see Chapter V.B. Public Input and Transparency.*

## **Inclusive and Intersectional Data and Analysis**

On October 14, 2021, the U.S. Trade Representative requested that the U.S. International Trade Commission (USITC) conduct an investigation on the potential distributional effects of goods and services trade and trade policy on U.S. workers by skill, wage and salary level, gender, race/ethnicity, age, and income level, especially as they affect underrepresented and underserved communities. On November 14, 2022, the USITC released its report cataloging information on the distributional effects of trade and trade policy on underrepresented and underserved communities. The report can be accessed on the USITC website. (*For further discussion, see Chapter III.A.4 Strengthening Data to Consider and Improve the Distributional Effects of Trade.*)

## **2. Advancing Racial Equity and Support for Underserved Communities**

In March 2022, USTR released its [Strategic Plan, Fiscal Years 2022-2026](#), which adopts an interconnected, intersectional, inclusive, worker-centered framework to strive for trade and investment policy to improve the economic outcomes for workers, micro, small, or medium-sized entrepreneurs, farmers, ranchers, fishers, or service providers. USTR now strives to use “trade tools, data assessments, and innovative engagement strategies to advance racial and gender equity, consider the distributional effects of trade, and support underserved and marginalized communities.” In developing equitable trade policy through inclusive processes, USTR expands its domestic engagement and consultations and engagements with Congress, stakeholders, and cleared advisors to ensure broad awareness and input in the formulation of worker-centered trade policy.

### **Action Plan on Advancing Racial Equity**

In April 2022, USTR released its [Action Plan for the Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government \(EO 13985\)](#). The Racial Equity Action Plan includes: 1) a commitment for annual and periodic public reports to feature updates on trade policy goals and actions that advance racial and gender equity in worker-centered, inclusive trade and investment activities; 2) actions to strengthen data to consider and improve the distributional effects of goods and services trade and trade policy; and, 3) a commitment that in its advisory committee administration and guidance, USTR will request that cleared advisors provide input, guidance, and feedback

on racial and gender equity in trade and investment policy and expand consistent engagement and build trusted relationships with underserved and marginalized communities.

Examples of initiatives in 2022 to inform and advance inclusive and equitable trade policy included:

- Throughout 2022, the U.S. Trade Representative held multiple meetings with Kenya’s Cabinet Secretary for Industrialization, Trade and Enterprise Development to identify ways to deepen the United States–Kenya trade and investment relationship. In May 2022, USTR led a U.S. Government delegation to Kenya for technical consultations on a broad range of areas. In July 2022, the United States and Kenya issued a joint statement launching the United States–Kenya Strategic Trade and Investment Partnership, listing nearly a dozen mutually agreed areas of initial focus, which included a commitment “to support the economic empowerment and participation of women, youth, persons with disabilities, other vulnerable populations, and the African Diaspora in trade and to promote equitable and inclusive development.”
- In March 2022, USTR met with community-based advocates in Brazil to discuss inclusion and expanding the benefits of trade and trade policy for underrepresented communities. The discussion highlighted multiple issues that women, Afro-Brazilians, and other marginalized groups continue to face in the private and public workforce, including minimal representation in positions of leadership, unequal pay, a lack of access to funds for small-business owners, and other concerns.
- USTR announced the formation of a technical working group in June 2022 to help improve labor law enforcement in the Dominican Republic sugar sector. The vast majority of field workers in the sugar sector are Haitian migrants or Dominicans of Haitian descent, and their lack of documentation and irregular status limit their ability to exercise their labor rights under Dominican law and the ability of the Government of the Dominican Republic to conduct outreach and labor law enforcement in the sugar sector.
- The U.S.–UK Dialogues on the Future of Atlantic Trade included discussions with a diverse group of stakeholders from the U.S. and UK business communities, trade unions, and civil society with the goal of developing more durable and inclusive trade policies that demonstrate that trade can be a force for good and create more opportunities for people, including those from underserved communities in both countries, as well as gender equity and equality across the United States and the UK. The discussions highlighted the importance of the protection of labor rights, including for immigrant and migrant workers, and the need to tackle forced labor globally.
- Throughout 2022, USTR engaged with Colombian Government officials on the Colombian Labor Action Plan, environment and sustainability, underrepresented groups, and small- and medium-sized enterprises.
- In 2022, USTR worked to reinforce the Administration’s support of gender equity and equality and the empowerment of women in Africa and in the African Diaspora. For example, the U.S. Trade Representative met with administrators, professors, and students to discuss expanding economic opportunity to historically underserved communities. On the eve of the U.S.–Africa Leaders Summit in Washington, D.C. in December 2022, USTR collaborated with staff and students at a local Historically Black College and University (HBCU) and with the U.S. Department of Commerce to organize a Fireside Chat on “Women and Trade: Advancing African and Diaspora Women in the Global Marketplace.”

- In August 2022, the U.S. Trade Representative and the U.S. Secretary for the Department of Agriculture traveled to Iowa for meetings with several farmer organizations, including a farm tour and roundtable with Asian Americans, Native Hawaiians, and Pacific Islanders and a Member of Congress at Global Greens Farm. The event allowed for discussion of EO 14031, [\*Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders\*](#), and opportunities to hear from minority farmers on issues of interest to them and potential intersection with U.S. agriculture-related trade policy.
- Throughout 2022, the United States and Japan worked to develop a Memorandum of Cooperation to launch a Task Force on the Promotion of Human Rights and International Labor Standards in Supply Chains. Through the Task Force, the United States and Japan will exchange information on relevant laws, policies, and guidance; promote best practices for human rights and internationally recognized labor rights due diligence; and facilitate stakeholder dialogues with businesses and worker organizations. Through these stakeholder dialogues, USTR will seek to engage with marginalized workers and relevant organizations, including survivors of forced labor.
- In 2022, the United States launched an inclusive work program in the Asia Pacific Economic Cooperation to build the capacity of APEC economies to develop trade agreements that promote the inclusion of and unlock economic opportunities for underrepresented groups, including MSMEs, women, and others with untapped economic potential in the global economy. (*For further discussion, see Chapter III.A.3 Advancing Gender Equity and Equality and Women’s Economic Empowerment in Trade Policy.*)
- The first negotiating round of the Indo-Pacific Economic Framework for Prosperity (IPEF) was held in December 2022 in Brisbane, Australia. The IPEF Trade Pillar aims to expand meaningful access to, and participation in, the regional economy, including by removing barriers to economic empowerment and encouraging participation of underserved and underrepresented groups, including women and Indigenous peoples, in international trade and investment.
- In 2022, the U.S. Trade Representative and the Trade Ministers of Canada and Mexico welcomed the USMCA committees’ response to the Ministers’ May 2021 directive to explore new approaches to better engage with underrepresented communities on trade issues, acknowledging the directive on inclusive trade for USMCA committee work and the establishment of a subcommittee on diversity and inclusion by the Private Commercial Dispute Committee. The Ministers recognized the many activities organized over the last two years by the Small and Medium-Sized Enterprises Committee to support those enterprises from all three countries, and the specific attention given to communities that are traditionally underrepresented in trade (*for further discussion, see Chapter III.B Small and Medium-Sized Business Initiative*). The Ministers reiterated their commitment to increasing the engagement of small and medium-sized enterprises led by women, Indigenous peoples, and other groups traditionally underrepresented in trade, and to facilitate their access to the North American market.

## **Data Review**

On October 14, 2021, the U.S. Trade Representative requested that the U.S. International Trade Commission (USITC) conduct an investigation on the potential distributional effects of goods and services trade and trade policy on U.S. workers by skill, wage and salary level, gender, race/ethnicity, age, and income level, especially as they affect underrepresented and underserved communities. On November 14, 2022, the USITC released its report cataloging information on the distributional effects of trade and trade

policy on underrepresented and underserved communities. The report can be accessed on the USITC website. *(For further discussion, see Chapter III.A.4 Strengthening Data to Consider and Improve the Distributional Effects of Trade.)*

### **Tribal Consultations and the White House Council on Native American Affairs**

The United States recognizes the sovereign status of Tribal Nations and its citizens. On January 26, 2021, the President issued a Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, which directs all Federal agencies to respect the trust of these relationships to the maximum extent possible through proactive, effective, and respectful engagement. Consistent with the Memorandum, the U.S. Trade Representative hosted USTR’s second annual Tribal Consultations for Tribal leaders and their designees in October 2022. Based upon input from Tribal officials, the intent of these consultations was to provide input on the President’s Trade Policy Agenda and Annual Report, discuss the United States–Mexico–Canada Agreement, USTR’s Equity Action Plan, USTR’s Advisory Committees, and other trade matters of interest.

As a member of the White House Council on Native American Affairs (WHCNAA), USTR serves on the Climate Change, Tribal Homelands Committee; the Economic Development, Energy, and Infrastructure Committee; the International Indigenous Issues Committee; and, the International Economic Development Committee. The U.S. Trade Representative also traveled to Alaska where she met with the largest statewide Native organization in Alaska. USTR officials also met with Tribal officials virtually and in Arizona. A summary of WHCNAA activities is available in the [White House Tribal Nations Summit Progress Report](#) released in November 2022.

### **White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders**

On June 3, 2021, the President signed EO 14031, which re-established the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI) and authorized the creation of the President’s Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders within the U.S. Department of Health and Human Services. In December 2022, the U.S. Trade Representative was named as co-chair of both initiatives.

Consistent with WHIAANHPI’s mission, USTR also supports efforts to disaggregate data. In addition, the U.S. Trade Representative and USTR officials engage extensively with Asian American and Native Hawaiian and Pacific Island communities across the country. These conversations focused on the prevalence of anti-Asian hate crimes, the resiliency of the Asian American community, and the critical role that Asian American and Native Hawaiian and Pacific Island communities play in developing policy solutions.

In May 2022, the U.S. Trade Representative and the Canadian Minister of International Trade, Export Promotion, Small Business and Economic Development participated in an event in Toronto, Canada that sought to combat anti-Asian hate, discrimination, and xenophobia, and inspire the next generation of leaders.

## **3. Advancing Gender Equity and Equality and Women’s Economic Empowerment in Trade Policy**

Consistent with the President’s 2022 Trade Policy Agenda, the United States continues to review existing trade programs to evaluate their contribution to equitable economic development, including whether they reduce wage gaps, increase worker unionization, promote safe workplaces, tackle forced labor and



exploitative labor conditions, and lead to the economic empowerment of women and underrepresented communities. The Office of the U.S. Trade Representative (USTR) is committed to engaging in robust technical assistance and trade capacity building with trading partners to ensure that workers and micro, small, and medium-sized enterprises (MSMEs), especially those owned by underrepresented groups, including women, around the world benefit from U.S. trade policy.

USTR develops and implements trade policy to advance gender equity and equality, and women's economic empowerment, through the USTR Gender Equity Team. This volunteer group was established in 2021 as part of USTR's collaboration with the White House Gender Policy Council. The USTR Gender Equity Team applies an intersectional, interconnected approach in supporting USTR's role in implementing the National Strategy for Gender Equity and Equality. The Gender Equity Team also supports USTR's proactive engagement (*e.g.*, listening sessions, research, sharing materials) and policy development efforts on advancing gender and trade policy.

The U.S. Trade Representative has prioritized issues concerning trade and women in engagement in the United States and abroad. These engagements provide the opportunity to highlight USTR's commitment to trade policy that promotes gender equity and equality and women's economic empowerment. Some examples of activities USTR has undertaken during 2022 include:

- On the margins of the Africa Leaders Summit in December 2022, the U.S. Trade Representative participated in an event with the U.S. Secretary of Commerce and the Executive Director of the International Trade Center on “Women and Trade: Advancing African and Diaspora Women in the Global Marketplace.” The purpose was to raise awareness of policymakers', the private sector's, and international organizations' work to advance gender equity and equality and to promote inclusive economic growth, especially in the context of strengthening U.S.–Africa partnerships. The discussion covered a range of topics including strategies and policies to ensure women of the African Diaspora thrive in the global marketplace and to amplify African workers' voices—including and especially those of women—in trade negotiations and trade policy development on the continent, and to highlight shared strategic objectives in the U.S. National Strategy on Gender Equity and Equality and the African Union's Agenda 2063 plan.
- As part of the World Trade Organization's (WTO) Informal Working Group on Trade and Gender, the United States is working to fill data gaps needed to advance gender-related trade policy, and supporting the work of the WTO on a database on gender provisions in regional trade agreements and other research. In addition, USTR advocates policies to improve opportunities for women, including transparency in trade-related information and facilitating small and medium-sized enterprise (SME) trade.
- Also at the WTO, in 2022 the United States collaborated with Ecuador and Chile to host four workshops on core topics at the WTO through a gender lens, focusing initially on government procurement, electronic commerce, trade facilitation, and investment facilitation. The United States also participated in a workshop on the role of digitalization in facilitating small business exports of women-owned firms. In a first, the WTO hosted and the United States participated in a World Trade Congress on Gender in December 2022, which offered an opportunity for participants to present groundbreaking research on gender and trade.
- USTR had announced the United States' intention to join the Joint Ministerial Declaration on the Advancement of Gender Equality and Women's Economic Empowerment Within Trade. (*For further discussion, see Chapter IV.B WTO Negotiations and Dialogues.*) However due to

geopolitical issues, in particular Russia’s premeditated and unprovoked full-scale invasion of Ukraine in February 2022, there was no consensus on the declaration amongst WTO members.

- The United States–Mexico–Canada Agreement (USMCA) Small and Medium-Sized Enterprises (SME) Chapter includes commitments on enhanced cooperation to increase trade and investment opportunities for SMEs, including those owned by women, and directs the Parties to identify ways to assist SMEs to take advantage of the Agreement. In May 2022, the USMCA SME Committee held a webinar on women’s entrepreneurship in North America, entitled “Supporting North American Women Growing International Small Businesses,” which was directed at women-owned SMEs and attracted more than 300 registrants. The agenda included three discussions: a panel of women-owned businesses in North America; an overview of private sector and SME counselor resources for women-owned businesses; and, “Where to Go Next: Government Resources.” (*For further discussion of trade and gender in the context of small and medium-sized enterprises, see Chapter III.B Small and Medium-Sized Business Initiative.*)
- USTR included gender considerations in the USMCA Environment supplemental appropriations programming in 2022, for example, through support provided to the U.S. Department of the Interior U.S. Forest Service (USFS) for training of Mexican park rangers on forestry management, including forest monitoring. One training course, specifically targeting women, addressed issues such as risk management and personal safety for women in the field.
- The Central Asia Regional Women’s Economic Empowerment (WEE) Working Group of the United States–Central Asia Trade and Investment Framework Agreement (TIFA) convened in March and September of 2022. The meetings featured expert-led exchanges on streamlining government processes for business registration, evidence-based policies to facilitate women’s participation in the formal economy, digital skills-building for female entrepreneurs, financial inclusion for women-led businesses, and equitable participation of women in the electronic commerce sphere. In a crossover event with the Central Asia Digital Trade Working Group, the group discussed how to promote and strengthen public-private dialogue that supports women-inclusive, regional approaches for digital trade. The meetings resulted in a comprehensive list of recommendations that the Working Group will use to carry forward its work plan and present at the next United States–Central Asia TIFA meeting.
- Through engagement in the Asia-Pacific Economic Cooperation (APEC) forum, the United States works with member economies to examine how to make choices in trade policy that value inclusivity and to follow through on these priorities in ways that lift up female entrepreneurs and workers, help MSMEs grow their businesses, and unlock economic opportunities for all other underrepresented parts of our populations. In 2022, the United States launched an inclusive work program in APEC to build the capacity of APEC economies to develop trade agreements that promote the inclusion of MSMEs, women, and others with untapped economic potential in the global economy. This workstream laid the groundwork for priority issues that will be implemented during the U.S. APEC 2023 host year and are intended to foster a trade agenda across APEC that more meaningfully advances policies that support more sustainable and more inclusive trade.
- The first negotiating round for the Indo-Pacific Economic Framework for Prosperity (IPEF) was held in December 2022 in Brisbane, Australia. The IPEF’s Trade Pillar aims to expand meaningful access to, and participation in, the regional economy for all segments of society, including women. (*For further discussion, see Chapter III.A.2 Advancing Racial Equity and Support for Underserved Communities.*)



- In South America, USTR has used its bilateral engagement to highlight priorities for trade and women. For example, during the United States–Paraguay Trade and Investment Council meeting in September 2022, officials exchanged ideas about advancing trade and gender priorities. In November 2022, U.S. and Argentine officials discussed opportunities for women and intellectual property (IP) as part of the Innovation and Creativity Forum for Economic Development, held in Buenos Aires, Argentina.
- Throughout 2022, the secretariats for environmental enforcement matters under the environment chapters of the CAFTA-DR and U.S.-Panama Trade Promotion Agreement conducted numerous outreach activities to build civil society capacity to file submissions alleging a Party’s failure to effectively enforce its environmental laws. These activities targeted non-governmental and non-profit organizations, academia, and Indigenous groups, many of which are led or comprised of women. To date, the secretariats have received 47 submissions under CAFTA-DR, and six under the U.S.-Panama Trade Promotion Agreement.
- The United States funded and implemented FTA-related environmental cooperation activities with gender programming in 2022. For example, ongoing environmental impact assessment capacity building in certain CAFTA-DR countries included training on engaging with Indigenous communities and incorporating environmental justice in environmental policy decision-making, which includes the participation of women and other underserved and marginalized groups.
- In Africa, USTR engaged with the African Continental Free Trade Area (AfCFTA) Secretariat and U.S. and African stakeholders on the importance of the AfCFTA Protocol on Women and Youth. In September 2022, USTR attended the inaugural AfCFTA Secretariat’s conference on Women and Youth in Trade in Dar Es Salaam, Tanzania. Topics covered included: the promotion of women leadership; specific challenges facing women and youth in trade, such as limited access to information and networks, financial inclusion, lack of an enabling environment for trade, and the impact of the COVID-19 pandemic on female traders; and, amplifying women’s voices to develop recommendations for the AfCFTA Protocol on Women and Youth in Trade. During 2022, the United States provided technical assistance to support the AfCFTA Secretariat’s work on the Protocol.
- In July 2022, the United States and Kenya issued a joint statement launching the United States–Kenya Strategic Trade and Investment Partnership, which included economic empowerment and participation of women and other vulnerable populations in trade, and the promotion of equitable and inclusive development as one of the mutually agreed initial areas of focus for the initiative.
- During the United States–United Kingdom Future of Atlantic Trade Dialogues, which occurred in March and April 2022, in Baltimore, Maryland and Aberdeen, Scotland, respectively, USTR held discussions with the UK Department for International Trade on opportunities to work collaboratively on trade-related gender issues, as well as on promoting inclusive growth, more broadly.
- In Mexico, the use by the United States of the USMCA’s Rapid Response Mechanism has supported nascent unions, many of which are led by women, to achieve tangible progress for workers.
- Through the Labor Subcommittee under the United States–Jordan Free Trade Agreement, USTR continued engaging with Jordan on greater inclusion of women in the national economy and protecting workers’ rights, particularly in the garment sector, which has a workforce comprised

overwhelmingly of women. The United States and Jordan also discussed the importance of combating harassment and gender-based violence.

- USTR held an agency-wide briefing that included a review of the academic literature on trade and women-owned and minority-owned businesses. In addition, USTR sought to better understand the challenges, opportunities, and needs (data and tools) to explore the potential for analyzing the distributional effects (*e.g.*, gender, race/ethnicity, age, geography, income levels) of trade flows, policies, and agreements.
- On October 14, 2021, the U.S. Trade Representative requested that the U.S. International Trade Commission (USITC) conduct an investigation on the potential distributional effects of goods and services trade and trade policy on U.S. workers by skill, wage and salary level, gender, race/ethnicity, age, and income level, especially as they affect underrepresented and underserved communities. On November 14, 2022, the USITC released its report cataloging information on the distributional effects of trade and trade policy on underrepresented and underserved communities. The report can be accessed on the [USITC website](#). (*For further discussion, see Chapter III.A.4 Strengthening Data to Consider and Improve the Distributional Effects of Trade.*)

#### **4. Strengthening Data to Consider and Improve the Distributional Effects of Trade**

Upon reviewing Executive Order 13985 on [Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), USTR identified the Equitable Data Working Group as a forum from which new information could be gleaned in order to assist USTR in its assessment of the impact of past and future trade policies on underserved and marginalized communities. USTR is also a member of the Office of Science and Technology Policy’s Subcommittee on Equitable Data, which is assessing how to improve Federal data collection and processes to remedy the lack of disaggregated data by race, ethnicity, gender, disability, income, veteran status, or other key demographic variables. During 2022, USTR communicated and collaborated with the Equitable Data Working Group, other Executive Branch departments, agencies, and councils, and outside stakeholders on ways to advance the potential for improved data access to inform U.S. policies related to equity and trade. USTR explored suggestions for expanding publicly available data, processes to expand access to restricted data for cleared researchers, and a restoration of helpful, previously available but now discontinued data. USTR’s goal was to seek to expand data analysis and reports to measure equity and analyze the effect of trade policy on underserved communities, including assessments based on race, ethnicity, gender, disability, income, veteran status, or other key demographic variables.

In 2022, USTR sought to better understand the challenges, opportunities, and needs (data and tools) to explore the potential for analyzing the distributional effects of trade flows, policies, and agreements on underserved and marginalized communities. On October 14, 2021, the U.S. Trade Representative requested that the U.S. International Trade Commission (USITC) conduct a two-part investigation on the potential distributional effects of goods and services trade and trade policy on U.S. workers by skill, wage and salary level, gender, race/ethnicity, age, and income level, especially the effects on underrepresented and underserved communities. The request sought to realize the goals of the Administration’s equity initiatives and to respond to congressional requests for trade policy to have a positive and equitable impact on marginalized, underserved, and disadvantaged communities in the United States and abroad. On November 14, 2022, the USITC released its report cataloging information on the distributional effects of trade and trade policy on underrepresented and underserved communities. In response to the second part of the U.S. Trade Representative’s request, the USITC has focused ongoing efforts to develop new research and

analytical capabilities to assess the potential distributional effects of future trade actions, including on these communities. The report can be accessed on the [USITC website](#).

Improved data access also relates to other Presidential initiatives including Executive Order (EO) 14020 that established and named USTR as a member of the [Gender Policy Council](#); EO 13988, [Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation](#); EO 140310, [Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians and Pacific Islanders](#); EO 14036 [Promoting Competition in the American Economy](#); EO 14045, [White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Hispanics](#); and the Presidential Memoranda on [Tribal Consultation and Strengthening the Nation-to-Nation Relationship](#) and on [Advancing the Human Rights of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Persons around the World](#).

## 5. Expanded and Consistent Inclusive Engagement

Trade policy can play a critical role in advancing equitable and resilient economic growth for underserved and marginalized communities, here in the United States and with trading partners who share concerns about rising inequality. The Administration is committed to thorough and thoughtful engagement as the U.S. Government develops and implements the President's trade policy agenda. Sustained, inclusive engagement is a key component to ensuring that resulting trade policies are durable and equitable, and account for previous common policy shortfalls of failing to engage with communities that will be affected by those decisions. As such, the United States will continue to give all stakeholders a seat at the table to inform these decisions.

### Promoting Equitable, Inclusive, and Durable Trade Policy

In strengthening the nation's economic competitiveness and resiliency, racial and gender equity must be core elements of U.S. trade and investment policy. An intersectional, interconnected framework is particularly important in strategic and emerging sectors where the United States has the potential to be competitive and create well-paying U.S.-based jobs through trade, and to expand the benefits of trade. For these reasons, many of the President's first actions directed the U.S. Government to embed equity in its policy goals, objectives, and outcomes.

As a result, the [2022 Trade Policy Agenda and 2021 Annual Report](#) included unprecedented updates on the Office of the U.S. Trade Representative's (USTR) initiatives to advance racial and gender equity in U.S. trade policy. In addition, all U.S. trade policy tools, engagements, and initiatives will consider and reflect the core principles outlined in the Executive Orders on [Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#) and [Worker Organizing and Empowerment](#), the United States' historic, first [National Strategy on Gender Equity and Equality](#), and the Presidential Memoranda on [Tribal Consultation and Strengthening the Nation-to-Nation Relationship](#) and on [Advancing the Human Rights of LGBTQI+ Persons around the World](#). In addition, USTR will continue to play a constructive, active role as the co-chair of the White House Initiative on Asian American Native Hawaiian and Pacific Islanders (WHIAANHPI), and as a member of the Gender Policy Council and White House Council on Native American Affairs (WHCNA).

Data continues to be critical to informing work with like-minded partners to advance inclusive growth and trade policy. On October 14, 2021, the U.S. Trade Representative requested that the U.S. International Trade Commission (USITC) conduct an investigation on the potential distributional effects of goods and services trade and trade policy on U.S. workers by skill, wage and salary level, gender, race/ethnicity, age, and income level, especially as they affect underrepresented and underserved communities. On November 14, 2022, the USITC released its report cataloging information on the distributional effects of trade and

trade policy on underrepresented and underserved communities. The report can be accessed on the [USITC website](#). (For further discussion, see Chapter III.A.4 *Strengthening Data to Consider and Improve the Distributional Effects of Trade*.)

### **Engagement and Consultation with Partners and Stakeholders**

The Administration recognizes Congress' important role in U.S. trade and investment policy. USTR welcomes and seeks guidance and feedback from Members of Congress to share their views and constituents' priorities regarding trade policy. USTR leadership and staff have visited Members and their constituents in different regions of the country to listen to and learn about their trade experiences firsthand. This enhanced and sustained domestic engagement included trips during 2022 to meet with workers, farmers, businesses, and community-based stakeholders in places such as King Salmon, Alaska; Baltimore, Maryland; San Antonio, Texas; Astoria, Oregon; Bay County, Michigan; and, many others. In 2023, the Administration will continue to actively engage with Congress and work with Members to address their trade policy priorities.

Additionally, the Administration is committed to engaging with a wide range of diverse and underserved communities as we develop and implement our trade policy agenda. USTR will continue connecting with stakeholders with diverse perspectives and experiences throughout the country to listen, learn, and build trusted relationships and lines of communication to develop inclusive policy that delivers equitable results.

The Administration has also regularly consulted and briefed the 28 advisory committees that USTR manages and co-leads as we seek to hear input from labor unions; environmental groups; consumer groups; nongovernmental and community-based organizations; Tribal, State and local governments; industry; and academia. In addition to seeking cleared advisor feedback on how to improve the administration of advisory committees, USTR will continue to invite and challenge cleared advisors to consider and advise on advancing innovative, equitable trade and investment policy, and encourage diverse and inclusive perspectives to apply to serve on trade advisory committees.

## **B. Small and Medium-Sized Enterprise Initiative**

U.S. small and medium-sized enterprises (SMEs) are key engines for U.S. economic growth, jobs, and innovation. The Office of the U.S. Trade Representative (USTR) is focused on making trade work for the benefit of U.S. SMEs, helping them take advantage of new markets abroad, access and participate in global supply chains, and support jobs at home. During 2022, USTR negotiated with foreign governments to open their markets and enforced existing U.S. trade agreements to ensure a level playing field for U.S. workers and businesses of all sizes. USTR worked to better integrate specific SME issues and priorities into trade policy development, increased outreach to SMEs around the country, and expanded interagency collaboration and coordination.

USTR has implemented an SME Initiative to increase export opportunities for U.S. SMEs and has expanded efforts to address the specific export challenges and priorities of SMEs and their workers in U.S. trade policy and enforcement activities. In 2022, USTR continued to engage with its interagency partners and trading partners to develop and implement new and ongoing initiatives that support small business exports.

USTR supported efforts to help more SMEs reach overseas markets by improving information availability, leveraging new technology applications, and empowering local export efforts. USTR worked closely with the U.S. Small Business Administration (SBA), the U.S. Department of Agriculture, the U.S. Department of Commerce (Commerce), and other agencies that help provide U.S. SMEs with information, assistance,

and counselling on specific export opportunities. In 2022, USTR undertook a range of actions in support of the SME Initiative.

### **Small and Medium-Sized Enterprise-Related Trade Policy Activities**

Burdensome customs procedures, discriminatory or arbitrary standards, lack of transparency relating to relevant regulations, restrictions on digital trade, and insufficient intellectual property (IP) rights protection in foreign markets present particular challenges for U.S. SMEs exporting abroad. Under the SME Initiative, USTR's small business office, regional offices, and functional offices pursued initiatives and advanced efforts to address these issues.

U.S. trade agreements, as well as other trade dialogues and fora, provided a critical opportunity to address specific concerns of U.S. SMEs and facilitate their participation in export markets. For example:

- The United State–Mexico–Canada Agreement (USMCA) includes a dedicated chapter on SMEs, in recognition of the fundamental role of SMEs as engines of the North American economy. Mexico and Canada are the top two export destinations for U.S. SME goods. In 2020 (latest data available), 84,895 U.S. SMEs exported \$58 billion in goods to Canada, and 47,657 U.S. SMEs exported \$71 billion in goods to Mexico. The USMCA also contains key provisions supporting SMEs throughout the Agreement. The SME Chapter promotes ongoing cooperation among the Parties to increase SME trade and investment opportunities. It established information-sharing tools that help SMEs better understand the benefits of the Agreement and provide other information useful for SMEs doing business in the region. The chapter also established a committee on SME issues comprised of government officials from each country. Furthermore, the chapter launched a new framework for an ongoing SME Dialogue, which is open to participation by SMEs, including those owned by diverse and under-represented groups.

Other provisions throughout the USMCA benefitting SMEs include customs and trade facilitation provisions to cut red tape and reduce costs, and a chapter on digital trade that contains the strongest provisions of any international agreement, including: (1) supporting Internet-enabled small businesses and electronic commerce exports; (2) protecting the intellectual property of innovators; (3) supporting cross border trade in services for small businesses; and, (4) supporting small businesses through good regulatory practices to promote transparency and accountability when developing and implementing regulations. The following activities occurred under the USMCA SME Chapter in 2022:

- The United States, Canada, and Mexico convened the first USMCA SME Dialogue in April 2022 in San Antonio, Texas. Approximately 800 participants attended online and in person, with simultaneous translation provided in English, French, and Spanish. The Dialogue included government officials, small businesses, and business support organizations sharing perspectives, best practices, and business guidance on export and import resources for SMEs trading across North America, as well as COVID-19 recovery resources for SMEs. Mexico will host the next USMCA SME Dialogue in 2023.
- The USMCA SME Committee organized a trilateral webinar in May 2022 on the topic of “Supporting North American Women Growing International Small Businesses,” which was directed at women-owned SMEs and attracted more than 300 registrants. The agenda included discussions by women-owned businesses in North America on private sector and SME counselor resources for women-owned businesses, and government resources from the three Parties. (*For further information, see Chapter III.A.3 Advancing Gender Equity and Equality and Women’s Economic Empowerment in Trade Policy.*)

- The USMCA SME Committee also convened a network of small business development center SME counselors among the United States, Mexico, and Canada to share best practices and help SME clients prepare for new trade opportunities under the USMCA. Participants from the United States included SME counselors from Small Business Development Centers (SBDCs), Historically Black Colleges and Universities (HBCUs), Women’s Business Centers, Minority Business Development Agency offices, Veterans Business Outreach Centers, and Native American Technical Assistance Centers. The SME Committee convened the USMCA SME Counselors network in July 2022 for a best-practices exchange on mentorship and training programs aimed at preparing SMEs from underrepresented communities, including women, Indigenous peoples, and minorities, to trade and export. USMCA information for SMEs may be found at the SBA’s [Trade Tools for International Sales](#) website and Commerce’s [USMCA](#) website. *(For further information, see Chapter III.A.2 Advancing Racial Equity and Support for Underserved Communities.)*

Other trade dialogues and fora also provided opportunities for engagement with SME stakeholders on trade opportunities and challenges they face exporting to foreign markets:

- USTR, Commerce, and SBA, along with the European Commission’s Directorate General for Trade and Directorate General for Internal Market, Industry, Entrepreneurship and SMEs convened the 11th U.S.–EU SME Workshop in September 2022, hosted by the EU in Augsburg, Germany. Topics for discussion included promoting SME growth through U.S.–EU trade opportunities; empowering SMEs, startups, and scale-ups, including an update on the work of the U.S.–EU Trade and Technology Council to promote SME access to and use of digital tools; SME access to finance; and, creating an environment for SMEs to succeed during the post-pandemic transition through economic development and workforce development strategies. The State of Alabama led a small business delegation to the SME Workshop to highlight its export strategy to serve minority and rural small businesses and Alabama–Germany economic partnerships and investment. USTR also participated in the United States–EU Trade and Technology Council SME Working Group on promoting SME access to and use of digital tools, which is led by Commerce, including webinars in 2022 on digital skills, intellectual property, and standards. *(For further information, see I.A.4 United States–European Union Trade and Technology Council.)*
- USTR, SBA, and Commerce, along with the United Kingdom’s (UK) Department for International Trade and Department for Business, Energy, and Industrial Strategy, convened the 5th U.S.–UK SME Dialogue in June 2022 in Boston, Massachusetts, with the U.S. Export Assistance Center in New England, the Massachusetts Small Business Development Center, and the UK Consulate in Boston. The discussion focused on opportunities for U.S.–UK SME trade and cooperation in emerging technologies; best practices for U.S. and UK companies; access to capital for SMEs; and trade resources for small businesses.
- In November 2022, USTR, SBA, and Commerce, along with the UK, convened the 6th U.S.–UK SME Dialogue in Edinburgh, Scotland, with the U.S. Embassy, London, and U.S. Consulate in Edinburgh. Participants at the SME Dialogue discussed an update on U.S.–UK trade; opportunities and obstacles for SMEs accessing U.S. and UK markets, including advances in paperless trading and customs and trade facilitation; advancing women’s economic empowerment; best practices for exporting to the United States and the UK; and, resources for SME export assistance. *(For further information, see Chapter III.A.3 Advancing Gender Equity and Equality and Women’s Economic Empowerment in Trade Policy.)*
- The United States–Taiwan Initiative on 21st Century Trade includes a negotiating mandate on SMEs to seek to support and enhance U.S.–Taiwan SME trade through the adoption of provisions



that involve collaborating to identify and overcome barriers to trade for SMEs; focusing on trade facilitation and information sharing for SMEs; sharing and promoting best practices; and, working together, under the auspices of the American Institute in Taiwan (AIT) and the Taipei Economic and Cultural Representative in the United States (TECRO), on activities to support and promote SMEs, including those owned by underrepresented groups and women entrepreneurs, and those in disadvantaged communities. *(For further information, see Chapter I.A.2 United States–Taiwan Initiative on 21st Century Trade.)*

- The United States–Kenya Strategic Trade and Investment Partnership includes discussion of approaches to integrate micro, small, and medium-sized enterprises into international trade and objectives for enhanced cooperation regarding these enterprises. *(For further information, see Chapter I.A.3 United States–Kenya Strategic Trade and Investment Partnership.)*
- The Indo-Pacific Economic Framework for Prosperity emphasizes the importance of strengthening economic competitiveness and cooperation and securing critical supply chains, while stimulating job growth and improving economic opportunities, including for SMEs. *(For further information, see Chapter I.A.1 Indo-Pacific Economic Framework (Pillar I).)*
- In the Asia-Pacific Economic Cooperation (APEC) forum, APEC economies continued to advance initiatives to facilitate SME access to global markets, including by promoting approaches to build a more inclusive digital economy. In 2022, APEC economies underscored the importance of this work through the endorsement of Phase III of the Supply Chain Framework Action Plan, which specifically calls for more work in APEC to facilitate SMEs’ access and integration into global supply chains. The United States, through the APEC Alliance for Supply Chain Connectivity and other mechanisms, continued capacity building activities closely linked to the World Trade Organization (WTO) Trade Facilitation Agreement. These activities included assistance for economies to further simplify customs procedures and document requirements and to foster border agency cooperation, which will benefit SMEs that often lack the resources necessary to navigate complex requirements to deliver their goods to overseas markets in the region. Economies also continued to update the [APEC Trade Repository](#) to help SMEs seeking information on tariff rates, customs procedures, and other information related to doing business in the APEC region. *(For more information, see I.C.3 Japan, Republic of Korea, and the Asia-Pacific Economic Cooperation Forum.)*
- In the WTO context, USTR pursued work with other Members on issues of interest to SME stakeholders, such as electronic commerce, transparency of regulatory processes, and implementation of trade facilitation measures.
- Under the United States–Association of Southeast Asian Nations (ASEAN) Trade and Investment Framework Arrangement, the United States and ASEAN convened an SME best-practices exchange in March 2022 on the topic of supporting women-owned micro, small, and medium-sized enterprises through e-commerce. *(For further information, see Chapter III.A.3 Advancing Gender Equity and Equality and Women’s Economic Empowerment in Trade Policy.)*
- Under the United States–Ecuador Protocol SME Annex, the United States and Ecuador convened an SME Roundtable in Guayaquil, Ecuador, in February 2022 to hear directly from rural, underserved, and women-owned and Indigenous-owned SMEs on trade opportunities and challenges for small and micro-businesses. *(For further information, see Chapter III.A.2 Advancing Racial Equity and Support for Underserved Communities.)*

- Under the United States–Paraguay Trade and Investment Framework Agreement, experts from the United States and Paraguay discussed Paraguay’s implementation of Small Business Development Centers based on the U.S. model.

## **U.S. Government Small and Medium-Sized Enterprise Activities**

USTR participated in the Trade Promotion Coordinating Committee’s (TPCC) Small Business Working Group, collaborating with agencies such as the U.S. Departments of Agriculture, Commerce, and State, SBA, and the U.S. Export-Import Bank to promote small business exports, including by connecting SMEs to trade information and resources to help them begin or expand their exports and take advantage of existing trade agreements. This work also involved improving U.S. Government digital outreach and engagement with potential small business exporters with online tools. USTR also participated in interagency work, assisting small and underserved businesses through export promotion.

### **Small and Medium-Sized Enterprise Outreach and Consultations**

In 2022, USTR regularly consulted with the Industry Trade Advisory Committee on Small, Minority, and Women-led Business (ITAC-9) to seek its advice and input on U.S. trade policy negotiations and initiatives, and met frequently with individual SMEs and associations representing SME members on specific issues. USTR apprised SMEs at several SME events in 2022 regarding U.S. trade priorities, including the annual America’s Small Business Development Center Conference in San Diego, California; the National Association of District Export Councils Trade Policy Committee meetings; and, other events aimed at encouraging SMEs to begin or expand their exports, including through the use of digital tools and electronic commerce.

## **C. Agriculture and Trade**

The United States is committed to global agricultural trade, as both a major exporter and a major importer of agricultural goods. U.S. agriculture has posted an annual trade surplus for well over 50 years. According to the U.S. Department of Agriculture (USDA), agricultural exports support more than an estimated one million American jobs, with roughly 70 percent of these jobs in the non-farm sector, such as in processing and agricultural manufacturing. In 2022, U.S. total agricultural exports reached \$202.4 billion.<sup>1</sup>

The United States is among the world’s top producers of food and agricultural products, and is widely recognized for its efficient use of land. Throughout 2022, supply chain challenges and continued uncertainty associated with the COVID-19 pandemic were exacerbated by the additional volatility and disruption in global grain and fertilizer markets due to Russia’s premeditated and unprovoked full-scale invasion of Ukraine. The continued challenges and uncertainty for agricultural producers, food manufacturers and food distributors worldwide led to widespread and growing concern over global food insecurity challenges. Further, continued, unjustified retaliatory tariffs on U.S. farm goods affected market access opportunities for many U.S. agricultural producers in 2022. Despite these multiple, complex challenges, U.S. agricultural producers maintained high levels of production, and continued to provide safe, high-quality foods and beverages to U.S. and foreign consumers.

### **1. Opening Export Markets for American Agriculture**

Successful expansion of market opportunities abroad for U.S. food and agricultural products requires close coordination among a number of U.S. Government agencies. The Office of the U.S. Trade Representative

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<sup>1</sup> U.S. domestic exports were \$196 billion; and U.S. re-exports were \$6.4 billion.



(USTR) leads the U.S. Government's approach to develop and implement trade policy. U.S. regulatory agencies such as the U.S. Food and Drug Administration (FDA); the U.S. Environmental Protection Agency (EPA); the National Oceanic and Atmospheric Administration (NOAA); and the USDA Food Safety and Inspection Service (FSIS), Animal and Plant Health Inspection Service (APHIS), and Agricultural Marketing Service (AMS) work together to ensure that American food and agricultural products are among the safest in the world. USTR works with the USDA Foreign Agricultural Service (FAS), the U.S. Department of Commerce, the Department of State, and U.S. Embassies around the world to engage foreign governments to implement policies and regulations that are supported by science, are minimally trade distorting, and are consistent with international trade obligations.

Significant accomplishments of the United States in opening and maintaining export markets for U.S. agricultural goods in 2022 include:

**Supported Science-based Regulatory Policy in Africa by Funding a Sanitary and Phytosanitary (SPS) Advisor to the African Union:** In November 2022, the U.S. Government announced the hire of a SPS advisor to share expertise with interested African partners to support collaboration on the development of science-based SPS policy frameworks that utilize risk-based approaches for the production and trade of food and agricultural products. The newly-selected advisor was jointly selected by the U.S. Government and African Union, and will begin work in January 2023. This work will help promote agricultural trade between the United States and Africa, to the benefit of both U.S. and African farmers and food producers.

**Engaged with Canada to Ensure Regulatory Transparency as it Develops its Clean Fuel Regulation:** In March 2022, after considerable engagement by USTR and USDA, Canada confirmed that it would periodically notify to the World Trade Organization (WTO) amendments to its new Clean Fuel Regulation, intended to regulate the production and importation of renewable fuels and their feedstocks for use in transport fuel. Canada had previously resisted notifying updated versions of the measure, and this lack of transparency was preventing stakeholders from understanding or commenting on critical components of the regulation. Since March 2022, Canada has notified two separate amendments to the regulation. As a result of the transparency and dialogue facilitated by these notifications, Canada's amendments modify certain elements of the measure that are important to U.S. biofuel producers. The United States will continue engaging with Canada bilaterally and in the WTO to ensure the regulation is developed and implemented in a manner consistent with Canada's international commitments. The United States exports over \$1 billion worth of ethanol and ethanol feedstocks to Canada annually.

**Participated in Colombia's Expiry Review on Countervailing Duties (CVD) on Imports of U.S. Ethanol:** In June 2022, USTR submitted replies to questionnaires from Colombia as a part of an expiry review of the CVD measure imposed in 2020 on imports of U.S. ethanol. The United States maintains that the original CVD measure, which imposed a \$0.066/kg duty on imports of U.S. ethanol, was not justified, and that any extension or possible increase of that rate, as requested by Colombia's domestic industry, would also be unjustified. USTR will continue to work closely with other U.S. Government agencies and U.S. industry to engage throughout the course of Colombia's expiry review. U.S. exports of ethanol to Colombia were valued at \$34 million in 2022.

**U.S. Exports of Beef and Poultry Products to China Hit Record for Third Year in a Row:** In 2022, U.S. exports of beef and poultry to China hit all-time highs of \$2.2 billion and \$1.1 billion, respectively. Maintenance of new and expanded market access for U.S. beef and poultry secured through the United States-China Economic and Trade Agreement facilitated the increased imports of these U.S. products.

**U.S. Exports of Soy to China Hit Record Value for Second Year in a Row:** In 2022, U.S. exports of soybeans to China reached an all-time high of \$17.9 billion and is the largest single export category of U.S.

agricultural exports to China. Strong demand for U.S. soybeans and China's maintenance of tariff exclusion mechanisms for Chinese importers contributed to the record value of U.S. soy imports to China.

**Ensured Continued Access for U.S. Food Exports to China Despite Burdensome Facility Registration Requirements:** On January 1, 2022, China implemented Decree 248 establishing burdensome new requirements for all overseas exporters of food to China. The United States undertook efforts to minimize the trade impacts of these new requirements. This included engaging Chinese counterparts to limit the burden on U.S. food safety regulators under Decree 248, and providing assistance to U.S. facilities navigating the new rules.

**Ecuador Revised Import Licensing System for Agricultural Products:** In March 2022, Ecuador implemented revisions to its import licensing system following U.S. engagement under the United States–Ecuador Trade and Investment Council (TIC). The revisions addressed U.S. concerns with transparency related to how the system was previously administered. The United States will continue monitoring Ecuador's administration of its import licensing system to ensure that procedures are consistent with Ecuador's commitments under the WTO Agreement on Import Licensing Procedures.

**Resumed Trade in Live Bivalve Shellfish with the European Union:** In February 2022, the United States' and European Union's (EU) competent authorities each concluded an equivalence determination of the other's food safety system, which allowed for resumption of bilateral trade in live, raw bivalve shellfish. Since 2011, trade in live, raw bivalve shellfish between the United States and the EU has been blocked in both directions. U.S. industry estimates that it lost approximately \$30 million annually in exports of live oysters, scallops, and clams to the EU. The U.S. Government finalized export certification requirements for U.S. shellfish producers exporting to the EU, which took effect February 27, 2022.

**Initialed EU Brexit Tariff Rate Quota Agreement:** USTR initialed an agreement with the EU that will provide the United States revised tariff-rate quota (TRQ) allocations to account for the withdrawal of the United Kingdom (UK) from the EU following Brexit. The TRQ will restore certainty and predictability for U.S. exporters to the EU, and will continue to provide favorable market access for U.S. products such as rice, wheat, and corn.

**Gulf Cooperation Council Dropped Proposed Advisory Statement Label for Energy Drinks:** In 2022, following several meetings and exchanges with U.S. Government experts, the Gulf Cooperation Council (GCC) confirmed that it would drop proposed warning label requirements for certain categories of consumers on energy drinks, given the lack of scientific evidence for requiring for the warnings. In 2022, the United States exported \$61 million in non-alcoholic beverages to GCC-member states.

**U.S. Cherries Gained Access to India's Market:** On August 3, 2022, the Plant Quarantine Division of India's Ministry of Agriculture and Farmers Welfare granted expanded market access for U.S.-origin cherries from the northwest United States, fulfilling a commitment made under the 2021 United States–India Trade Policy Forum (TPF). Industry estimates that U.S. cherry exports to India may reach up to \$5 million annually.

**Israel Updated Alcohol Regulations:** USTR and USDA engaged with Israel to revise certain aspects of draft wine and distilled spirit regulations that Israel had notified to the WTO TBT Committee in 2022. The United States commented on Israel's notification and engaged bilaterally during WTO TBT Committee meetings. The changes helped preserve access for U.S. wine and distilled spirits exports to Israel, valued at \$8.8 million in 2022.

**Israel Opened Market to U.S. Processed Meat Products:** Following three years of engagement, Israel granted market access to U.S. processed meat products, making the United States the first and only country

in the world with market access in Israel for processed meat products. The opening gives U.S. exporters new opportunities to establish a presence in Israel's market for processed meat products.

**Indonesia Registered Three Additional U.S. Dairy Facilities:** After significant engagement on the part of the U.S. Government, Indonesia approved three U.S. dairy facilities in April 2022, bringing the list of U.S. facilities eligible to ship to Indonesia to 128. Indonesia is the seventh-largest market for U.S. dairy, with 2022 exports valued at \$448 million.

**Jordan Expanded Market Access for U.S. Corn, Poultry, and Apples:** In 2022, after more than four years of engagement, Jordan agreed to waive longstanding concerns about broken kernels in U.S. corn shipments, and committed to issue import licenses for U.S. poultry and apples. U.S. persistence on these issues created additional export opportunities for U.S. corn, poultry, and apples, with U.S. exports to Jordan reaching \$10.4 million in 2022.

**Continued United States–Korea Free Trade Agreement Committee Work:** United States–Korea Free Trade Agreement (KORUS) SPS and Agriculture Committee meetings in February 2022 addressed a number of issues, including: acceptable levels of certain residues on imports of U.S. meat and poultry imports into Korea; the registration of pesticides; Korea's approval procedures for products of agricultural biotechnologies; and, development of policies to address emerging technologies, such as genome editing. In August 2022, USTR completed "mid-year check-in" meetings with Korea, to take stock of progress made on the issues raised in the Committees in February, and to begin planning for the next installment of Committee meetings, tentatively scheduled for early 2023 in Washington, D.C.

**Mexico Expanded Access for U.S. Fresh Potatoes:** In May 2022, the United States shipped fresh potatoes to Mexico beyond a 26-kilometer zone along the U.S.–Mexico border. The United States has sought access to export potatoes beyond this zone since 2003. In 2022, the United States exported over \$88 million of U.S. fresh potatoes to Mexico, its second-largest export market.

**Nigeria Granted Market Access for U.S. Pork:** In January 2022, the United States and Nigeria announced an agreement to open the Nigerian market to U.S. pork sausage and similar products. This agreement marks the first time that a U.S. animal protein has had access to the Nigerian market since 2002.

**The Philippines Extended Temporary Duty Reduction for Pork:** Following consultation and engagement with the U.S. Government and industry, the Philippines reinstated temporary Most-Favored-Nation (MFN) duty reductions for pork in June 2022, from 30 to 15 percent for in-quota imports, and from 40 to 25 percent for over-quota imports. These tariff reductions were initially implemented for one year beginning in May 2021, and reinstated in June 2022 through the end of 2022. On December 29, 2022, the President of the Philippines extended the reductions again through the end of 2023.

**Qatar Dropped Nationwide Ban on U.S. Poultry:** In September 2022, Qatar transitioned from a nationwide to a county-level ban on imports of poultry and poultry products from the United States, following extensive technical engagement with U.S. Government experts. In June 2022, Qatar had imposed a nationwide ban on poultry meat, poultry products, and table eggs from the United States due to the ongoing outbreak of Highly Pathogenic Avian Influenza, without taking into account the regional nature of the outbreak, as required by the WTO SPS Agreement. In 2022, U.S. poultry exports to Qatar were valued at \$11 million.

**South Africa Increased Import TRQ for U.S. Poultry:** In the spring of 2022, South Africa increased the TRQ volume for U.S. bone-in poultry meat that is not subject to anti-dumping duties for the 2022/2023 quota year, to 71,632 metric tons. In the previous quota year, the United States filled 84 percent of its 71,290-metric ton TRQ allocation, despite unprecedented challenges, including COVID-19-related

restrictions, civil unrest, and major delays due to cyber-attacks on South African ports. The increased poultry TRQ allocation resulted from engagement by USTR and USDA to clarify and improve South Africa’s utilization guidelines for the U.S. bone-in chicken TRQ.

**Turkey Approved Use of “Handmade” on Vodka Labels:** While Turkey initially rejected the use of “handmade” on vodka labels, claiming the term was misleading, U.S. government outreach, importer-provided documentation, and expert regulatory opinions supporting the use of the term, persuaded Turkey to reverse its decision. U.S. exports of distilled spirits to Turkey totaled \$11 million in 2022.

**Ensured Continued Access to the United Kingdom for U.S. Agricultural Exports:** In May 2022, the UK notified the United States that it had completed all internal requirements necessary to give effect to the TRQs negotiated with the United States as part of the UK’s withdrawal from the EU, thereby providing certainty to U.S. agricultural exporters, including improved access to the UK market for products such as pork and beef. As a result, in June 2022, the United States lifted its reservation on the UK’s modified tariff schedule to account for the UK’s withdrawal from EU. Additionally, in April 2022, USTR and USDA initiated dialogue with the UK to increase cooperation on global and bilateral food security, in response to global food and agriculture trade shocks due to Russia’s premeditated and unprovoked full-scale invasion of Ukraine.

**Maintained Market Access for U.S. Pork Exports to Uruguay:** In March 2022, Uruguay suspended new import requirements implemented in August 2021, following U.S. engagement highlighting Uruguay’s failure to notify the measure to the WTO SPS Committee. Uruguay confirmed that it would suspend the new requirements and engage with U.S. technical experts before enforcing any new requirements, thereby maintaining U.S. market access in the interim. USTR and USDA will continue to advocate for mutually-agreeable, science-based requirements that preserve U.S. access to Uruguay’s market.

**Vietnam Reduced the MFN Duty for Frozen Pork:** On July 1, 2022, Vietnam implemented an MFN duty reduction on imports of frozen pork, originally announced during the Vice President’s visit in August 2021, allowing for U.S. pork exports to enter Vietnam on a level playing field with exports of pork from competitors that enjoyed preferential access.

**Vietnam Revoked Certificate of Free Sale Requirement for U.S. Bulk Feeds:** On July 13, 2022, following sustained U.S. engagement, Vietnam issued Decree 46/2022, which revoked the requirement for a Certificate of Free Sale as part of the registration process for import inspection of traditional feeds and single feed ingredients. Approximately 30 percent of U.S. agricultural exports to Vietnam fall into this category.

## 2. Bilateral and Regional Activities

### Promoting Trade and Food Security in Asia Pacific Economic Cooperation Dialogues

The Asia Pacific Economic Cooperation (APEC) Food Security Roadmap Towards 2030 (Roadmap), designed and endorsed in 2021, guides regional efforts to improve food security. The Roadmap provides concrete targets in several priority focus areas, including: promoting greater innovation and digitalization to facilitate agricultural production and trade; increasing productivity in food production and supply chains; expanding inclusivity; putting greater effort into sustainable food production; and, improving public-private agricultural partnerships. To further facilitate APEC members’ ability to meet the targets of the Roadmap, the APEC Ministerial Meeting on Food Security finalized and adopted the Implementation Plan for the Food Security Roadmap Towards 2030 (Implementation Plan). The Implementation Plan expands upon the Roadmap by identifying leadership for the Roadmap’s targets and listing specific actions and initiatives

that APEC economies can take to deliver on the Roadmap's targets. The United States played an active role in drafting the Implementation Plan to ensure that U.S. strategic initiatives, including those on climate change and sustainable agriculture, feature prominently.

*For further discussion of United States participation in Asia Pacific Economic Cooperation, see Chapter I.C.3 Japan, Republic of Korea, and the Asia-Pacific Economic Cooperation Forum.*

### **United States–Australia Free Trade Agreement**

In 2022, the United States and Australia confirmed that they would continue work under the United States–Australia Free Trade Agreement (AUSFTA) to make progress on U.S. market access requests for agricultural products. Following the September 2022 meeting of the AUSFTA SPS Committee, the United States and Australia continued to review animal health and plant health information related to market access requests for a variety of meat and horticultural products.

*For further discussion of the United States–Australia Free Trade Agreement, see Chapter I.B.1 Australia.*

### **United States–Central Asia Trade and Investment Framework Agreement**

In 2022, the United States engaged with Kazakhstan, Kyrgyzstan, Turkmenistan, Tajikistan, and Uzbekistan on regional SPS-related trade issues under the United States–Central Asia Trade and Investment Framework Agreement (TIFA) SPS Working Group. The Working Group provided a forum to share and exchange best trade-related SPS practices, including implementation of WTO-consistent requirements.

*For further discussion of the United States–Central Asia Trade and Investment Framework Agreement, see Chapter I.C.7 South and Central Asia.*

### **United States–China Economic and Trade Agreement**

Throughout 2022, the United States worked to advance China's implementation of the Economic and Trade Agreement and to maintain new and expanded market access for U.S. food and agricultural exports to China. Through sustained engagement, the United States exported a record amount of U.S. food and agricultural products to China. The United States minimized the negative impact of changes to China's food and agricultural import regulations, including those related to COVID-19 and overseas food manufacturing facility registration.

### **United State–Colombia Trade Promotion Agreement**

The United States–Colombia Trade Promotion Agreement (CTPA) entered into force in May 2012. More than half of U.S. agricultural exports became duty-free upon entry into force, with most remaining tariffs phased out over 15 years. Colombia eliminated duties on wheat, barley, soybeans, soybean meal and flour, high-quality beef, bacon, almost all fruit and vegetable products, peanuts, whey, cotton, and the vast majority of processed products. The CTPA also provides duty-free access through TRQs for specified volumes of standard-grade beef cuts, chicken leg quarters, pork, corn, sorghum, animal feeds, rice, soybean oil, and dairy products. The United States engages extensively with Colombia on a regular basis and in annual meetings of the CTPA SPS and Agriculture Committees. The two Committees last convened virtually in October 2021 to discuss several issues, including: preferential treatment for U.S. corn under the CTPA TRQ; Colombia's initiation of a safeguard investigation into imports of U.S. dairy products; countervailing duties on imports of U.S. ethanol; cooperation on biotechnology; and other SPS-related

market access issues. Colombia is the fifth-largest export destination for U.S. corn, with U.S. exports of corn valued at approximately \$979 million in 2022.

*For further discussion of the United States–Colombia Trade Promotion Agreement, see Chapter I.B.5 Colombia.*

### **Dominican Republic–Central America–United States Free Trade Agreement**

Agricultural export and investment opportunities with Central America and the Dominican Republic have continued to grow under the Dominican Republic–Central America–United States Free Trade Agreement (CAFTA–DR). All of the CAFTA–DR Parties have committed to strengthening trade facilitation, regional supply chains, and implementation of the Agreement. Under the CAFTA–DR, exports of import-sensitive agricultural products are subject to country-specific TRQs. These quotas will continue to increase annually until nearly all tariffs are eliminated by no later than 2025.

In 2022, the United States continued bilateral discussions with CAFTA–DR Parties regarding the conclusion of work undertaken by the Agriculture Review Commission in 2019. The United States will continue to press for progress on SPS and TBT barriers and to address cumbersome regulatory barriers to trade in order to facilitate U.S. market access in Central American countries and the Dominican Republic. In 2022, U.S. exports of agricultural products to the CAFTA–DR region were valued at approximately \$7.8 billion.

*For further discussion of the Dominican Republic–Central America–United States Free Trade Agreement, see Chapter I.B.3 Central America and the Dominican Republic (CAFTA–DR).*

### **United States–European Union Consultations on Agricultural Biotechnology**

In accordance with the 2008 decision by the United States and the European Union (EU) to suspend Article 22.6 arbitration proceedings associated with the WTO dispute settlement proceedings against the European Communities (the EU predecessor) regarding the approval and marketing of biotechnology products (DS291), the United States has been engaging with the EU in semiannual consultations to normalize trade in agricultural biotechnology products. Significant delays in the EU for agricultural biotechnology approvals continue to represent a major barrier to the commercialization and trade of safe biotechnology products. During the U.S.–EU consultation on October 26, 2022, the United States reiterated concerns with the continued delays that applicants face while navigating the EU’s biotechnology approval procedures. In 2022, the EU began issuing biotechnology approvals on a rolling basis and issued seven product approvals and renewals.

*For further discussion of European Union – Measures affecting the approval and marketing of biotechnology products (DS291), see Chapter II.D WTO and FTA Enforcement.*

### **United States–Japan Trade Agreement**

The United States–Japan Trade Agreement (USJTA) entered into force on January 1, 2020. The USJTA provides America’s farmers and ranchers enhanced market access to Japan, the United States’ fourth-largest agricultural export market in 2022. The USJTA enables American producers to compete effectively with countries that have preferential access to the Japanese market through other bilateral and regional agreements. Pursuant to the USJTA, Japan committed to provide substantial market access to American food and agricultural products by eliminating tariffs, enacting meaningful tariff reductions, or allowing a specific quantity of imports at a low duty (generally zero). Importantly, the tariff treatment for the covered products matches preferential tariffs that Japan provides to countries in the Comprehensive and Progressive

Agreement for Trans-Pacific Partnership. Over 90 percent of U.S. food and agricultural imports into Japan receive either duty-free treatment or preferential tariff access under the USJTA. In June 2022, the U.S. Trade Representative and Japan’s Ambassador to the United States signed the Protocol Amending the Trade Agreement Between Japan and the United States of America to revise the beef safeguard mechanism under the USJTA. The new safeguard agreement will allow U.S. beef exporters to more reliably meet Japan’s growing demand for high-quality beef, providing more predictability and reducing the probability that safeguard duties will be imposed on imported U.S. beef. Exports of U.S. beef to Japan totaled almost \$2.3 billion in 2022, with Japan representing the second-largest market for U.S. beef exports.

*For further discussion of the United States–Japan Trade Agreement, see Chapter I.C.3 Japan, Korea, and Asia-Pacific Economic Cooperation (APEC).*

### **United States–Korea Free Trade Agreement**

The KORUS has been an economic boon to U.S. agricultural exporters since it entered into force in March 2012. U.S. exports of agricultural products to Korea in 2022 were valued at approximately \$9.5 billion, making Korea the fifth-largest market for U.S. agricultural exports. Exports of U.S. beef to Korea have soared from approximately \$583 million in 2012, when KORUS entered into force, to approximately \$2.7 billion in 2022, making Korea the largest export destination for U.S. beef and beef products. However, exports of other U.S. agricultural products to Korea face various impediments, particularly exports of apples, pears, and other horticultural products. The KORUS Committees on Agricultural Trade and SPS met virtually in February 2022, followed by “mid-year check-in” meetings in Korea in August 2022. Issues discussed in the Committees included establishing science-based residue limits for imports of U.S. meat and poultry into Korea; pesticide registration requirements; and Korea’s approval procedures for products of agricultural biotechnologies.

*For further discussion of the United States–Korea Free Trade Agreement, see Chapter I.B.8 Korea (KORUS).*

### **United States–Mexico–Canada Agreement**

The Parties to the United States–Mexico–Canada Agreement (USMCA) held the second meeting of the USMCA Committee on SPS Measures on June 22, 2022, during which the United States raised concerns and requested information regarding applications for biotechnology products for food and feed use in Mexico, and Mexico’s policies regarding agricultural biotechnology. The Parties shared information on several issues, including electronic certification and animal diseases of concern

*For further discussion of the United States–Mexico–Canada Agreement, see Chapter I.B.9 Mexico and Canada (USMCA).*

### **United States–Panama Trade Promotion Agreement**

The United States–Panama Trade Promotion Agreement entered into force on October 31, 2012. Under the Agreement, nearly half of U.S. agricultural exports immediately became duty free, with most remaining tariffs to be phased out within 15 years. Tariffs on a few of the most sensitive agricultural products will be phased out in 18 to 20 years from the Agreement’s entry into force. Following the first tariff reduction under the Agreement on October 31, 2012, subsequent tariff reductions occur on January 1 of each year; the eleventh round of tariff reductions took place on January 1, 2022. The United States and Panama continued to work cooperatively throughout 2022, meeting bilaterally to discuss and address issues of

concern and convening the Technical Capacity Building Committee to identify opportunities for collaboration to support agricultural production and trade.

*For further discussion of the United States–Panama Trade Promotion Agreement, see Chapter I.B.12 Panama.*

### **United States–Peru Trade Promotion Agreement**

The United States–Peru Trade Promotion Agreement entered into force in February 2009. More than two-thirds of U.S. agricultural exports became duty-free immediately after the Agreement entered into force. According to the Agreement, tariffs on most U.S. agricultural products will be phased out within 15 years of entry into force of the Agreement, with all tariffs eliminated within 17 years. Issues impacting bilateral agricultural trade are addressed in the Agriculture and SPS Committees that were established under the Agreement, and may be elevated to meetings of the Free Trade Commission. The SPS Committee met virtually in April 2022. The United States raised concerns with Peru’s longstanding moratorium on the cultivation of products of biotechnology in Peru, certification issues for U.S. meat product exports to Peru, and opportunities for collaboration in multilateral forums, such as the WTO SPS Committee and Codex Alimentarius Commission.

*For further discussion of the United States–Peru Trade Promotion Agreement, see Chapter I.B.13 Peru.*

### **United States–Taiwan Trade and Investment Framework Agreement**

The United States and Taiwan held a United States–Taiwan Trade and Investment Framework Agreement (TIFA) Council meeting on June 29, 2021, under the auspices of the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States. In 2022, the United States intensified engagement with Taiwan on market access barriers facing U.S. beef and pork exports, including in the TIFA Agriculture Working Group. Discussions were comprehensive and covered longstanding barriers such as import bans on certain U.S. beef products, in addition to more recent concerns such as increased inspection rates for imported U.S. pork products, which are unjustified in light of compliance records.

### **United States–Ukraine Trade and Investment Cooperation Agreement**

The United States and Ukraine met on November 9, 2022, under the United States–Ukraine Trade and Investment Cooperation Agreement (TICA). In light of the destruction caused by Russia’s premeditated and unprovoked full-scale invasion of Ukraine, this year’s Trade and Investment Council meeting focused on ways to help lay the foundation for a sustainable economic recovery and long-term reconstruction, including through the use of innovative technologies to strengthen global and regional food security. The governments also discussed how to increase production in the agricultural sector, and on how to advance climate change solutions and sustainability, particularly through the use of innovative technologies.

## **3. Agriculture in the World Trade Organization**

*For a discussion on the WTO-related activities, see Chapter IV.D.1 Committee on Agriculture; Chapter IV.D.8 Committee on the Application of Sanitary and Phytosanitary Measures; and, Chapter IV.B.2 Other Negotiations.*



## 4. Enforcing Trade Agreements for American Agriculture

U.S. enforcement and monitoring efforts cover a broad expanse of activities in support of American agriculture. Every day the U.S. Government works to monitor other countries' compliance with trade obligations. In addition to participating in dispute settlement, either at the WTO or through available mechanisms under relevant trade agreements, the United States works to resolve specific trade concerns, reviews and comments on proposed regulations that could unnecessarily impede trade, and advocates for elimination of unwarranted barriers.

In 2022, meaningful progress was made on a number of disputes brought by the United States.

Pending WTO disputes involving agricultural products are:

- *Canada — Measures Governing the Sale of Wine in Grocery Stores* (DS531);
- *China — Domestic Support for Agricultural Producers* (DS511);
- *China — Tariff Rate Quotas for Certain Agricultural Products* (DS517);
- *European Union — Measures Concerning Meat and Meat Products (Hormones)* (DS26, DS48);
- *European Union — Measures Affecting the Approval and Marketing of Biotechnology Products* (DS291);
- *India — Measures Concerning the Importation of Certain Agricultural Products from the United States* (DS430); and
- *Indonesia — Import Restrictions on Horticultural Products, Animals, and Animal Products* (DS455, DS465, and DS478).

In addition, the United States brought the following dispute under the USMCA:

- *Canada — Allocation of Dairy Tariff-Rate Quotas.*

*For further discussion of these disputes, see II.D WTO and FTA Enforcement.*

## D. Digital Trade and Services

The United States is the largest services trading country in the world. Services accounted for \$1.6 trillion in total (two-way) U.S. trade during 2022, up 19.3 percent (\$259.3 billion) from 2021, and up 39 percent from 2012. In 2022, exports of services were \$924.2 billion, up 16.2 percent (\$128.9 billion) from 2021, and up 35.0 percent since 2012. U.S. exports of services accounted for almost one third of overall U.S. exports in 2022. However, on a value-added basis (which accounts for the value of research, information and communication technology (ICT), logistics, and other services as inputs to the production of goods), services accounted for about half the value of U.S. exports. The U.S. services trade balance in 2022 was a \$243.7 billion surplus, down 0.6 percent (\$1.6 billion) from 2021 but up 13.2 percent from 2012. The U.S. services trade surplus reduced the overall trade deficit by 20.4 percent in 2022.

Internet and other digital technologies strengthen and support firms in many sectors of the U.S. economy, and services that can predominantly be delivered remotely over ICT networks accounted for 86 percent of all U.S. services exports. U.S. ICT services (including potentially ICT-enabled services) accounted for a surplus of \$300.6 billion in 2021 (latest data available). In 2022, the Office of the U.S. Trade Representative (USTR) and other U.S. Government agencies advanced U.S. services and digital trade interests across a range of fora, worked to combat problematic digital trade barriers around the world and increase access to digital finance and digital payments for women, youth, small and medium-sized enterprises, and other

underrepresented groups, and collaborated on how to protect workers in the face of rapid technological change.

At the World Trade Organization (WTO), the United States has participated actively in the Joint Statement Initiative on Electronic Commerce (or “digital trade”). In January 2019, the United States and 75 other WTO Members issued a second Joint Statement confirming their intent to commence negotiations and committing to seek a high-standard outcome with the participation of as many Members as possible. Throughout 2022, the United States and other participating governments, totaling 87 WTO Members, continued negotiations on the basis of Members’ proposals. By the end of 2022, this work resulted in further progress in a number of areas and the production of a revised consolidated text. The United States also worked in 2022 toward the full implementation of the Joint Initiative on Services Domestic Regulation, agreed to by 67 Members in December 2021, and aimed at increasing transparency, predictability and efficiency of authorization procedures for service providers hoping to do business in foreign markets.

In June 2022, the United States joined a consensus at the WTO Twelfth Ministerial Conference to continue the longstanding Work Program on Electronic Commerce and to maintain a moratorium on duties on electronic transmissions. This decision will remain effective until the Thirteenth Ministerial Conference.

USTR raised services and digital trade issues in many bilateral and multilateral engagements throughout 2022, including: the Indo-Pacific Economic Framework; the United States–Taiwan Initiative on 21st-Century Trade; the U.S.–UK Dialogues on the Future of Atlantic Trade; the United States–Kenya Strategic Trade and Investment Partnership; consultations with free trade agreement partners; trade and investment framework agreement meetings; the Asia-Pacific Economic Cooperation forum; the United States–European Union Trade and Technology Council; and, the WTO, where appropriate. USTR also continued to advocate for U.S. services and digital trade interests in international fora such as the Group of 20, Group of 7, and the Organization for Economic Cooperation and Development.

In addition to efforts to address services and digital trade issues affecting U.S. suppliers, including small and medium-sized enterprises, USTR in 2022 also continued to look at the way these issues affect people as both workers and consumers. USTR’s approach to digital trade also incorporates security concerns, recognizing the importance of confidence not only in digital infrastructure but in the underlying physical infrastructure as well.

## **E. Intellectual Property**

During 2022, the Office of the U.S. Trade Representative (USTR) continued to urge other countries to open their markets to U.S. exports of goods and services and to provide adequate and effective protection and enforcement of U.S. intellectual property (IP) rights.<sup>2</sup> Toward this end, USTR worked to ensure that U.S. owners of IP have a full and fair opportunity to compete around the globe.

To protect U.S. innovation and employment, the U.S. Government identified laws, policies, and practices in foreign countries that fail to provide adequate and effective IP protection and enforcement for U.S. inventors, creators, brands, manufacturers, and service providers.<sup>3</sup> Challenges included copyright piracy, which particularly threatens U.S. exports in media and other creative content. U.S. innovators face unbalanced patent systems and other unfair market access barriers. Counterfeit products undermine U.S. trademark rights and can also pose serious threats to consumer health and safety. According to the Organization for Economic Cooperation and Development (OECD), data on customs seizures indicates that

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<sup>2</sup> Intellectual property rights include copyrights, patents, industrial designs, trademarks, and trade secrets.

<sup>3</sup> In 2019 (latest data available), IP-intensive industries accounted for 63 million jobs in the United States, which constituted 44% of all U.S. employment at the time.

the country whose goods are most counterfeited and pirated is the United States (almost 24 percent of total seizures around the world are of pirated and counterfeit goods whose right holders originate in the United States). Inappropriate protection of geographical indications (GIs), including the lack of transparency and due process in some systems, limits the scope of trademarks and other IP rights held by U.S. producers and imposes barriers on market access for U.S.-made goods and services that rely on the use of common names, such as “feta” cheese. In addition, the theft of trade secrets, often among a company’s core business assets and key to a company’s competitiveness, hurts U.S. businesses, including small and medium-sized businesses (SMEs). The reach of trade secret theft into critical commercial and defense technologies poses threats to U.S. national security interests as well.

The United States deployed a wide range of bilateral and multilateral trade tools to promote sound IP laws and effective enforcement worldwide, reflecting the relevance of IP to the future growth of the U.S. economy. The United States pressed trading partners on IP issues through bilateral engagement and other means, including with: Argentina, Australia, Bangladesh, Brazil, Canada, Chile, China, Colombia, Costa Rica, Ecuador, Egypt, India, Indonesia, Japan, Kenya, Kuwait, Malaysia, Mexico, New Zealand, Pakistan, Paraguay, the Philippines, Romania, Saudi Arabia, South Africa, Taiwan, Thailand, Turkmenistan, Ukraine, and Uzbekistan. The United States also engaged bilaterally and regionally with other countries through the annual “Special 301” review and Notorious Markets report. (*For further information, see Chapter II.E.2 Special 301.*)

To elaborate on endemic concerns in just one of these countries, China is home to widespread infringing activity, including trade secret theft, rampant online piracy and counterfeiting, and high-volume manufacturing and export of pirated and counterfeit goods to markets around the globe. Combined, shipments and goods coming from or through China and Hong Kong, China (Hong Kong) in Fiscal Year 2021 accounted for the overwhelming majority (75 percent of the value measured by manufacturers’ suggested retail price) of all U.S. Customs and Border Protection (CBP) border seizures of IP rights infringing merchandise.<sup>4</sup> In 2021, China enacted amendments to the Patent Law, Copyright Law, and Criminal Law, as well as other measures aimed at addressing IP protection and enforcement. While right holders have welcomed these developments, they continue to raise concerns about the adequacy of these measures and their effective implementation, as well as about long-standing issues like bad faith trademarks, counterfeiting, and online piracy. Also, statements by Chinese officials that tie IP rights to Chinese market dominance continue to raise strong concerns. USTR continues to closely monitor China’s progress in implementing its commitments under the United States–China Economic and Trade Agreement signed in January 2020. (*For further information, see Chapter II.B.1 United States–China Economic and Trade Agreement.*)

USTR leads multilateral engagement on IP issues in the World Trade Organization (WTO) through the Council for Trade-Related Aspects of Intellectual Property Rights (TRIPS). In support of achieving balance between IP protection and access to medicines, during 2022, the WTO adopted the Ministerial Decision on the TRIPS Agreement, which sets forth clarifications and a waiver for eligible WTO Members to authorize the use of the subject matter of a patent required for the production and supply of COVID-19 vaccines. The United States announced in November 2021 its support for joining the consensus on extending the moratorium on the initiation of non-violation and situation complaints under the TRIPS Agreement, which helped result in a Ministerial Decision at the Twelfth Ministerial Conference in June 2022 to extend the moratorium. The U.S. Government and a number of other countries maintained common positions on the subject of GIs. These positions aim to help ensure that overseas markets remain open to a wide array of U.S. agricultural exports. (*For further information, see Chapter IV.B.5 Council for Trade-Related Aspects of Intellectual Property Rights, Special Session.*)

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<sup>4</sup> [U.S. Department of Homeland Security Customs and Border Protection, Intellectual Property Rights Seizure Statistics, Fiscal Year 2021.](#)

## F. Manufacturing and Trade

### Manufacturing Is a Key Driver of the U.S. Economy and U.S. Exports

Manufacturing is a vital sector of the overall U.S. economy, with a gross domestic product (GDP) of \$2.5 trillion in 2021 (latest data available), comprising 11 percent of U.S. GDP. If the U.S. manufacturing sector were a country, it would be the seventh largest country in the world (excluding the United States). U.S. manufacturing sector employment was up 396,000 from December 2021 to December 2022, and the unemployment rate for manufacturing workers declined from 3.6 percent in January 2022 to 1.8 percent in December 2022. Average hourly earnings of manufacturing employees were \$30.98 in 2022, up from \$29.69 in 2021.

Manufacturing is a key driver of U.S. exports. U.S. manufacturing exports totaled \$1.6 trillion in 2022, and accounted for 77.3 percent of total U.S. goods exports to the world. The United States is the second largest country exporter of manufactured goods.

The Administration has relentlessly focused on an industrial strategy to revitalize the U.S. manufacturing base, strengthen critical supply chains, and position U.S. workers and businesses to compete and lead globally in the 21st century. This effort is leading to an historic recovery in domestic manufacturing. The strategic investments in U.S. manufacturing initiated in 2022, like the U.S. CHIPS Act (Pub. L. 117–167) and Inflation Reduction Act (Pub. L. 117–169), will help reinvigorate U.S. economic capabilities.

### Supporting U.S. Manufacturing

The U.S. Government has used a broad range of available trade policy tools to level the playing field and expand markets for U.S. manufactured goods exports in countries around the globe. The Office of the U.S. Trade Representative (USTR) is using these trade policy tools to complement domestic policies supporting U.S. manufacturing. In 2022, USTR advanced American manufactured goods trade interests through active engagement in an array of trade policy initiatives and activities. Key activities to support U.S. manufacturing exports included actions in the following issue areas:

#### Supply Chains

The ongoing disruption of global supply chains due to the impacts of the COVID-19 pandemic and Russia’s premeditated and unprovoked full-scale invasion of Ukraine have highlighted the complexity of global supply chains for inputs and products critical to the United States, straining U.S. manufacturing across many product sectors. More resilient supply chains can protect the United States from shortages of critical products and encourage investments to maintain America’s competitive edge and strengthen U.S. national security.

The issue of supply chain resilience is a key priority for the Administration, as evidenced by [Executive Order \(EO\) 14017](#) on “America’s Supply Chains” that the President issued on February 24, 2021, to launch a comprehensive review of U.S. supply chains and direct federal departments and agencies to identify ways to secure U.S. supply chains against a wide range of risks and vulnerabilities.

The EO directed an immediate 100-day review across federal agencies to address vulnerabilities in the supply chains of four key products: (1) pharmaceuticals and active pharmaceutical ingredients; (2) critical materials; (3) semiconductors; and, (4) large capacity batteries. The 100-day review was completed in June 2021. Each sector report describes the weaknesses in the product supply chain and the vulnerabilities they

pose for the United States, and proposes detailed actions to address them. In 2022, seven agencies published additional year-long [reviews](#) of six industrial base supply chains, as also required by EO 14017.

As a result of the recommendations from the 100-day review under EO 14017, USTR established an interagency Supply Chain Trade Task Force: (a) to identify unfair foreign trade practices that have eroded U.S. critical supply chains and to recommend trade actions to address such practices, and (b) to examine how existing U.S. trade agreements and future trade agreements and measures can help strengthen the United States and collective supply chain resilience.

In 2022, USTR continued working with interagency partners to identify trade-related initiatives that can support the Administration’s principles for supply chain resilience: transparency; diversity, openness, and predictability; security; and sustainability. In addition, USTR and other agencies began work with trading partners to develop approaches to mutually strengthen critical supply chains, including through existing free trade agreements, the Indo-Pacific Economic Framework for Prosperity (IPEF), the U.S.-UK Dialogues on the Future of Atlantic Trade, the United States–Japan Partnership on Trade, the U.S.–EU Trade and Technology Council, and other bilateral and regional trade initiatives.

### **U.S.–Switzerland Pharmaceutical Good Manufacturing Practices Mutual Recognition Agreement**

In 2022, USTR and the U.S. Department of Health and Human Service’s Food and Drug Administration successfully negotiated a mutual recognition agreement (MRA) on pharmaceutical good manufacturing practices with Switzerland. This MRA provides an important policy tool to leverage cooperation with like-minded, thoroughly assessed, experienced regulatory and trade authorities to improve oversight of key aspects of the drug supply chain. This agreement allows U.S. and Swiss regulators to share documents from their routine good manufacturing practices inspections of pharmaceutical manufacturing facilities, thereby reducing unnecessary costs and duplicative efforts. Such efficiencies allow the two regulators to better exercise their respective regulatory discretion to re-allocate resources to where they are most needed, thereby helping ensure that all drugs imported into each country are as safe as possible.

### **United States–Mexico–Canada Agreement**

The United States–Mexico–Canada Agreement (USMCA) entered into force on July 1, 2020, updating the provisions of the North American Free Trade Agreement (NAFTA) to reflect 21st century standards. The USMCA provisions ensure that its benefits go to products genuinely made in the United States and elsewhere in North America, and incentivize production in North America as well as specifically in the United States. For example, the USMCA contains newer, stricter rules of origin for automobiles and automotive parts that require greater North American content, including mandatory purchase requirements for North American steel and aluminum, and requirements to produce certain core parts and components within the region. In 2022, USTR published the [first biennial report to Congress on the operation of the USMCA with respect to automotive goods](#).

### **Bilateral Market Access Barriers**

Throughout 2022, USTR continued to address a broad range of manufactured goods market access barriers and non-tariff barriers through extensive engagement with trading partners, including through formal trade and investment framework agreement meetings, free trade agreement meetings, and various bilateral trade policy initiatives and activities. Among such activities in 2022 were continued efforts to address barriers resulting from a range of China’s non-market policies and practices, such as “Made in China 2025,” which is designed to create or accelerate artificially China’s ability to dominate in several high technology, high value-added industries, including information technology, aviation, electric vehicles, and medical devices.

Such policies and practices can potentially lead to excess capacity that has harmful impacts to foreign competitors, similar to what has already occurred in sectors such as steel and aluminum.

### **Excess Capacity in Key Industrial Sectors**

The industrial policies and subsidies of certain trading partners continue to distort global markets in key industry sectors, including steel and aluminum. These policies, particularly by China, which go beyond incentivizing domestic production and are anti-competitive in nature, have adversely affected U.S. industry and workers as well as global trade. USTR continued to seek opportunities to work with like-minded trading partners to build international consensus on the challenges of excess capacity, including in fora such as the Global Forum on Steel Excess Capacity and the Organization for Economic Cooperation and Development Steel Committee. In October 2021, the United States and the European Union announced their intention to negotiate future arrangements for trade in the steel and aluminum sectors that take account of both global non-market excess capacity as well as the carbon intensity of these industries. In 2022, USTR began to develop the Global Arrangement on Sustainable Steel and Aluminum with an ambitious framework of robust entry requirements and maintenance criteria that advance our shared goals of restoring market-oriented conditions and supporting decarbonization in the steel and aluminum sectors.

### **Strong Enforcement**

Throughout all of these policy activities relating to manufacturing and trade, the U.S. Government aggressively stood up for American interests and protecting American economic security by taking tough enforcement action against countries that break the rules and applying the full range of tools, including WTO rules, negotiations, litigation, and other mechanisms under U.S. law. For example, USTR continues to work with the European Union and the United Kingdom to advance discussions under the important agreements on Large Civil Aircraft that were reached with each partner in 2021, which worked to level the playing field for a major U.S. manufacturing sector and laid the basis for the United States to work more effectively with key trading partners to address the challenges that Chinese industrial policies pose in this sector. *(For further information, see Chapter II.A Trade Enforcement Activities.)*

## **G. Trade and the Environment**

The United States continued to prioritize monitoring and enforcement of environmental obligations under existing free trade agreements (FTAs), as well as negotiating new commitments by trading partners in bilateral and multilateral fora. Throughout 2022, the United States held meetings of the environment committees and working groups established under U.S. trade agreements to monitor and enforce the environment chapter obligations, including the second Environment Committee meeting under the United States–Mexico–Canada Agreement (USMCA), and meetings of Environmental Affairs Councils (EACs) with officials from Chile, Panama, and Peru. The United States also held additional discussions with these and other FTA partners including Central American countries, Chile, Colombia, Panama, Peru, and the Dominican Republic on pressing environmental issues.

The United States continued to work with trading partners under respective trade and investment framework agreements (TIFAs) on a range of trade-related environmental issues such as combating climate change; illegal timber trade; wildlife trafficking; and, illegal, unreported, and unregulated (IUU) fishing, in particular with Egypt, Ecuador, India, Paraguay, the Philippines, Taiwan, Uruguay, and Vietnam.

At the World Trade Organization (WTO), the United States continued to exercise a leadership role through extensive engagement in the long-running multilateral negotiations on an agreement to prohibit harmful fisheries subsidies. As a result, at the WTO's 12th Ministerial Conference (MC12) in June 2022, WTO

Members were finally able to conclude the WTO Agreement on Fisheries Subsidies, which is the first multilateral trade agreement with environmental sustainability at its core. The WTO Agreement on Fisheries Subsidies marks an important step towards disciplining harmful fisheries subsidies.

## **1. Free Trade Agreements and Bilateral Activities**

### **Free Trade Agreements**

The Office of the U.S. Trade Representative (USTR) secured concrete achievements supporting U.S. trade and environment objectives during 2022. USTR continued to engage with the Trade Policy Staff Committee (TPSC) agencies to monitor actions taken by U.S. FTA partners to implement FTA environment chapter obligations. This monitoring contributed to the U.S. Government's ongoing efforts to ensure that U.S. trading partners comply with their FTA environmental obligations.

*For further discussion of free trade agreements, see Chapter I.B Free Trade Agreements in Force.*

#### ***Dominican Republic–Central America–United States Free Trade Agreement***

The Parties to the Dominican Republic–Central America–United States Free Trade Agreement (CAFTA–DR) continued efforts to strengthen environmental protection and implement the commitments of the CAFTA–DR Environment Chapter. In 2022, trade and environment officials from the United States and several other CAFTA–DR countries met virtually numerous times to continue to advance the work of monitoring and implementing Environment Chapter obligations. Officials received presentations on implementation of cooperation programs and projects, and reviewed outcomes. The officials also held a virtual technical exchange on solid waste management and plastic pollution together with officials from Colombia and Panama and shared information on managing electronic waste, developing national marine litter action plans, and implementing community-based solid waste management projects.

Regarding public engagement, the CAFTA–DR Secretariat for Environmental Matters (Secretariat) has received 47 submissions from the public on effective enforcement of environmental laws since its establishment in 2007. Throughout 2022, the Secretariat conducted outreach through workshops to inform the public about this monitoring mechanism, reaching hundreds of people, including through legal clinics to promote participation in the Secretariat submissions mechanism.

The United States continued to support environmental cooperation activities in certain CAFTA–DR countries to strengthen their implementation of the FTA environment obligations. In 2022, the U.S. Department of State funded capacity building activities to: combat wildlife trafficking; build technical capacity to implement and enforce the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); support the Central American and Dominican Republic Wildlife Enforcement Network (CAWEN); promote sustainable forest practices; improve local livelihoods through forest monitoring, planning, reforestation, and restoration efforts; combat illegal logging and associated trade; protect and enhance the genetic diversity of native timber species; improve air quality and environmental impact assessment processes; and, strengthen. solid waste.

*For further discussion of the Dominican Republic–Central America–United States Free Trade Agreement, see Chapter I.B.3 Central America and the Dominican Republic.*

## *United States–Mexico–Canada Agreement*

The United States–Mexico–Canada Agreement (USMCA) modernizes the previous framework under the former North American Agreement on Environmental Cooperation (NAAEC) by bringing environmental obligations into the core of the USMCA, rather than in a side agreement, and by making the obligations fully enforceable under the USMCA’s dispute resolution provisions. Importantly, for purposes of dispute settlement, a panel is now directed to presume that a Party’s failure to implement certain USMCA provisions was in a manner affecting trade or investment between the Parties, unless the Party demonstrates otherwise. The USMCA Environment Chapter includes the most comprehensive set of enforceable environmental obligations of any previous U.S. free trade agreement. The USMCA includes commitments to implement key multilateral environmental agreements, such as CITES and the Montreal Protocol on Ozone Depleting Substances. The USMCA also addresses key environmental challenges such as IUU fishing and harmful fisheries subsidies. The USMCA commits the three Parties to take actions to combat and cooperate to prevent trafficking in timber and fish and other wildlife. For the first time in a U.S. free trade agreement, the USMCA addresses other pressing environmental issues such as air quality and marine litter.

Full implementation of the USMCA Environment Chapter continued to be a key USTR priority throughout 2022. USTR’s Senior Trade Representative at the U.S. Embassy in Mexico City, Mexico worked closely with three Environment Attaches posted at the Embassy to support and monitor implementation of USMCA Environment Chapter commitments.

In February 2022, USTR requested environment consultations with the Government of Mexico under the Article 24.29.2 of the USMCA Environment Chapter. These consultations concern Mexico’s USMCA Environment Chapter obligations relating to the protection of the critically endangered vaquita porpoise (*Phocoena sinus*), the prevention of illegal fishing, and trafficking of the totoaba fish (*Totoaba macdonaldi*). As part of the consultations, numerous meetings were held within the U.S. Government and with the Government of Mexico to work towards a cooperative solution to enhance Mexico’s implementation of its USMCA environment commitments, including with respect to the effective enforcement of its fisheries-related environmental laws.

In September 2022, USTR, with its Mexican and Canadian counterparts, held the second meeting of the Environment Committee under the USMCA. During the meeting, each Party highlighted recent USMCA implementation actions, including improved levels of environmental protection, enhanced environmental law enforcement cooperation, and monitoring and enforcement activities. The Committee discussed opportunities for further collaboration, such as increased efforts to tackle marine litter challenges, support for circular economy approaches, and full implementation of the USMCA Environment Chapter commitments. The meeting also included a public session, which provided the Parties an opportunity to share progress on USMCA Environment Chapter implementation as well as receive questions and comments from public stakeholders.

USTR also continued to advance implementation of the USMCA’s environment provisions by convening regular meetings of the Interagency Environment Committee for Monitoring and Enforcement (IECME) to discuss issues related to monitoring and enforcement of Mexico’s and Canada’s USMCA environmental obligations. As part of the IECME’s role, USTR, along with its interagency partners, reviewed and provided guidance on nine Submissions on Enforcement Matters submitted to the Commission on Environmental Cooperation (CEC) in 2022. This submission process is incorporated into Article 24.27 and Article 24.28 of the USMCA and is a mechanism whereby any organization or person residing or established in Canada, Mexico, or the United States may file a submission to the CEC Secretariat asserting that a Party is failing to effectively enforce its environmental laws.



Throughout 2022, USTR also leveraged its USMCA supplemental appropriations for environment monitoring and enforcement. Appropriations were used to strengthen relevant U.S. Government agencies' ability to deliver on their respective monitoring and enforcement mandates, to include providing additional resources that enhance U.S. enforcement capacity; promote sustainable forest management and combat illegal logging and associated trade; and, promote sustainable fisheries management and conservation of marine species.

*For further discussion of the United States–Mexico–Canada Agreement, see Chapter I.B.9 Mexico and Canada.*

### ***United States–Chile Free Trade Agreement***

The United States continued to work closely with Chile in 2022 to monitor implementation of the United States–Chile Free Trade Agreement Environment chapter and implement trade-related environmental cooperation activities, including on fisheries management; combating wildlife trafficking and IUU fishing; improving forest, wetland, and marine conservation; and, promoting environmental education and public participation. In August 2022, the United States and Chile held the ninth meeting of the Environmental Affairs Council (EAC), convened jointly with the seventh meeting of the Joint Commission for Environmental Cooperation (JCEC) established pursuant to the U.S.–Chile Agreement on Environmental Cooperation (ECA), which provided an opportunity to review the governments' respective efforts to meet their environment obligations under the FTA; exchange information and progress on pressing issues such as climate change, circular economy, and environmental justice; and discuss future cooperation activities to support effective implementation of the Environment Chapter. A public session was held as part of these meetings, providing an opportunity for the EAC and JCEC to provide updates regarding implementation of the Environment chapter and ongoing and future environmental cooperation under the U.S.–Chile Work 2021–2024 Work Program for Environmental Cooperation. The session provided an opportunity for members of the public to offer comments and ask questions, both in person and online.

*For further discussion of the United States–Chile Free Trade Agreement, see Chapter I.B.4 Chile.*

### ***United States–Colombia Trade Promotion Agreement***

The United States continued to work closely with Colombia to monitor implementation of the United States–Colombia Trade Promotion Agreement (CTPA) Environment Chapter and oversee the operation of the independent Secretariat for Environmental Enforcement Matters (Secretariat). The Secretariat is located in Bogotá, Colombia, and receives and considers submissions from the public on matters regarding enforcement of environmental laws pursuant to the CTPA. In 2022, the United States and Colombia worked with the Secretariat Executive Director to continue to strengthen the Secretariat's outreach plan and public dissemination of information in support of the Secretariat's role. The Executive Director conducted virtual and in-person outreach to the public throughout Colombia to promote awareness of the Secretariat and the public submission mechanism in the CTPA. The United States and Colombia also concluded negotiations on an Environmental Affairs Council (EAC) Decision to provide clarity on the process for reviewing public submissions and developing factual records. In addition, the United States and Colombia completed negotiation of the 2021–2024 Work Program for Environmental Cooperation, under the United States–Colombia Environmental Cooperation Agreement. This Work Program will intensify focus on priorities such as combating wildlife trafficking and IUU fishing; addressing pollution; improving water management and drought resilience; tackling the climate crisis; and, advancing environmental justice through their respective domestic laws, regulations, and policies.

The United States and Colombia decided to hold an EAC and an Environmental Cooperation Commission meeting in 2023.

*For further discussion of the United States–Colombia Trade Promotion Agreement, see Chapter I.B.5 Colombia.*

### ***United States–Panama Trade Promotion Agreement***

The United States and Panama continued efforts to strengthen environmental protection and monitor implementation of the Trade Promotion Agreement (TPA) Environment Chapter, including through the Secretariat for Environmental Enforcement Matters (Secretariat), which promotes public participation in the identification of environmental enforcement issues by receiving and considering submissions from the public on matters regarding enforcement of environmental laws. The Environmental Affairs Council (EAC) meeting, convened jointly with the Environmental Cooperation Commission (ECC) established under the United States–Panama Agreement on Environmental Cooperation (ECA) took place in Panama City, Panama, in December 2022. During the EAC meeting, the United States and Panama provided updates on respective progress to implement the Environment Chapter, including national efforts to fight the climate crisis, address illegal logging and associated trade, and combat wildlife trafficking, as well as received updates from the Secretariat. During the ECC meeting, the United States and Panama approved a new ECC 2023-2026 Environmental Cooperation Work Program under the ECA. A public session was held as part of the EAC meeting, providing an opportunity for the EAC to hear from, and directly interact with, members of the public regarding Environment Chapter implementation efforts.

In support of the United States–Panama ECC Work Program for 2018-2022, the United States provided capacity-building assistance to Panama to help implement environmental obligations under the TPA, including by supporting efforts to combat wildlife trafficking and illegal logging and associated trade; strengthen CITES implementation; improve air quality, environmental impact assessment process, and solid waste management; combat climate change, and promote public participation.

*For further discussion of the United States–Panama Trade Promotion Agreement, see Chapter I.B.12 Panama.*

### ***United States–Peru Trade Promotion Agreement***

The United States continued to prioritize monitoring and enforcement of environmental commitments in the United States–Peru Trade Promotion Agreement (PTPA) and its landmark Forest Sector Governance Annex (Forest Annex), including by convening meetings of the Interagency Committee on Trade in Timber Products from Peru (Timber Committee) to discuss and monitor developments in Peru to combat illegal logging and associated trade. The United States also continued to engage closely with Peru to combat illegal logging and associated trade and work toward improving forest sector governance.

In July 2022, the United States took action to continue to block timber imports from Inversiones WCA E.I.R.L. (WCA), a Peruvian exporter, based on illegally harvested timber found in its supply chain. The PTPA Forest Annex includes a requirement for Peru to conduct audits of particular timber producers and exporters, and upon request from the United States, perform verifications of particular shipments of wood products. In 2018, the Timber Committee requested that the Government of Peru verify whether several timber shipments exported from Peru to the United States complied with Peruvian laws, regulations, and other measures governing the harvest of and trade in timber products. The timber verification process was conducted by the Government of Peru and revealed that timber products contained in a shipment from WCA were not harvested and traded in compliance with applicable laws and regulations. As a result of the verification process, in July 2019, the United States took action to deny entry of timber products produced or exported by WCA. The denial of entry order was scheduled to lapse in July 2022. However, as of that date, the Government of Peru had not demonstrated that WCA is complying with all applicable laws,

regulations, and other measures of Peru governing the harvest of and trade in timber products. Accordingly, the Timber Committee directed the U.S. Department of Homeland Security Customs and Border Protection to deny entry to any future shipments of timber products originating from Peru that were produced or exported by WCA until the Government of Peru demonstrates that WCA has complied with all applicable laws and regulations.

In addition, in November 2022, the United States and Peru held meetings of the Environmental Affairs Council (EAC) and Sub-Committee on Forest Sector Governance, convened jointly with the Environmental Cooperation Commission established under the United States–Peru Agreement on Environmental Cooperation. During these meetings, the United State–Peru Secretariat on Environmental Enforcement Matters (SEEM), established under Articles 18.8 of the PTPA, provided updates on the most recent submission for environmental enforcement, which asserts that the Peruvian government is failing to effectively enforce a law related to the regulation of sulfur in diesel fuel. In December 2022, the United States voted in favor of the publication of the factual record associated with that submission.

The United States has continued to work with Peru on logging issues under Forest Annex. The Forest Annex includes concrete steps Peru must take to strengthen forest sector governance and combat illegal logging and illegal trade in timber and wildlife products. The Forest Annex also includes monitoring tools, such as a requirement that Peru conduct audits of producers and exporters, as well as verifications of the legality of particular timber shipments upon request from the United States.

*For further discussion of the United States–Peru Trade Promotion Agreement, see Chapter I.B.13 Peru.*

### **Instruments on Environmental Cooperation Associated with Free Trade Agreements**

In April 2022, the United States and Singapore held a biennial review of the Memorandum of Intent on Cooperation in Environmental Matters (MOI), which was negotiated in parallel to the United States–Singapore Free Trade Agreement Environment Chapter. During the biennial meeting, the United States and Singapore reviewed accomplishments under the 2021–2021 Plan of Action for implementing the MOI, approved the 2022–2023 Plan of Action, and held a public session to encourage public discussion of the implementation of the MOI.

*For further discussion of the United States–Singapore Free Trade Agreement, see Chapter I.B.14 Singapore.*

During 2022, the United States provided capacity-building assistance to Jordan, Morocco, and Oman under relevant instruments on environmental cooperation negotiated in parallel to the corresponding FTAs, including by supporting efforts to combat wildlife trafficking; strengthen CITES implementation and enforcement; improve disaster management, reforestation and restoration efforts, and the conservation and sustainable management of natural resources; and tackle the climate crisis.

*For further discussion of the Jordan, Morocco, and Oman Free Trade Agreements, see Chapters I.B.7, I.B.10, and I.B.11, respectively.*

### **Bilateral Activities**

#### ***United States–Egypt Trade and Investment Framework Agreement***

The United States–Egypt Trade and Investment Framework Agreement Council met in Cairo, Egypt in December 2022. The United States and Egypt discussed a range of bilateral trade topics and exchanged views and information regarding domestic measures taken on environmental issues, including emissions

standards, energy efficiency, and circular economy. The meeting provided an opportunity to discuss the governments' respective efforts in combatting climate change and plastics pollution, and to express areas of future collaboration both bilaterally and internationally. The United States and Egypt decided to meet again in 2023.

#### ***United States–Taiwan Trade and Investment Framework Agreement***

The United States–Taiwan Trade and Investment Framework Agreement Council (TIFA Council) meets under the auspices of the American Institute in Taiwan (AIT) and the Taipei Economic and Cultural Representative Office in the United States (TECRO). The TIFA Council did not meet in 2022. However, the United States and Taiwan continued to discuss key trade and environment priorities, including the World Trade Organization fisheries subsidies negotiations; the importance of combating wildlife trafficking and IUU fishing; combating forced labor on fishing vessels; and, climate considerations for trade. In addition to work under the United States–Taiwan TIFA Council, the United States and Taiwan, under the auspices of AIT and TECRO, held negotiations under the U.S.–Taiwan Initiative on 21st -Century Trade, after approving a negotiating mandate that includes high-standard commitments on environment.

*For further discussion of the United States–Taiwan Trade and Investment Framework Agreement, see Chapter I.C.4 China, Hong Kong, Taiwan, Mongolia.*

#### ***United States–Uruguay Trade and Investment Framework Agreement***

In 2022, the United States and Uruguay engaged on the potential listing of certain sturgeon species as endangered under the Endangered Species Act of 1973. The United States received and responded to questions Uruguay posed on this matter.

*For further discussion of the United States–Uruguay Trade and Investment Framework Agreement, see Chapter I.C.1 The Americas.*

#### ***United States–Vietnam Agreement on Illegal Logging and Timber Trade***

In October 2021, USTR announced an agreement that addresses U.S. concerns in the investigation under Section 301 of the Trade Act of 1974, as amended, into Vietnam's acts, policies, and practices related to the import and use of timber that is illegally harvested or traded. The Timber Agreement contains a number of commitments by Vietnam that will help keep illegally harvested or traded timber out of the supply chain, including commitments to improve its Timber Legality Assurance System; keep confiscated timber (*i.e.*, timber seized for violating domestic or international law) out of the commercial supply chain; verify the legality of domestically harvested timber regardless of export destination; and work with high-risk source countries to improve customs enforcement at the border and law enforcement collaboration. In April 2022, the United States and Vietnam convened the first meeting of the Timber Working Group in Washington D.C., which was established under the agreement to facilitate coordination between the parties and oversee implementation of the agreement. The second meeting of the Timber Working Group was convened in November 2022 in Hanoi, Vietnam. These meetings provided an opportunity for the United States and Vietnam to exchange information and to further their collaboration with respect to implementation of the Timber Agreement.

*For further discussion of the investigation, see Chapter II.B Section 301.*

## **2. Regional, Multilateral, and International Organization Engagement**

### **Regional Engagement**

In the Asia–Pacific Economic Cooperation (APEC) forum, the United States continued to work with other Asia-Pacific economies through the Experts Group on Illegal Logging and Associated Trade to improve the capacity of APEC economies to combat illegal logging and associated trade and promote the trade in legally harvested forest products within the APEC region. Under the APEC Committee on Trade and Investment’s Market Access Group, APEC economies also continued work on a technical update for reference purposes of the Environmental Goods List in terms of Harmonized System (HS) classifications from HS2017 to HS2022. Within the Oceans and Fisheries Working Group, the United States supported implementation of the Port State Measures Agreement, and worked to identify areas of convergence and best practices to combat IUU fishing, including through APEC’s Roadmap on Combating IUU Fishing. In addition, work continued on the U.S.-led Recyclable Materials Policy Program (RMPP), which aims to develop the capacity of APEC economies to identify and frame domestic policies that promote solid waste management and recycling infrastructure. In April 2022, APEC Economies endorsed a new U.S. project proposal under the RMPP, “Promoting Compostable Bio-Plastics in the Asia Pacific Region.” The APEC Group on Services compiled and endorsed the APEC Reference List of Environmental and Environmentally Related Services, a non-exhaustive, non-binding reference list of such services. This voluntary and evolving reference list is intended to be used as a resource for future discussions on environmental services.

### **International Organizations and Other Multilateral Engagement**

#### ***World Trade Organization***

The United States has continued to explore and advance innovative approaches to all aspects of the World Trade Organization’s (WTO) trade and environment work.

In particular, the United States continued its leadership role in advancing the WTO fisheries subsidies negotiations. For more than two decades, WTO Members have negotiated how to address the use of harmful subsidies in the fisheries sector. Through extensive U.S. engagement over the course of these negotiations, WTO Members were finally able to achieve a groundbreaking agreement at the WTO’s 12th Ministerial Conference in June 2022. The WTO Agreement on Fisheries Subsidies (Agreement) contains several important disciplines, including prohibitions on subsidies to vessels or operators engaged in IUU fishing, subsidies to fishing regarding stocks that are overfished, and subsidies to fishing on the high seas outside of the competence of a relevant regional fisheries management organization or arrangement. The Agreement also includes robust transparency provisions to strengthen WTO Members’ notification of harmful fisheries subsidies and to enable effective monitoring of Members’ implementation of their obligations. WTO Members also committed to continue the fisheries subsidies negotiations with a view to making recommendations to the WTO’s 13th Ministerial Conference for additional provisions that would achieve a comprehensive agreement on fisheries subsidies, including through further disciplines on certain forms of fisheries subsidies that contribute to overcapacity and overfishing. The United States will continue to urge Members to support additional, ambitious disciplines through these negotiations, including greater transparency with respect to the use of forced labor on fishing vessels.

Additionally, the United States strengthened its leadership at the WTO on broader trade and environment issues, including by identifying trade-related opportunities to contribute to addressing the threat of climate change. The United States formally joined the Trade and Environmental Sustainability Structured Discussions (TESSD) and co-sponsored the associated Ministerial Statement, which was released in December 2021. USTR actively supported the negotiation of a work plan to implement the Ministerial

Statement, and in May 2022, submitted a U.S.-sponsored communication in the Committee on Trade and Environment and TESSD to advance discussions among WTO Members on climate change and circular economy. As part of the TESSD, as well as through other WTO channels, the United States actively engaged in discussions on this submission, including organizing and leading an October 2022 small group roundtable on trade-related climate measures. Additionally, in October 2022 during the WTO's Trade and Environment Week, the United States hosted a side event focused on how WTO Members can support a more affirmative trade policy to enhance circularity for climate change solutions.

*For further discussion of the WTO Committee on Trade and Environment, see Chapter IV.G.1 Committee on Trade and Environment.*

### ***United Nations Environment Program***

In 2022, USTR also engaged with trading partners and other U.S. Government agencies to discuss U.S. policy and develop a U.S. position in advance of the launch of negotiations on a global plastics agreement under United Nations Environment Assembly Resolution 5/14, "End plastic pollution: Towards a legally binding instrument." USTR also participated actively in the internal U.S. Government discussions to prepare for the first Intergovernmental Negotiating Committee in November 2022.

### ***Other Multilateral Engagement***

In 2022, USTR participated in the implementation of a number of multilateral environmental agreements and multilateral initiatives to ensure consistency with international trade obligations, including CITES, the Strategic Approach to International Chemicals Management, the Convention on Biological Diversity, and relevant regional fisheries management organizations. For example, in November 2022, USTR participated in the 19th meeting of the CITES Conference of the Parties (CoP19), where the United States and other Parties took a strong stance to conserve a wide range of species and improve CITES implementation on matters ranging from ending illegal trafficking in totoaba fish and restricting trade in live African elephants to ensuring conservation of marine turtles and curbing the illegal trade in cheetahs and jaguars. In particular, USTR worked closely with Mexico to negotiate the language of the set of decisions that ultimately was adopted by the CITES CoP19, aimed at enhancing Mexico's enforcement of fishing activities in the Upper Gulf of California and addressing the illegal trade of totoaba fish from Mexico, largely to China.

Additionally, together with the U.S. Environmental Protection Agency, USTR co-led the U.S. delegation to the February and November 2022 meetings of the Organization for Economic Cooperation and Development's Joint Working Party on Trade and Environment (JWPTE). The JWPTE provides a forum for discussing the effects of environmental policies on trade and the effects of trade policies on the environment, as well as for promoting mutually supportive trade and environmental policies. The meetings covered a range of topics, including trade and environmental services, circular economy and trade, and enabling reverse supply chains. A USTR official also served on the JWPTE Bureau from January to December 2022.

## **H. Trade and Labor**

In 2022, the United States furthered its inclusive, worker-centered trade policy, bringing labor issues and topics important to working people to the forefront of trade policy. The Office of the United States Trade Representative (USTR) engaged with governments around the world to recalibrate trade policy to seek to ensure that everyday people can realize the benefits of U.S. trade policy. In addition, the United States increased stakeholder consultation to ensure workers' voices are heard and considered throughout the

policy-making process. Multistakeholder engagements also took place, bringing together governments, unions, and businesses to discuss shared values in protecting the human dignity of workers in supply chains who produce the goods we trade and consume.

Under this worker-centered policy approach, the United States promoted respect for labor rights in its engagement with trade partners in 2022 through the development of new trade tools; formal mechanisms of trade agreements and trade preference programs; as well as through multilateral and plurilateral cooperation, country-specific initiatives, capacity building, and technical assistance. This included discussions with trade partners related to advancing high labor standards and supporting workers' rights, including the eradication of forced labor and gender-specific considerations. The United States' efforts related to gender and trade included the promotion of gender equality in the workplace, addressing gender discrimination in employment and occupation, and the elimination of gender-based violence and harassment in the workplace, among other efforts.

*For further discussion of gender equity and equality and women's economic empowerment in trade policy, see Chapter III.A.3 Advancing Gender Equity and Equality and Women's Economic Empowerment in Trade Policy.*

In 2022, the United States engaged and worked with trade partners and other allies, including unions, businesses, and civil society, to promote a fair, rules-based international trading system that respects workers' rights and affirms that there is no place for forced labor, including state-sponsored forced labor, in the international trading system. Labor issues were central to the United States' engagement with African; Asian-Pacific; South and Central Asian; North, Central, and South American; Caribbean; Middle Eastern; and, European countries. The United States engaged with these countries through trade agreement mechanisms, trade and investment framework agreements (TIFAs), and regional and multilateral fora, such as the International Labor Organization (ILO), the Asia-Pacific Economic Cooperation (APEC), the Association of Southeast Asian Nations (ASEAN), the Group of Seven (G7), the Organization for Economic Cooperation and Development (OECD), and the World Trade Organization (WTO).

In May 2022, the United States and European Union launched the tripartite U.S.–EU Trade and Labor Dialogue (TALD) under the United States–EU Trade and Technology Council and convened a technical-level meeting in September 2022. The TALD consists of representatives from governments, labor unions, and businesses and allows for discussion of transatlantic trade and labor issues. USTR and the Department of Labor (DOL) hosted a meeting of the TALD with senior U.S. and EU labor and business leaders in December 2022 that focused on identifying opportunities for governments, labor unions, and businesses to collaborate on the elimination of forced labor in supply chains. Union and business leaders identified the following priority areas for further discussion and cooperation in the near future: combating forced labor, including in global supply chains, and exploring the impact of digital trade on workers.

During 2022, the Trade Adjustment Assistance program continued to assist American workers adversely affected by global competition and helped to ensure that they were given the best opportunity to acquire skills and credentials to get good jobs.

## **1. Free Trade Agreements and Bilateral Activities**

### **Free Trade Agreements**

Since 2007, U.S. trade agreements have included obligations to ensure the consistency of each party's labor laws with fundamental labor rights as stated in the 1998 [ILO Declaration on Fundamental Principles and](#)

[Rights at Work](#). These agreements include obligations not to fail to effectively enforce each party’s labor laws and not to waive or derogate from those laws in a manner affecting trade or investment.

The agreements also provide for the receipt and consideration of submissions from the public on matters related to the labor chapters, which can be submitted through the DOL Bureau of International Labor Affairs (ILAB). For additional information on submissions and the process for filing, see the [DOL/ILAB website](#).

As part of the ongoing effort to monitor and implement existing U.S. trade agreements, the United States has worked with trading partners to advance respect for labor rights through technical cooperation and other efforts, including in Bahrain, Colombia, Honduras, Jordan, Korea, and Mexico.

*For further discussion of free trade agreements, see Chapter I.B Free Trade Agreements in Force.*

Examples of U.S. Government engagement in 2022 on labor issues under free trade agreements include:

- The United States maintained significant, continual engagement with Mexico related to labor issues covered under the United States–Mexico–Canada Agreement (USMCA), including through the USMCA Rapid Response Mechanism. The United States also participated in the second Free Trade Commission meeting with Mexico and Canada, which included a discussion on labor issues. In 2022, USTR’s Senior Trade Representative at the U.S. Embassy in Mexico City, Mexico worked closely with the DOL Labor Attaches posted in Mexico to support and monitor implementation of the USMCA and engage on labor issues. *(For further information, see Chapter I.B.9 Mexico and Canada.)*
- U.S. Government officials met multiple times in 2022 with Colombian Government officials and stakeholders to follow up on the labor commitments under the United States–Colombia Trade Promotion Agreement, including with respect to commitments by the Government of Colombia to improve labor law enforcement and protect the rights of freedom of association and collective bargaining for workers that are subcontracted or hired under temporary contracts. *(For further information, see Chapter I.B.5 Colombia.)*
- U.S. Government officials, including from USTR and the DOL, continued to engage with Korean Government officials on Korea’s compliance with its labor rights obligations under the United States–Korea Free Trade Agreement (KORUS), including through a meeting of the Labor Affairs Council (LAC) in April 2022. The DOL conducted a mission to Seoul in October 2022 to follow up with government counterparts on key issues raised during the LAC and to meet with labor, civil society, and private sector stakeholders. The DOL and the Korean Ministry of Employment and Labor expressed interest in deepening collaboration in the context of the KORUS Labor Cooperation Mechanism. *(For further information, see Chapter I.B.8 Korea.)*
- U.S. Government officials continued to engage with Honduran Government officials to discuss Honduras’ outstanding commitments under the United States–Honduras Labor Rights Monitoring and Action Plan, with a particular emphasis on fine collection and freedom of association. *(For further information, see Chapter I.B.3 Central America and the Dominican Republic.)*
- U.S. Government officials continued to work closely with Jordanian Government officials to monitor the Implementation Plan Related to Working and Living Conditions of Workers in Jordan under the auspices of the United States–Jordan Free Trade Agreement (FTA). In October 2022, they convened the fourth FTA Labor Subcommittee to review implementation of the FTA labor obligations, and discussed areas of technical cooperation and capacity building. The Subcommittee



meeting concluded with a public session and roundtable discussion with stakeholders from Jordan’s worker organizations, businesses, and civil society organizations and covered areas relating to increasing women’s economic empowerment and empowering worker voice by raising awareness on labor rights and joining unions. (*For further information, see Chapter I.B.7 Jordan.*)

- U.S. Government officials discussed labor issues with Bahraini Government officials, including ongoing concerns related to freedom of association and employment discrimination. (*For further information, see Chapter I.B.2 Bahrain.*)

### ***United States–Mexico–Canada Agreement***

As part of the implementation of the USMCA in 2022, USTR continued to work closely with Mexican trade and labor officials to ensure effective implementation of landmark constitutional and legislative reforms, which mandate the creation of new labor courts and overhaul Mexico’s system of labor justice administration. In 2022, the U.S. Government triggered actions under the USMCA Rapid Response Mechanism three times in response to petitions received by the U.S. Government, and engaged with two additional facilities without invoking the mechanism. These actions demonstrate the U.S. commitment to enforcing the USMCA and show that the mechanism works, as intended, to bring rapid, significant wins for workers on the ground.

In order to ensure adequate monitoring and enforcement resources for these labor obligations, the United States–Mexico–Canada Agreement Implementation Act (P.L. 116–113) (USMCA Implementation Act) allocates \$30 million each over four years to USTR and to the DOL for enforcement and provides that the DOL shall post up to five Labor Attaches to the U.S. Embassy and U.S. Consulates in Mexico. The DOL has posted four of these five Labor Attaches, who work closely with USTR’s Senior Trade Representative, as well as with State Department officials at the U.S. Embassy in Mexico City. The fifth attache was hired in 2022 and is expected to be posted to the U.S. Embassy in Mexico City in 2023.

The new resources also supported the creation and operation of an Interagency Labor Committee for Monitoring and Enforcement (the Committee) to coordinate monitoring and request enforcement of USMCA’s labor provisions, with a particular focus on Mexico’s historic labor reform process. The Committee, co-chaired by the U.S. Trade Representative and the Secretary of Labor, was established in 2020 and met regularly during 2022 to review labor rights issues in Mexico. Pursuant to the USMCA Implementation Act, the Committee prepared reports every 180 days and transmitted them to the Senate Finance Committee and the House Committee on Ways and Means. In addition, the USMCA Implementation Act allocated \$180 million to the DOL for technical assistance programs to support reforms of the labor justice system in Mexico, including grants to support worker-focused capacity building, combat forced labor and child labor, and reduce workplace discrimination in Mexico. By the end of 2022, USMCA-funded projects awarded by the DOL totaled about \$133 million.

In 2022, the United States continued to monitor Mexico’s labor law reform implementation, including issues related to budget resources for the reforms, to ensure that Mexico fulfills its USMCA commitments so that American workers and businesses fully benefit from the Agreement.

*For further discussion of the United States–Mexico–Canada Agreement, see Chapter I.B.9 Mexico and Canada.*

### ***Dominican Republic–Central America–United States Free Trade Agreement***

During 2022, the United States continued to monitor and assess progress toward addressing the labor concerns in the Dominican Republic and Honduras outlined in the [2013 DOL report](#) and [2015 DOL report](#), respectively, in response to submissions from the public under the CAFTA–DR.

The United States engaged in discussions with Dominican Republic officials and stakeholders on the recommendations in the [2013 DOL report](#), and published its [seventh periodic review](#) of implementation of the report’s recommendations regarding worker rights in the Dominican Republic sugar sector and the need for improving labor inspections. The United States continued to work with the Dominican Republic to make progress on these issues during 2022. On June 10, 2022, the United States and the Dominican Republic announced the formation of a technical working group to help improve labor law enforcement in the Dominican sugar sector.

The United States and Honduras signed the United States–Honduras Labor Rights Monitoring and Action Plan (MAP) in December 2015. The MAP includes comprehensive commitments by Honduras to improve legal and regulatory systems that protect labor rights, intensify targeted enforcement efforts, and improve transparency. The Honduran Government took some additional steps to implement the MAP in 2022, and the United States continues to encourage Honduras to resolve ongoing issues, including those related to fine collection and freedom of association in emblematic cases.

*For further discussion of the Dominican Republic–Central America–United States Free Trade Agreement, see Chapter I.B.3 Central America and the Dominican Republic.*

### ***United States–Colombia Trade Promotion Agreement***

In 2022, the United States continued to work closely with Colombia on the recommendations included in the [2017 DOL report](#) on a submission under the Labor Chapter of the United States–Colombia Trade Promotion Agreement and to continue implementation of the Colombian Action Plan Related to Labor Rights (Action Plan), which focuses on improving labor law enforcement. The DOL has posted a Labor Attache to the U.S. Embassy in Bogota to support these efforts.

*For further discussion of the United States–Colombia Trade Promotion Agreement, see Chapter I.B.5 Colombia.*

### ***United States–Peru Trade Promotion Agreement***

The United States continued to engage with the Government of Peru in 2022 on the issues identified in the [2016 DOL report](#) in response to a submission under the United States–Peru Trade Promotion Agreement. The 2016 DOL report recommended that the Government of Peru take steps to address problems with temporary contracts in special government export-promotion regimes (with tax and other benefits for exporters), primarily textiles and agriculture, where there were ongoing concerns that employers use these arrangements to undermine the free exercise of labor rights.

*For further discussion of the United States–Peru Trade Promotion Agreement, see Chapter I.B.13 Peru.*

## **Bilateral Activities**

The United States engages with trade partners through various mechanisms, including bilateral discussions, and has sought to develop new tools to advance its worker-centered trade policy and to demonstrate that

trade can be a force for good by advancing internationally recognized labor rights through trade and improving the livelihoods of people in the United States and around the world.

### ***Trade and Investment Framework Agreement Meetings***

The United States engaged with several countries in 2022 on labor issues in the context of trade and investment framework (TIFA) meetings and other bilateral trade mechanisms, including with Bangladesh, Cambodia, Moldova, Pakistan, Paraguay, Ukraine, and Uruguay. The United States highlighted the importance of ensuring that labor laws fully protect internationally recognized worker rights and that government agencies have the capacity to enforce domestic labor laws. In February 2022, the United States hosted a Labor Working Group meeting under the Trade and Investment Council with Ecuador in which the governments discussed the Administration's worker-centered trade policy, labor law enforcement, recent law reforms in Ecuador, freedom of association, and child labor. USTR officials also raised worker rights during bilateral meetings with officials from Indonesia, the Philippines, and Thailand.

### ***Vietnam***

In 2022, the United States continued to engage with the Government of Vietnam on labor reforms following its 2019 adoption of an amended Labor Code, which included provisions to allow for the formation of independent unions in the country for the first time. In November 2022, the United States raised these issues during the annual Human Rights Dialogue with Vietnam, as well as a Labor Dialogue with Vietnam. This engagement included promoting U.S. Government-funded technical assistance projects for Vietnam to address consistency with international labor standards within its system of industrial relations more broadly. For example, the DOL is funding a \$5.1 million project to implement a new industrial relations framework in Vietnam, which aims to support Vietnam's Ministry of Labor, Invalids, and Social Affairs in reforming laws. In addition, the United States posted a Labor Attache in Hanoi to continue to engage on these important issues.

### ***United States–European Union Tripartite Trade and Labor Dialogue***

Under the United States–European Union Trade and Technology Council (TTC)'s Working Group 10 on Global Trade Challenges, the U.S. Government and European Commission announced the establishment of the tripartite U.S.–EU Trade and Labor Dialogue (TALD) on May 19, 2022. The TALD is co-chaired by USTR and the Department of Labor, and their European Commission counterparts from the Directorate General for Trade (DG TRADE) and the Directorate General for Employment (DG EMPLOYMENT). The TALD consists of representatives from governments, labor unions, and businesses and allows the U.S. and the EU to consult worker organizations and business representatives on transatlantic trade and labor issues, especially in relation to the work of the TTC.

On September 21, 2022, USTR and the DOL, together with their counterparts from DG TRADE and DG EMPLOYMENT, joined union and business leaders for the inaugural technical meeting of the tripartite TALD. The topics discussed at the first meeting included combating forced labor and upholding international labor standards in global supply chains; sharing concerns related to the future of work and the impacts of the digital economy on workers, such as how best to protect workers in the face of rapid technological change and considerations on the impact of digital economy and trade on workers; and, charting a path on how to concretely advance cooperation to benefit workers in the global economy.

On December 5, 2022, senior leadership from USTR, the DOL, and the European Commission's DG TRADE and EMPLOYMENT led the inaugural principals' meeting of the tripartite TALD. The meeting included key U.S. and EU labor and business representatives. Union and business leaders from across the

Atlantic identified priority areas for future discussion and cooperation in the areas of forced labor and the impact of digital trade on workers.

*For further discussion of the U.S.–EU Trade and Technology Council, see Chapter I.A.4 United States–European Union Trade and Technology Council.*

### ***United States–Japan Partnership on Trade***

Under the United States–Japan Partnership on Trade, both countries worked together in 2022 to advance a common agenda, which includes joint cooperation to utilize trade policy in support of internationally recognized labor rights. During 2022, the United States provided input toward Japan’s human rights due diligence guidelines for businesses, which was released in September. On January 6, 2023, the United States and Japan launched a United States–Japan Task Force (Task Force) to Promote Human Rights and International Labor Standards in Supply Chains. Through the Task Force, the United States and Japan will exchange information on relevant laws, policies, and guidance; facilitate stakeholder dialogues with businesses and worker organizations; and, promote best practices for human rights and internationally recognized labor rights due diligence. These areas of cooperation are designed to protect workers and enhance predictability and clarity for businesses as they seek to contribute to resilient and sustainable supply chains. For the United States, Task Force membership comprises USTR, the U.S. Departments of State, Commerce, Health and Human Services, Labor, Homeland Security, including its subcomponents the U.S. Customs and Border Protection and the U.S. Immigration and Customs Enforcement, and the U.S. Agency for International Development. For Japan, Task Force membership comprises the Ministry of Economy, Trade, and Industry and the Ministry of Foreign Affairs.

*For further discussion of the U.S.–Japan Partnership on Trade, see Chapter I.C.3 Japan, Republic of Korea, and the Asia-Pacific Economic Cooperation Forum.*

## **2. Preference Programs**

U.S. trade preference programs, including the Generalized System of Preferences (GSP), the African Growth and Opportunity Act (AGOA), the Caribbean Basin Initiative, and trade preferences for Haiti and Nepal, require beneficiaries to meet statutory eligibility criteria pertaining to internationally recognized worker rights, including freedom of association and elimination of child labor and forced labor. To monitor and address eligibility concerns, USTR engages with foreign governments, stakeholders, and international organizations and also looks to the variety of U.S. government reports on worker rights, including on child labor and forced labor. This section describes labor engagement under these preference programs, as well as other bilateral trade mechanisms.

*For further discussion of the Caribbean Basin Initiative, see Chapter I.D.5 Caribbean Basin Initiative.*

*For further discussion of the Nepal Trade Preference Program, see Chapter I.C.7 South and Central Asia and Chapter I.D.4 Nepal Trade Preference Program.*

### **Generalized System of Preferences**

Authorization for duty-free treatment under GSP lapsed on December 31, 2020. As of December 31, 2022, there were four pending country eligibility reviews on countries’ compliance with GSP worker rights eligibility criteria: Azerbaijan, Eritrea, Kazakhstan, and Zimbabwe.

The U.S. Government engaged with designated GSP beneficiary countries on labor issues during trade and investment framework agreement and other bilateral meetings, including with Algeria, Argentina, Brazil, Cambodia, Ecuador, Egypt, Kazakhstan, the Kyrgyz Republic, Lebanon, Pakistan, the Philippines, Thailand, Ukraine, Uruguay, and Uzbekistan.

*For further discussion of the Generalized System of Preferences program, see Chapter I.D.1 Generalized System of Preferences.*

### **African Growth and Opportunity Act**

The United States continued to engage with sub-Saharan African countries on AGOA worker rights criteria through the AGOA annual eligibility review and bilateral and multilateral fora. In December 2022, the U.S. Trade Representative hosted trade ministers from sub-Saharan Africa for the AGOA Ministerial Meeting, and underscored, among other matters, the importance of worker rights and the crafting of inclusive, sustainable trade policies.

*For further discussion of the African Growth and Opportunity Act, see Chapter I.D.2 African Growth and Opportunity Act.*

### **Haitian Hemispheric Opportunity through the Partnership Encouragement Act**

Pursuant to requirements of the Haitian Hemispheric Opportunity through the Partnership Encouragement Act of 2008 (HOPE II), producers eligible for duty-free treatment under HOPE II must comply with internationally recognized worker rights. As part of HOPE II, the U.S. Government works closely with the Government of Haiti and the ILO on the Technical Assistance Improvement and Compliance Needs Assessment and Remediation (TAICNAR) program to monitor factories' compliance with internationally recognized worker rights.

For additional information, see the [2022 USTR Annual Report on the Implementation of the Technical Assistance Improvement and Compliance Needs Assessment and Remediation \(TAICNAR\) Program and Assessment of Producer Eligibility](#).

*For further discussion of HOPE II, see Chapter I.D.3 Haitian Hemispheric Opportunity through Partnership Encouragement Act.*

## **3. Regional, Multilateral, and International Organization Engagement**

In 2022, the United States continued its efforts to broaden international consensus on the relationship between trade and labor and the benefit of ensuring that trade policy protects labor rights, including through regional and multilateral fora, as well as international organizations.

### ***Association of Southeast Asian Nations***

USTR and the Association of Southeast Asian Nations (ASEAN) organized the second United States–ASEAN Trade and Labor Dialogue in March 2022. The dialogue focused on inclusive approaches to trade and economic recovery, improving working conditions and business competitiveness, and workforce development and labor protections in a digital era. USTR continued to support U.S. Government efforts to address forced labor associated with fishing, including in the context of work with ASEAN governments, industry, and other stakeholders.

### ***Indo-Pacific Economic Framework for Prosperity***

On September 9, 2022, Ministers from the 14 partner countries of the Indo-Pacific Economic Framework for Prosperity (IPEF) issued statements relating to each of the four pillars, which includes Pillar 1 on Trade. The 13 partner countries participating in the Trade Pillar are: the United States, Australia, Brunei Darussalam, Fiji, Indonesia, Japan, Republic of Korea, Malaysia, New Zealand, the Philippines, Singapore, Thailand, and Vietnam. For the Trade Pillar, the Ministers agreed to seek high-standard, inclusive, free, fair, and open trade commitments that build upon the rules-based multilateral trading system, including provisions and initiatives related to labor.

In seeking to deliver tangible benefits for people of the Indo-Pacific region, labor provisions and initiatives will focus on benefitting workers and ensuring free and fair trade that contributes to promoting sustainable and inclusive growth. This includes provisions and initiatives related to: adopting and maintaining, and enforcing, national laws based on internationally-recognized labor rights, based on the [ILO Declaration on Fundamental Principles and Rights at Work](#); encouraging corporate accountability in cases of national labor law violations; public engagement; and, cooperative mechanisms on emerging labor issues to support the aforementioned labor rights and workforce development, including with respect to workers in the digital economy.

*For further discussion of the Indo-Pacific Economic Framework for Prosperity, see Chapter I.A.1 Indo-Pacific Economic Framework for Prosperity.*

### ***United States, Japan, and the European Union Trilateral Partnership***

Under the United States, Japan, and European Union Trilateral Partnership, the governments have been working to address global trade challenges, including those posed by non-market policies and practices that undermine and negatively affect our workers and businesses. In September 2022, the Trade and Labor ministers of the United States, Japan, and the European Union issued a trilateral joint statement on their concern surrounding the global situation on forced labor and the newly released forced labor estimates that 27.6 million individuals are in forced labor, according to the 2022 International Labor Organization, Walk Free, and the International Organization for Migration’s Global Estimates of Modern Slavery report.

### ***Asia-Pacific Economic Cooperation***

The United States also continued to promote labor rights as one of the topics to strengthen economic integration and build high-quality trade agreements in the Asia-Pacific region. In the Asia-Pacific Economic Cooperation (APEC), the United States continued to support including labor issues in the next generation of trade agreements by the APEC economies. To support this goal, USTR established an APEC work program in the Committee on Trade and Investment examining the importance of multistakeholder engagement in trade policy and proposed a project on labor-related technical assistance and capacity building provisions in regional trade arrangements and free trade agreements. In addition, the United States supported efforts to promote the importance of multistakeholder engagement and hosted an APEC Economic Committee Panel on Tripartism based on an APEC policy report on the Future of Work.

### ***Group of Seven***

The United States also worked through multilateral organizations to make clear that there is no place for forced labor in the global trading system. As discussed above, the United States submitted a proposal to the WTO to bring attention to the use of forced labor on fishing vessels. At the June 2021 Group of Seven (G7) Leaders’ Summit in Cornwall, President Biden made it clear that the United States will prioritize the global effort to combat forced labor, including through trade. In October 2021, in addition to the G7 Trade

Ministers' Communique, the United States joined in a stand-alone G7 Trade Ministers' Forced Labor Statement on international standards to combat forced labor in global supply chains. The Statement highlights key elements of U.S. Government policies and practices to combat forced labor from the last 25 years to prevent this harmful practice and to protect and provide remedy for those affected by forced labor.

### *International Labor Organization*

In 2022, USTR met with ILO experts and participated in ILO-sponsored panels to discuss the implementation of labor standards in trade partner countries and to discuss broader labor themes such as labor inspection, gender, forced labor, global supply chains, and the ILO Better Work program.

## **4. Combating Forced Labor in Global Supply Chains**

Forced labor includes the use of forced, convict, and indentured labor, including forced or indentured child labor. Through new and existing trade tools, the United States has continued its leadership role in 2022 by using trade policy to address forced labor worldwide, including in global supply chains. The actions to combat forced labor mentioned above, and in this section, advance the updated U.S. National Action Plan to Combat Human Trafficking, which the President released in December 2021.

- On January 25, 2022, USTR announced at the President's Interagency Task Force to Monitor and Combat Trafficking in Persons that it would develop its first-ever focused trade strategy to combat forced labor. USTR has been undertaking an inclusive process to develop that strategy that maximizes input from stakeholders, including labor organizations, civil society, survivors, and the private sector. The strategy will bring attention to the U.S. Government toolkit to combat forced labor, which has been cultivated over the last 25 years to prevent this harmful practice, as well as to protect and provide appropriate remedies for those affected by forced labor, through trade policy and engagement. It will include a thorough interagency review of USTR's existing trade policies and tools to combat forced labor, to determine areas that may need strengthening, and to identify gaps that need to be filled.
- In June 2022, WTO Members achieved a groundbreaking agreement to discipline harmful fisheries subsidies. The Agreement on Fisheries Subsidies contains several important disciplines, including prohibitions on subsidies to vessels or operators engaged in IUU fishing, subsidies to fishing regarding stocks that are overfished, and subsidies to fishing on the high seas outside of the competence of a relevant regional fisheries management organization or arrangement. WTO Members also committed to continue the fisheries subsidies negotiations with a view to making recommendations to the WTO's 13th Ministerial Conference for additional provisions that would achieve a comprehensive agreement on fisheries subsidies, including through further disciplines on certain forms of fisheries subsidies that contribute to overcapacity and overfishing. The United States will continue to urge Members to support additional, ambitious disciplines through these negotiations, including greater transparency with respect to the use of forced labor on fishing vessels.
- On July 8, 2022, at the second meeting of the USMCA Free Trade Commission, the United States, Mexico, and Canada reiterated a joint commitment to address forced labor in our supply chains.
- On September 15, 2022, the G7 Trade Ministers reiterated their joint commitment to use trade policy to combat forced labor and built upon the 2021 G7 Trade Ministers' Statement on Forced

Labor in London expressing their shared interest in tackling forced labor and child labor in global supply chains.

### **Forced Labor Enforcement Task Force**

The United States continued to work through the U.S. Department of Homeland Security-led Forced Labor Enforcement Task Force (FLETf) in 2022 to coordinate, monitor, and prevent the importation of goods made wholly or in part with forced labor into the United States. The FLETf is composed of the following interagency member partners: the U.S. Department of Homeland Security (Chair), the Office of the U.S. Trade Representative, and the U.S. Departments of Labor, State, Treasury, Justice, and Commerce. Observer agencies invited by the Chair include: the U.S. Agency for International Development, the U.S. Departments of Agriculture and Energy, and the National Security Council. The Chair has invited subcomponents of the U.S. Department of Homeland Security, the U.S. Customs and Border Protection (CBP) and the U.S. Immigration and Customs Enforcement Homeland Security Investigations to attend.

Withhold Release Orders and Findings:

- By the end of 2022, CBP enforced 55 active Withhold Release Orders (WROs) and 9 Findings across the globe. CBP issues a WRO when the agency has reasonable evidence of the use of forced labor in the manufacturing or production of a good or goods entering the U.S. supply chain. A WRO allows CBP to detain the products in question at all U.S. ports of entry until or unless importers can prove the absence of forced labor in their product's supply chain. CBP issues a Finding when the agency has conclusive evidence of the use of forced labor in the manufacturing or production of a good or goods entering the U.S. supply chain. A Finding allows CBP to seize the product(s) in question at all U.S. ports of entry.
- During 2022, CBP issued four WROs and two Findings. WROs to detain imports included raw sugar and sugar-based products in the Dominican Republic produced by Central Romana Corporation Limited; and, disposable gloves in Malaysia produced by YTY Industry Holdings Sdn Bhd (YTY Group), including YTY Industry Sdn Bhd, Green Prospect Sdn Bhd, and GP Lumut. Findings included: palm oil and palm oil products in Malaysia produced by Sime Darby Plantation Berhad and its subsidiaries and joint ventures; and, seafood from the Da Wang fishing vessel.
- On September 7, 2022, CBP rescinded a WRO that was issued on July 29, 2022 against Natchi Apparel (P) Ltd. garment imports. The WRO was rescinded as a result of swift and successful collaboration between civil society and worker rights organizations, Natchi Apparel (P) Ltd. and its parent company Eastman Exports, and CBP. CBP lifted the WRO after a non-governmental organization, Eastman Exports, and Natchi Apparel (P) Ltd. provided evidence to CBP that Natchi Apparel (P) Ltd., located in India, had addressed all five of the ILO's indicators of forced labor identified by the WRO.
- Findings of forced labor in 2022 directed CBP personnel at all U.S. ports of entry to seize palm oil and merchandise containing palm oil traceable to the Malaysian company Sime Darby Plantation Berhad (Sime Darby), including its subsidiaries and joint ventures, and seafood harvested by the Vanuatu-flagged fishing vessel, Da Wang, which is owned and operated by the Taiwanese company Yong Feng Fishery Ltd.



## Uyghur Forced Labor Prevention Act:

- The Uyghur Forced Labor Prevention Act (UFLPA) was enacted on December 23, 2021, to strengthen the existing prohibition against the importation of goods made wholly or in part with forced labor into the United States and to prevent the systematic use of forced labor in the Xinjiang Uyghur Autonomous Region (Xinjiang).
- The UFLPA, among other functions, establishes a rebuttable presumption that the importation of goods from the Xinjiang Uyghur Autonomous Region are prohibited under section 307 of the Tariff Act of 1930, and charges the Forced Labor Enforcement Task Force (FLETF), chaired by the U.S. Department of Homeland Security, to develop a strategy for supporting the enforcement of Section 307 of the Tariff Act of 1930, as amended (19 U.S.C. § 1307), to prevent the importation into the United States of goods mined, produced, or manufactured wholly or in part with forced labor in Xinjiang or by entities on the UFLPA Entity List. On June 21, 2022, the rebuttable presumption went into effect.
- On June 13, 2022, CBP released importer guidance to assist the trade community in preparing for the implementation of the UFLPA rebuttable presumption, which went into effect on June 21, 2022. CBP's importer guidance provides transparency to CBP's operational approach in the enforcement of UFLPA.
- On June 17, 2022, the FLETF published the [\*Strategy to Prevent the Importation of Goods Mined, Produced, or Manufactured with Forced Labor in the People's Republic of China\*](#). Pursuant to UFLPA, the strategy includes: a comprehensive assessment of the risk of importing goods mined, produced, or manufactured, wholly or in part, with forced labor in the China; an evaluation and description of forced-labor schemes, the UFLPA-Required Entity List (UFLPA Entity List), UFLPA-required plans, and high priority sectors for enforcement; recommendations for efforts, initiatives, tools, and technologies to accurately identify and trace affected goods; a description of how CBP plans to enhance its use of legal authorities and tools to prevent entry of goods at U.S. ports in violation of 19 U.S.C. § 1307; a description of additional resources necessary to ensure no goods made with forced labor enter U.S. ports; guidance to importers; and, a plan to coordinate and collaborate with appropriate nongovernmental organizations and private-sector entities.

## 5. Trade Adjustment Assistance

### Overview and Assistance for Workers

The Trade Adjustment Assistance for Workers Program (TAA Program) was authorized under Chapter 2 of Title II of the Trade Act of 1974, as amended (19 U.S.C. § 2251 *et seq.*). However, on June 30, 2022, the authorization for the TAA program expired and the program had not been reauthorized as of December 31, 2022. The program entered a phased termination, effective July 1, 2022. As a result, DOL cannot complete any additional investigations or render any new determinations. Additionally, a worker must have been separated or threatened with separation on or before June 30, 2022, to be eligible for any benefits and services under the TAA Program.

The TAA Program provides assistance to workers who have been adversely affected by foreign trade. The TAA Program offers trade-affected workers opportunities to obtain the skills, credentials, resources and support necessary for in-demand jobs.

The TAA Program offers the following benefits and services to eligible workers: employment and case management services, training, out-of-area job search and relocation allowances, weekly income support through Trade Readjustment Allowances (TRA), and Alternative or Reemployment Trade Adjustment Allowance (ATAA/RTAA) wage supplements for older workers.

In 2022, \$334 million was allocated to State Governments to fund aspects of the TAA Program. This included approximately \$224 million for “Training and Other Activities,” which includes funds for training, job search allowances, relocation allowances, employment and case management services, and related state administration; approximately \$99 million for TRA benefits; and, approximately \$11 million for ATAA/RTAA benefits.

For a worker to be eligible to apply for TAA, the worker must be part of a group of workers that is the subject of a petition filed with the DOL. In response to the filing, the DOL conducts an investigation to determine whether foreign trade was an important cause of the workers’ job loss or threat of job loss. If the DOL determines that the workers meet the statutory criteria for group certification of eligibility for the workers in the firm to apply for trade adjustment assistance, the DOL will issue a certification. In 2022, an estimated 25,099 workers became eligible for the program.

The DOL administers the TAA Program through the Employment and Training Administration, with State Governments administering trade adjustment assistance benefits on behalf of the United States for members of trade-adjustment-assistance-certified worker groups. Once covered by a certification, individual workers apply for benefits and services through the American Job Center network. American Job Centers can be located at the [CareerOneStop website](#) or by calling 1-877-US2-JOBS (1-877-872-5627). Most benefits and services have specific individual eligibility criteria that must be met, such as prior work history, unemployment insurance eligibility, and individual skill levels.

### **Trade Adjustment Assistance for Farmers**

The Trade Adjustment Assistance for Farmers Program was authorized under Chapter 6 of Title II of the Trade Act of 1974, as amended, and was reauthorized by the Trade Preferences Extension Act of 2015 for FY 2015 through FY 2021. The program lapsed in July 2022 and has not been reauthorized as of December 31, 2022.

### **Trade Adjustment Assistance for Firms**

The U.S. Economic Development Administration (EDA) Trade Adjustment Assistance for Firms Program (TAAF Program), which provides for trade adjustment assistance for firms and industries, was authorized by Chapters 3 and 5 of Title II of the Trade Act of 1974, as amended. The authorization for the TAAF Program expired on June 30, 2022, and had not been reauthorized as of December 31, 2022. Since June 30, 2022, trade adjustment assistance cannot be provided to new firms under the TAAF Program. However, trade adjustment assistance may continue to be provided to firms that had submitted a petition under the TAAF Program prior to that date.

The TAAF Program provides technical assistance to help import-impacted U.S. firms develop and implement projects to regain global competitiveness, expand markets, strengthen operations, and increase profitability, thereby increasing U.S. jobs. The Secretary of Commerce is responsible for administering the TAAF Program and has delegated the statutory authority and responsibility to EDA. EDA’s regulations implementing the TAAF Program are codified at 13 CFR Part 315.

In FY 2022, EDA awarded a total of \$13.5 million in TAAF Program funds to its national network of 11 Trade Adjustment Assistance Centers, each of which is assigned a different geographic service area. During

FY 2022, EDA certified 47 petitions and approved 77 adjustment proposals, which are firms' plans to improve their competitiveness.

For additional information about the TAAF Program (including eligibility criteria and application process), see the [EDA's website](#).

## **I. Trade Capacity Building**

The United States provides training and technical assistance to help developing countries reap the benefits of international trade. Trade capacity building (TCB) is intended to facilitate effective integration of developing countries into the international trading system and enable them to benefit further from global trade while promoting economic growth and alleviation of poverty. This section reports on these efforts.

### **1. The Enhanced Integrated Framework**

The Enhanced Integrated Framework (EIF) is a technical assistance, multi-donor trust fund that operates as a coordination mechanism for trade-related assistance exclusively to least-developed countries (LDCs), with the overall objective of integrating trade into national development plans and integrating LDCs into the multilateral trading system. Participating organizations include the World Trade Organization (WTO), the World Bank Group, the International Monetary Fund (IMF), the United Nations Conference on Trade Development (UNCTAD), the United Nations Development Program (UNDP), United Nations Industrial Development Organization (UNIDO), the United Nations Office for Project Services (UNOPS), the World Tourism Organization (UNWTO), and the International Trade Center (ITC) as a joint agency of the WTO and UNCTAD. The EIF incorporates a country-specific diagnostic assessment, the Diagnostic Trade Integration Study (DTIS), which aims to identify constraints to competitiveness, supply chain weaknesses, and sectors of greatest growth or export potential. The DTIS includes an action plan, consisting of a list of identified priority reforms, which is offered to multilateral and bilateral donors. Project design and implementation can be accomplished through the resources of the EIF Trust Fund or through multilateral, or bilateral donor programs in the field.

Phase Two of the EIF (2016–2022) covers 48 countries with the goal to produce results-driven outcomes that showcase how trade can be better integrated into developing country policy plans and strategies; assist micro, small and medium-sized enterprises (MSMEs) to integrate into global trade; and help countries leverage technology to enhance exports. The United States has supported the EIF primarily through complementary bilateral assistance to LDC countries by the U.S. Agency for International Development (USAID). An external evaluation of Phase Two of the EIF program, which ended in 2022, is currently underway.

### **2. U.S. Trade-Related Assistance under the World Trade Organization Framework**

The United States directly supports the WTO's trade-related technical assistance.

#### ***Global Trust Fund***

The United States has long supported the trade-related assistance activities of the WTO Secretariat through voluntary contributions to the Doha Development Agenda Global Trust Fund. Overall, the United States has contributed more than \$21 million since 2001.

### ***Aid-for-Trade Initiative***

The Sixth Ministerial Declaration in 2005 created a new WTO framework to discuss and prioritize Aid-for-Trade. In 2006, the Aid-for-Trade Task Force was created to operationalize Aid-for-Trade efforts and offer recommendations to improve the efficacy and efficiency of these efforts among WTO Members and other international organizations. The United States has been an active partner in Aid-for-Trade discussions.

### ***The Standards and Trade Development Facility***

The Standards and Trade Development Facility (STDF) is a global partnership to promote the increased capacity of developing countries to implement international sanitary and phytosanitary (SPS) standards, guidelines and recommendations, and hence improve their ability to gain and maintain access to markets. The STDF Working Group reviews and approves the STDF's work program and funding requests, and oversees operation of the STDF Secretariat. The United States, along with other donor countries and international organizations, participates in the STDF Working Group. Other international organizations include the secretariats of: United Nations Food and Agriculture Organization (FAO), World Organization for Animal Health (OIE), World Bank Group, World Health Organization (WHO), WTO, and Codex Alimentarius and the International Plant Protection Convention (IPPC). The partnership convenes and connects SPS stakeholders and supports and implements innovative pilot projects in developing countries.

Since its launch in 2004, the STDF has supported more than 230 projects and project preparation grants across Africa, Asia-Pacific, and Latin America and the Caribbean, totaling more than \$100 million. In 2020-2022, 67 percent of STDF funded activities benefitted least-developed countries and other low-income countries. The STDF organized 40 events with participation from approximately 3,300 SPS stakeholders. In 2022, the STDF raised \$6.7 million in donors' contributions, which was slightly below the target of \$7 million per year. The United States has supported the STDF primarily through the U.S. Department of Agriculture (USDA) and the Department of Health and Human Services Food and Drug Administration (FDA), as well as USAID.

The STDF's SPS capacity building complements broader U.S. Government trade capacity building and SPS technical assistance spanning from training on electronic certification, use of evidence to prioritize SPS investments (P-IMA), and implementation of good regulatory practices (GRP). The United States regularly reports SPS capacity building activities to the WTO through the WTO SPS Committee.

*For further discussion on the WTO Sanitary and Phytosanitary Committee, see Chapter IV.D.8 Committee on the Application of Sanitary and Phytosanitary Measures.*

### ***WTO and Trade Facilitation***

Since the conclusion of the WTO Trade Facilitation Agreement (WTO TFA) negotiations in December 2013, the United States has provided substantial assistance in the areas of customs and trade facilitation. The United States remains committed to comprehensive implementation of the WTO TFA. During the period 2019 through 2022, USAID supported more than 20 countries in implementing recommendations from WTO Trade Facilitation Needs Assessments. Working with the Southern African Development Community, USAID assisted in creating a comprehensive trade facilitation plan for the regional economic community. USAID provided assistance to a number of the National Trade Facilitation Committees that are required under the TFA, such as in Ghana, Guatemala, Honduras, and Vietnam. Direct assistance in support of simplifying customs procedures also was provided in countries such as Côte d'Ivoire, Mozambique, Senegal, Ukraine, Vietnam, and Zambia. Several governments also have received assistance

with implementing single window customs procedures throughout the Association of Southeast Asian Nations (ASEAN) and Southern Africa.

The Global Alliance for Trade Facilitation (the Alliance) was launched on December 17, 2015 during the Tenth Ministerial Conference of the WTO in Nairobi, Kenya, as a unique, multi-stakeholder platform that leverages business and development expertise for commercially meaningful reforms. The Alliance is a public private partnership that designs and delivers programs to cut trade costs and delays at borders, through risk management, customs streamlining and trade process modernization. Areas of focus include (i) food security – overcoming border blockages improves food security, cutting spoilage, and boosting export prospects for small farmers; (ii) global health – the COVID-19 pandemic showed the need to move crucial medicines and medical supplies around the world as quickly as possible; and (iii) transparency and anti-corruption – supply chain transparency is essential to combat corruption, fraud, and illegal trade. In this way, trade facilitation can drive resilience, inclusive economic growth, and poverty reduction.

During 2022, the Alliance was implementing 16 projects and had completed a further 13 projects covering a total of 30 countries across Africa, Asia, Latin America, and the Middle East. In 2022, the Alliance also received in-kind assistance from 41 multinational private sector companies, 400 local chambers, and over 700 local micro-, small and medium-sized enterprises (MSMEs). Geographically, 48 percent of these projects were in sub-Saharan Africa, 18 percent in East Asia Pacific, 15 percent in the Middle East and North Africa, 13 percent Latin America and the Caribbean, and 6 percent in South Asia.

### ***WTO Accessions***

*For a discussion on technical assistance during the WTO accession process, see Chapter IV.G.6 Accessions to the World Trade Organization.*

## **3. Trade Capacity Building Initiatives for Africa**

Through bilateral and multilateral channels, the United States has invested or obligated more than \$7 billion in trade-related projects in sub-Saharan Africa since 2001 to spur economic growth and alleviate poverty.

### ***The African Continental Free Trade Area***

Numerous U.S. Government agencies have provided targeted technical assistance in support of the African Continental Free Trade Area (AfCFTA). Through the Prosper Africa initiative, USAID engaged in the following activities during 2022: helped African SMEs to understand, operationalize and benefit from the AfCFTA; established partnerships with trade and commerce ministries in African Union (AU) Member States and with the U.S. private sector to drive successful implementation; engaged women and youth-owned and -led businesses to help shape the agreement and its outcomes; and, sponsored trade fairs and investment events to showcase the continental African marketplace to Diaspora communities and U.S. buyers and suppliers. In addition, USTR, USAID, and the U.S. Department of Commerce's Commercial Law Development Program (CLDP) offered a U.S. Government-wide forum for community-based stakeholders, including members of African Diaspora communities, to discuss policies, laws, and regulations that enable or impede trade and investment within Africa, and to develop recommendations for inclusion in the AfCFTA agreement Protocol on Women and Youth.

In 2022, USDA continued supporting an embedded Sanitary and Phytosanitary (SPS) Advisor at the African Union Commission to guide the AU's efforts to implement the SPS Policy Framework, a document intended to guide Member States on the SPS Annex of AfCFTA; reduce barriers to cross border trade, and better coordinate capacity building and policy harmonization under the AfCFTA. In addition, USDA

actively participated in the AU's development and ratification of the African Union SPS Policy Framework intended to guide AU Member States on implementation of the SPS Annex of the AfCFTA; reduce barriers to cross border trade; and better coordinate capacity building and policy harmonization under the AfCFTA. USDA's efforts encourage the utilization of science and risk-based policies for the production and trade of food and agricultural products. This work will help improve agricultural trade between the United States and Africa to the benefit of both U.S. and African farmers and food producers.

#### **4. Free Trade Agreements**

In addition to the WTO programs noted in Section III.I.2 above, the United States has helped U.S. FTA partners implement FTA commitments and reap the benefits of such agreements over the long term through TCB working groups and other FTA-related projects. USAID and USDA, along with a number of other U.S. Government agencies, actively participate in these FTA working groups on TCB so that identified TCB needs can be quickly and efficiently incorporated into ongoing regional and country assistance programs. The FTA working groups on TCB also invite non-governmental organizations, representatives from the private sector, and international institutions to join in building the trade capacity of countries in each region. USTR works closely with USAID, the U.S. Department of State, and other agencies to track and guide the delivery of TCB assistance related to FTA commitments.

*For further discussion, see the individual country sections in Chapter I.A, regional sections in Chapter I.B, environment in Chapter III.G.1, and labor in Chapter III.H.1.*

#### **5. Standards Alliance**

The Standards Alliance is a public-private partnership between USAID and the American National Standards Institute (ANSI), which is the official U.S. representative to the International Organization for Standardization (ISO). The goal of this partnership is to build capacity among developing countries to implement the WTO Agreement on Technical Barriers to Trade (TBT Agreement). Priority areas of intervention in developing countries are shaped through an interagency process guided by USTR and USAID and include efforts to improve practices related to notification of technical regulations and conformity assessment procedures to the WTO, strengthen domestic practices related to adopting relevant international standards, and clarify and streamline regulatory processes for products.

As the implementing partner of the Standards Alliance, ANSI coordinates private sector subject matter experts from its member organizations in the delivery of training and other technical exchange with eligible and interested Standards Alliance countries on international standards, best practices, and other subjects supporting implementation of the TBT Agreement. In consultation with Trade Policy Staff Committee (TPSC) agencies and private sector experts, ANSI requested and reviewed applications for assistance based on consideration of (1) bilateral trade opportunities, (2) available private sector expertise that may be leveraged, (3) demonstrated commitment and readiness for assistance, and (4) potential development impact.

Phase 2 (2019-2024) of the Standards Alliance program commits funds to promote regulatory interoperability in the context of the COVID-19 pandemic, good regulatory practice, and the adoption of international standards for medical devices while enhancing the critical role of standards and conformity assessment in supporting public health and safety. Ultimately, the goal is to establish a medical device regulatory environment and framework that will facilitate the response to the COVID-19 pandemic and diminish technical barriers to trade, thus promoting the exportation of quality U.S. medical devices.

As of December 2022, under Phase 2, the Standards Alliance has organized 41 events, attended by nearly 6,000 participants. Since its inception, participants from 27 countries and regional organizations have benefited from Standard Alliance activities. Noteworthy is the implementation of the COVID-19 Medical Device Regulatory Convergence (MDRC) project in Brazil, Colombia, Ghana, Indonesia, Kenya, Mexico, Peru, South Africa, and Vietnam, to support countries in their response to the COVID-19 pandemic and the adoption of international standards for medical devices while enhancing the critical role of standards and conformity assessment in supporting public health and safety. To date, the MDRC has hosted 26 trainings and workshops to advance objectives for global, regional, and local stakeholders in the public and private sectors. These workshops convened over 5,650 participants, of which over 3,620 were from the private sector and about 3,555 were women (63 percent).

## **J. Organization for Economic Cooperation and Development**

The Organization for Economic Cooperation and Development (OECD) is a grouping of economically significant countries that serves as a policy forum covering a broad spectrum of economic, social, environmental, and scientific areas from macroeconomic analysis to education, biotechnology, and trade. Thirty-eight democracies in Europe, the Americas, the Middle East, and the Pacific Rim comprise the OECD, established in 1961 and headquartered in Paris. The OECD provides a setting where both OECD Members and non-Members can compare experiences, seek answers to common challenges, identify good practices, promote economic growth, and develop high standards for economic policy. A committee of Member government officials, supported by Secretariat staff, covers committees, expert groups, and working groups in substantive areas. The emphasis is on discussion and peer review rather than negotiation. However, some OECD instruments, such as the [Convention on Combating Bribery of Foreign Public Officials in International Business Transactions](#), are legally binding. Most OECD decisions require consensus among Member governments. The like-mindedness of the OECD's membership on the core values of democratic institutions, the rule of law, and open markets uniquely positions the OECD to serve as a valuable policy forum to address real world issues. In the past, analysis of issues in the OECD has often been instrumental in forging a consensus among OECD countries to pursue specific negotiating goals in other international fora, such as the World Trade Organization.

The United States has a longstanding interest in trade issues studied by the OECD. On trade and trade policy, the OECD engages in meaningful research and provides a forum in which OECD Members can discuss complex and sometimes difficult issues. The OECD is also active in studying the balance between domestic objectives and international trade.

### **1. Trade Committee Work Program**

In 2022, the OECD Trade Committee, its subsidiary Working Party of the Trade Committee, the Joint Working Party on Trade and Environment, and the Joint Working Party on Trade and Agriculture, continued to address a number of significant issues affecting trade. These included the impacts of the COVID-19 pandemic and Russia's premeditated and unjustified full-scale invasion of Ukraine. The Trade Committee met in April and October 2022, and its Working Party met in March, June, October, and December 2022. The Trade Committee and its subsidiary groups paid special attention to digital trade, including quantifying the impact of digitalization and digital trade policies on trade, trade facilitation, services trade, and trade and investment in global value chains. The [OECD website](#) contains up-to-date information on published analytical work and other trade-related activities.

The Trade Committee continued its analysis and work surrounding barriers affecting trade in services, including an update to the OECD's Services Trade Restrictiveness Index (STRI), a quantitative assessment of policy-based restrictions on services trade, based on OECD Member and [Key Partner](#) data on 22 services



sectors across 48 countries. In 2022, the Trade Committee approved the expansion of STRI sectors to include core environmental services, other business services, and capital market services. Among other activities in 2022, the Committee continued research on measuring distortions in international markets caused by government support in the rolling-stock value chain and support provided to industrial producers in the form of below-market energy inputs. A third report synthesizes findings on government support in various key industrial value chains, while a fourth report highlights government support and the role of state enterprises in industrial sectors. In addition, the Committee finalized analysis on the impact of COVID-19 on global trade. The Trade Committee has also discussed the role trade can play in inclusive economic recovery.

In 2022, Italy hosted the OECD Ministerial Council Meeting (MCM) under the theme of “The Future We Want: Better Policies for the Next Generation and a Sustainable Transition.” USTR participated in the Trade Session of the MCM on Trade and Environmental Sustainability.

## **2. Trade Committee Dialogue with Non-OECD Members**

The OECD conducts wide-ranging activities to reach out to non-Member countries and economies, business, and civil society, in particular through its series of workshops and “Global Forum” events held around the world each year. Non-Member countries and economies may participate as committee observers when Members believe that participation will be mutually beneficial. Key partners—Brazil, China, India, Indonesia, and South Africa—participate to varying degrees in OECD activities through the Enhanced Engagement program, which seeks to establish a more structured and coherent partnership, based on mutual interest, between these five major economies and OECD Members. Argentina, Brazil, and Hong Kong, China (Hong Kong) are regular invitees to the Trade Committee and its Working Party.

Taiwan was an invitee to the 2022 Global Forum on Trade. The Russian Federation’s *ad hoc* participation was suspended this year due to Russia’s unprovoked and unjustified full-scale war against Ukraine. The OECD also carries out a number of regional and bilateral cooperation programs with non-Members.

The OECD Trade Committee’s continued support of trade-related discussions in major intergovernmental economic groupings, including Group of 20 (G20), Group of Seven (G7), Asia-Pacific Economic Cooperation (APEC), and Association of Southeast Asian Nations (ASEAN) through the timely use of the Committee’s evidence-based analysis and policy insights, remained a priority.

In early 2022, Argentina, Brazil, Bulgaria, Croatia, Peru, and Romania were invited to begin discussions to accede to the OECD. Accession Roadmaps, which set out the terms, conditions and process for accessions, were prepared by Brazil, Bulgaria, Croatia, Peru, and Romania and adopted at the MCM in June 2022. By December 2022, Brazil, Bulgaria, Croatia, and Romania had submitted their Initial Memorandums (IM), *i.e.*, self-assessment documents that catalogue the alignment of existing legislation, policies, and practices against OECD legal instruments. In 2023, the Secretariat will launch an intensive fact-finding and in-depth analysis process, Market Openness Review (MOR), for each country that submitted an IM. The MOR will be used by the Trade Committee to hold detailed discussions with each acceding candidate country.

The OECD Trade Committee also continued to discuss aspects of its work and issues of concern with representatives of the private sector and civil society, including Members of Business at OECD (formerly Business and Industry Advisory Council) and the Trade Union Advisory Council.



### **3. Other OECD Work Related to Trade**

Representatives of the OECD Member countries meet in specialized committees to advance ideas and review progress in specific policy areas, such as economics, trade, regulatory policy, science, employment, education, countering illicit trade, and financial markets. There are about 300 committees, working groups, and expert groups at the OECD.

# IV. THE WORLD TRADE ORGANIZATION

## A. Introduction

This chapter describes activities in the World Trade Organization (WTO) in 2022, including in the WTO Standing Committees and their subsidiary bodies, WTO negotiating groups, plurilateral initiatives, engagement on implementation and enforcement of WTO Agreements, and progress with accessions of new Members. The WTO provides a forum for enforcing U.S. rights under WTO agreements to ensure the United States receives the full benefits of WTO membership.

Notably, Ministers met in June 2022 for the Twelfth WTO Ministerial Conference (MC12). The United States exercised leadership to secure several key outcomes at MC12, including the conclusion of the first phase of a groundbreaking multilateral agreement to discipline harmful fisheries subsidies and an extension of the moratorium on customs duties on electronic transmissions.

The United States also delivered MC12 outcomes on agriculture that sent a strong message that trade plays a key role in ensuring global food security. WTO Members committed to both short- and long-term actions aimed at strengthening the resilience of global agricultural markets through, *inter alia*, a Ministerial Declaration on the Emergency Response to Food Insecurity and a Ministerial Decision on World Food Program Food Purchases Exemptions from Export Prohibitions or Restrictions. Members also adopted a Sanitary and Phytosanitary (SPS) Declaration, embracing the opportunity to look ahead at how the SPS Agreement can further help facilitate safe trade and affirmed the importance of innovation and sustainable productivity growth in agriculture to feed a growing global population. In addition, responding to the strong desire of our African partners to produce a meaningful outcome, Members agreed to accommodations to the intellectual property rules for COVID-19 vaccines that can facilitate a global health recovery.

In December 2021, in anticipation of MC12 before it was postponed due to the COVID-19 pandemic, participating WTO Members concluded the WTO Joint Statement Initiative on Services Domestic Regulations (DR JSI), an agreement to strengthen procedural transparency and due process for rules for services licensing. The DR JSI represents the first time a WTO agreement seeks to bar discrimination between men and women in rules governing services licenses, addressing the negative impacts such practices have on economic opportunity. As the first joint statement initiative to be concluded, the DR JSI paves the way for other WTO issues to be advanced on a plurilateral basis by interested Members.

At MC12, Ministers also committed to reform of the organization so that it remains a viable institution that can fulfill all facets of its work and adapt to address the challenges faced by traders today.

On a day-to-day basis, the WTO operates through its more than 20 standing committees (not including additional working groups, working parties, and negotiating bodies). These groups meet regularly, enabling WTO Members to exchange views, monitor and resolve questions of Members' compliance with commitments, and develop initiatives aimed at systemic improvements. These groups also serve to promote basic transparency in Members' trade policies. Through discussions in these fora, Members can pursue detailed information on individual Members' trade policy actions in light of WTO rules, and collectively consider their impact on individual Members and the trading system as a whole. The discussions enable Members in their domestic policymaking to assess and potentially address concerns raised by other WTO Members. The United States also takes advantage of opportunities in standing committees to consider ways to improve implementation of existing WTO provisions and to discuss areas where future rules could be developed.

The remainder of this chapter contains highlights of work carried out in the WTO Committees, other bodies, and plurilateral configurations, including the:

- Committee on Agriculture;
- Committee on Anti-dumping Practices;
- Committee on Market Access;
- Committee on Application of Sanitary and Phytosanitary Measures;
- Committee on Subsidies and Countervailing Measures;
- Committee on Technical Barriers to Trade;
- Committee on Safeguards;
- Committee on Trade Facilitation;
- Working Party on State Trading Enterprises;
- Negotiating Group on Rules, Fisheries Subsidies;
- Committee on Agriculture, Special Session;
- Committee on Trade and Development, Special Session;
- Plurilateral work on E-Commerce and Digital Trade; and
- Plurilateral work on Domestic Regulation.

For more information on the work of these entities, see their annual reports, found on the [WTO website](#).

## **B. WTO Negotiations and Dialogues**

### **1. Joint Statement Initiatives**

#### **Electronic Commerce Joint Statement Initiative**

Joint Statement Initiative co-conveners, Australia, Japan, and Singapore, led several hybrid negotiating sessions throughout 2022, resulting in further progress in a number of areas including key U.S. digital trade priorities, and the production of a revised consolidated text. Participants also discussed opportunities to build the capacity of developing countries to take on high-standard disciplines and potential pathways for implementation of the eventual outcome.

*For further discussion, see Chapter III.D Digital Trade and Services.*

#### **Services Domestic Regulation Joint Statement Initiative**

Following the 2021 adoption by the United States and 67 other WTO Members of the declaration announcing the successful conclusion of negotiations on services domestic regulation aimed at increasing transparency, predictability, and efficiency of authorization procedures for service providers hoping to do business in foreign markets, work paused while these Members conducted internal domestic procedures to undertake the new legal obligations. As of December 2022, 55 Members, representing over 85 percent of global services trade, had announced that their domestic procedures were sufficiently advanced to allow them to circulate at the end of 2022 formal requests for certification of revised WTO schedules of commitments under the General Agreement on Trade in Services (GATS). The remainder of participants are expected to undertake this final formal step by the middle of 2023.

## **Informal Working Group on Micro, Small, and Medium-Sized Enterprises**

On December 16, 2022, the United States announced that it would participate in the Informal Working Group on Micro, Small, and Medium-Sized Enterprises (MSMEs). As of December 2022, 97 WTO Members participate in the Informal Working Group created in December 2017 to explore ways Members could better support MSMEs' participation in global trade.

## **Informal Working Group on Trade and Gender**

The Informal Working Group on Trade and Gender (IWGTG), established in September 2020 to advance women's participation in global trade, is currently co-chaired by Botswana, El Salvador, and Iceland and is open to all WTO Members and Observers. In 2022, USTR co-chaired a Member-led workshop on the impact of trade facilitation through a gender lens. In the lead-up to the Twelfth WTO Ministerial Conference in June 2022, USTR actively engaged in negotiations to conclude a Joint Ministerial Declaration on the Advancement of Gender Equality and Women's Economic Empowerment within Trade. USTR announced the United States' intention to join the declaration, however, due to geopolitical issues, in particular Russia's full-scale war of aggression against Ukraine, there was no consensus on the declaration among WTO Members. In December 2022, the co-chairs of the IWGTG announced that work in 2023 would focus on developing a long-term work program with concrete actions and timeframes. The United States will continue to support this work.

*For further discussion, see Chapter III.A.3 Advancing Gender Equity and Equality and Women's Economic Empowerment in Trade Policy.*

## **Trade and Environmental Sustainability Structured Discussions**

In 2022, the United States, led by USTR, engaged in the Trade and Environmental Sustainability Structured Discussions (TESSD) by participating actively in the five total meetings, including two substantive informal working group meetings and a High-Level Stocktaking in December 2022. The United States developed a submission to spur discussions on climate change and circular economy, which was circulated in May 2022 to the TESSD and to the Committee on Trade and Environment (CTE). The United States proactively advanced policy priorities on trade-related climate measures and a trade-facilitative approach to the circular economy. The United States also engaged on discussions to reconsider methods for identifying environmental goods and services.

In October 2022, on the margins of the final informal TESSD working group meeting for the year, the United States organized a small-group roundtable to discuss non-pricing approaches to address climate change and existing trade tools that could be leveraged to address climate change. This engagement highlighted the importance of non-pricing measures to complement other technical and financial support, including the role of carbon pricing to reach net zero. Likewise, challenges were noted in measuring carbon emissions, and there was recognition that a sectoral approach could help focus attention on the question of carbon measurement and divergences across standards. In the lead up to the December 2022 High-Level Stocktaking, the United States continued to advance the message that holding the TESSD meetings was a success and had been valuable in building trust among Members on environmental topics. The United States will continue to advocate for the discussions to focus on technical aspects of policy developments in the trade and environment space and to look for opportunities to use these discussions to reinvigorate the CTE as the standing body dedicated to trade and environment at the WTO.

## **2. Other Negotiations**

### ***Committee on Agriculture Special Session***

In 2022, the U.S. Government, led by USTR, engaged actively in the Committee on Agriculture Special Session (CoA-SS) to ensure that outcomes at MC12 reflected the priorities and sensitivities of U.S. agricultural stakeholders while sending a strong message that trade is a key part of the solution to global food insecurity. WTO Members committed to both short- and long-term actions aimed at strengthening the resilience of global agricultural markets through: (1) a Ministerial Declaration on the Emergency Response to Food Insecurity; and (2) a Ministerial Decision on World Food Program Food Purchases Exemptions from Export Prohibitions or Restrictions. Importantly, the United States and a broad group of Members soundly rejected attempts by some WTO Members for Ministerial outcomes that would have eroded WTO rules, increased market distortions and unfair competition for U.S. products, and further destabilized long-term global food security. Following MC12, the United States remains actively engaged with WTO Members to determine a future course for negotiations on agricultural trade reform in support of U.S. agricultural stakeholders' interests and the U.S. Government's priorities.

### ***Special Session of the Council for Trade in Services***

In 2022, the Special Session of the Council for Trade in Services (CTS-SS) held informal meetings leading up to MC12 in June to discuss how to reflect CTS-SS work in the context of a Ministerial Statement. The CTS-SS was formed in 2000 pursuant to the Uruguay Round mandate of the GATS to undertake new multi-sectoral services negotiations.

### ***Negotiating Group on Rules***

In the Negotiating Group on Rules, USTR continued to play a leadership role in 2022 on behalf of the United States in seeking a meaningful outcome in the long-running WTO negotiations on harmful fisheries subsidies. At MC12 in June 2022, WTO Members were finally able to conclude the groundbreaking WTO Agreement on Fisheries Subsidies, which contains several important disciplines, including prohibitions on subsidies to vessels or operators engaged in IUU fishing, subsidies to fishing regarding fish stocks that are overfished, and subsidies to fishing on the unregulated high seas. The Agreement also includes robust transparency provisions to strengthen WTO Members' notification of harmful fisheries subsidies and to enable effective monitoring of Members' implementation of their obligations. The Agreement will enter into force when it has been accepted through ratification by two-thirds of WTO Members.

WTO Members also committed to continue the fisheries subsidies negotiations with a view to making recommendations to the WTO's Thirteenth WTO Ministerial Conference for additional provisions that would achieve a comprehensive agreement on fisheries subsidies, including through further disciplines on certain forms of fisheries subsidies that contribute to overcapacity and overfishing. The United States will continue to urge Members to support additional, ambitious disciplines through these negotiations, including greater transparency with respect to the use of forced labor on fishing vessels.

### ***Council for Trade-Related Aspects of Intellectual Property Rights Special Session***

The Council for Trade-Related Aspects of Intellectual Property Rights (TRIPS Council) Special Session did not meet in 2022 regarding the negotiations on the establishment of a multilateral system of notification and registration of geographical indications (GIs) for wines and spirits. The United States and a group of

other Members (the Joint Proposal group<sup>5</sup>) continued to maintain their position that the establishment of a multilateral system for notification and registration of GIs for wines and spirits must: (1) be voluntary and have no legal effects for non-participating members; (2) be simple and transparent; (3) respect different systems of protection of GIs; (4) respect the principle of territoriality; (5) preserve the balance of the Uruguay Round; and, (6) consistent with the mandate, be limited to the protection of wines and spirits. The Joint Proposal group continued to maintain that the mandate of the TRIPS Council Special Session is clearly limited to the establishment of a system of notification and registration of GIs for wines and spirits and that discussions cannot move forward on any other basis. The Joint Proposal group supports a process under which Members would voluntarily notify the WTO of their GIs for wines and spirits for incorporation into a registration system.

If discussions resume in 2023, Members will discuss whether negotiations are limited to GIs for wines and spirits (the position of the Joint Proposal proponents, based on the text of Article 23.4 of the TRIPS Agreement) or whether these negotiations should be extended to cover GIs for goods other than wines and spirits (the position of the EU and certain other WTO Members). The United States will continue to aggressively oppose expanding negotiations and will continue to pursue additional support for the Joint Proposal in the coming year.

### *Special Session of the Committee on Trade and Development*

In 2022, the United States, led by USTR, engaged in one formal discussion in the Special Session of the Committee on Trade and Development (CTD-SS) to exchange views on the way forward in addressing special and differential treatment (S&D) after the conclusion of MC12. As stated in the MC12 Outcome Document, S&D provisions are intended to be applied narrowly, with the ultimate objective of helping the poorest and least integrated Members to implement WTO rules and fully integrate into the multilateral trading system. These discussions in the CTD-SS continue to underscore the importance of engaging on a broader, constructive conversation on trade and sustainable development predicated on a framework of rules and flexibilities that should be balanced and support development.

## **C. General Council Activities**

The WTO General Council is the highest-level decision-making body in the WTO that meets on a regular basis each year. It exercises all of the authority of the Ministerial Conference, which is expected to meet no less than once every two years. Only the Ministerial Conference and the General Council have the authority to adopt authoritative interpretations of the WTO Agreement, submit amendments to the WTO Agreement for consideration by Members, and grant waivers of obligations. The General Council or the Ministerial Conference must approve the terms for all accessions to the WTO. The General Council uses both formal and informal processes to conduct the business of the WTO. Informal groupings, which generally include the United States, play an important role in consensus building.

In 2022, the United States participated in all General Council meetings and consultations to advance U.S. interests at the WTO. In the first half of the year, preparation for the Twelfth WTO Ministerial Conference (MC12) comprised a significant portion of the agenda of each meeting. Since MC12, Members have notably struggled to conduct General Council meetings efficiently, often making long and repetitive statements. In response, the Chair of the General Council took the unusual step of encouraging Members to limit their statements. The United States will continue to support and promote institutional reforms in the coming year to restore the effectiveness of this WTO body.

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<sup>5</sup> The Members of the Joint Proposal group include: the United States, Argentina, Australia, Canada, Chile, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Israel, Japan, Republic of Korea, Mexico, New Zealand, Nicaragua, Paraguay, South Africa, and the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu.

## **D. Council for Trade in Goods**

The World Trade Organization (WTO) Council for Trade in Goods (CTG) is the central oversight body for all WTO agreements related to trade in goods. It oversees the activities of 12 WTO committees (Agriculture, Antidumping Practices, Customs Valuation, Import Licensing, Information Technology, Market Access, Rules of Origin, Safeguards, Sanitary and Phytosanitary Measures, Subsidies and Countervailing Measures, Technical Barriers to Trade, and Trade-Related Investment Measures) and the Working Party on State Trading Enterprises. The CTG is the forum for discussing issues and decisions that may ultimately require the attention of the WTO General Council for resolution or a higher-level discussion, and for putting issues in a broader context of the rules and disciplines that apply to trade in goods.

In 2022, the CTG held three formal meetings, in April, July, and November. The CTG also met informally two times, in May and October and held an information sharing session on the WTO's digital tools in December.

### **1. Committee on Agriculture**

The WTO Committee on Agriculture (CoA) oversees the implementation of the Agreement on Agriculture (AoA) and provides a forum for WTO Members to consult on matters related to provisions of the AoA. In many cases, the CoA resolves implementation problems, permitting Members to avoid invoking dispute settlement procedures. The CoA also has responsibility for monitoring the possible negative effects of agricultural reforms on least-developed countries and net food importing developing country Members.

Since its inception, the CoA has proven to be a vital instrument for the United States to monitor and enforce the agricultural trade commitments undertaken by Members in the Uruguay Round. Under the AoA, Members agreed to provide notifications of progress in meeting their commitments in agriculture, and the CoA has met frequently to review the notifications and monitor activities of Members to ensure that trading partners honor their commitments.

The CoA held four formal meetings in March, June, September, and November 2022 to review progress on the implementation of commitments of the AoA. In total, 375 notifications were subject to review during 2022, and the United States asked 133 questions (or sets of questions) to other Members, the most of any Member in the CoA in 2022. The United States participated actively in the review process and raised issues concerning the operation of Members' agricultural policies. Notably, the United States asked 22 CoA questions to India on domestic support issues, including public stockholding issues. Of these 22 questions, 21 were co-sponsored by other WTO Members to increase pressure on India to provide information in greater detail. The questions centered on the lack of information in India's notifications and aimed to gain more insight into India's domestic support measures and data submitted by India under the transparency provisions of the Bali Public Stockholding for Food Security Decision. Other U.S. questions focused on the European Union's and the United Kingdom's tariff-rate quota (TRQ) policies, various Members' export restrictions, China's subsidies for various products, Türkiye freight subsidies, and the Philippines' import clearance permits, among other topics. During 2022, the CoA addressed several other issues related to the implementation of the AoA, including convening the first triennial review of the operation of the Bali Decision on Tariff Rate Quota Administration. In addition, the United States answered 66 questions from other WTO Members regarding expenditures and trade impacts of its environmental programs (e.g., the Climate Smart Agriculture and Forestry Strategy), domestic support measures, and TRQ fill rates.

## **2. Committee on Antidumping Practices**

The Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (the Antidumping Agreement) sets forth detailed rules and disciplines prescribing the manner and basis on which Members may take action to offset the injurious dumping of products imported from another Member. Implementation of the Antidumping Agreement is overseen by the Committee on Antidumping Practices (the Antidumping Committee), which operates in conjunction with two subsidiary bodies: the Working Group on Implementation (the Working Group) and the Informal Group on Anticircumvention (the Informal Group).

In 2022, the Antidumping Committee held two formal meetings, in April and October.

## **3. Committee on Customs Valuation**

The Agreement on the Implementation of GATT Article VII, commonly referred to as the Customs Valuation Agreement (CVA), ensures that determinations of customs value for the calculation of duties on imported products are made in a fair, neutral, and uniform manner, precluding the use of arbitrary or fictitious values. The CVA prevents market access opportunities achieved through tariff reductions from being negated by unwarranted and unreasonable “uplifts” in the customs value of goods, which would otherwise increase total import duties.

In 2022, the Committee on Customs Valuation (CCV) held two formal meetings, one in May and one in November. The United States raised concerns on behalf of U.S. exporters across all sectors that have experienced difficulties with foreign customs agencies’ application of their customs valuation and preshipment inspection regimes. The United States also raised awareness about the growing use of preshipment inspection procedures for conformity assessment purposes and encouraged the monitoring of this development further through a focus on notification. Finally, the United States highlighted the technical assistance it provides developing countries on implementing the CVA.

As of December 31, 2022, 113 Members had notified their national legislation on customs valuation (an increase of 2 since 2021) and 78 Members had provided responses to the “Implementation and Administration of the Agreement on Customs Valuation” checklist of issues. The United States continued to request that all Members fulfill these notification requirements for the proper functioning of the CVA.

## **4. Committee on Import Licensing**

The Committee on Import Licensing (Import Licensing Committee) was established to administer the Agreement on Import Licensing Procedures (Import Licensing Agreement) and to monitor compliance with the mutually agreed rules on import licensing procedures. The Import Licensing Committee normally meets twice a year to review information on import licensing submitted by WTO Members in accordance with the obligations set out in the Import Licensing Agreement. The Committee also serves as a forum for Members to submit questions on the licensing regimes of other Members, whether or not those regimes have been notified to the Committee, and to address specific observations and complaints concerning Members’ licensing systems.

In 2022, the Import Licensing Committee held two formal committee meetings, in April and in October. In April, the United States raised specific concerns with licensing in China, Angola, Egypt, India, Indonesia, Panama, the Philippines, and Tanzania. In October, the United States continued to raise specific concerns with licensing in Angola, Egypt, India, Indonesia, Panama and the Philippines. Further, the United States continued to stress the importance of timely and complete notifications and Member transparency within



the Committee. Additionally, the Import Licensing Committee held an informal meeting in March 2022 to discuss updates and implementation of the eAgenda online tool for development of the Committee meeting agenda.

## **5. Committee on Market Access**

The Committee on Market Access (MA Committee) is responsible for the implementation of concessions related to tariffs and non-tariff measures that are not explicitly covered by another WTO body. The MA Committee's work includes the verification of new concessions on market access in the goods area, the monitoring of quantitative restrictions on goods, and the operation of the WTO's Integrated Data Base (IDB) of tariff and trade data. The MA Committee also provides a forum for Members to address market access issues they find problematic, to exchange information and clarify issues, and to aim to resolve trade concerns.

In 2022, the MA Committee held two formal meetings in which the United States raised specific market access concerns with Angola, the members of the Gulf Cooperation Council, India, Indonesia, and Mexico. The United States also used the formal meetings to promote transparency by stressing the importance of timely and complete notifications of Members' quantitative restrictions. The MA Committee in addition continued its work reviewing various trade measures taken by WTO Members to combat the COVID-19 pandemic and held a series of dedicated meetings for Members to share their experiences in using those trade measures to combat the pandemic.

The MA Committee also held several informal meetings to review technical transpositions of Members' tariff schedules to ensure tariff commitments are maintained as schedules are updated and modernized.

## **6. Committee on Rules of Origin**

The Agreement on Rules of Origin (ROO Agreement) is administered by the Committee on Rules of Origin (ROO Committee), which held meetings in April and October 2022. The ROO Committee serves as a forum to exchange views on notifications by Members concerning their national rules of origin along with relevant judicial decisions and administrative rulings of general application.

In 2022, the ROO Committee continued its discussion of trade preferences by least-developed countries. In April 2022, the Secretariat staged an event on the utilization of trade preferences. In July 2022, the United States organized a panel at the WTO Aid for Trade conference on the effect of preferential rules of origin on the utilization of unilateral trade preferences. The ROO Committee also held an information session on non-preferential rules of origin in October 2022.

## **7. Committee on Safeguards**

The Committee on Safeguards (the Safeguards Committee) was established to administer the WTO Agreement on Safeguards (the Safeguards Agreement). The Safeguards Agreement establishes rules for the application of safeguard measures as provided in Article XIX of the GATT 1994. The Safeguards Agreement requires Members to notify the Safeguards Committee of their laws, regulations, and administrative procedures relating to safeguard measures. That agreement also requires Members to notify the Safeguards Committee of various safeguards actions, such as: (1) the initiation of an investigatory process; (2) a finding by a Member's investigating authority of serious injury or threat thereof caused by increased imports; (3) the taking of a decision to apply or extend a safeguard measure; and, (4) the proposed application of a provisional safeguard measure.

*In 2022, the Safeguards Committee held two formal meetings in April and October.*

## **8. Committee on Sanitary and Phytosanitary Measures**

The Committee on Sanitary and Phytosanitary Measures (the SPS Committee) provides a forum for review of the implementation and operation of the Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement), consultation on Members' existing and proposed SPS measures, technical assistance, other informational exchanges, and the participation of the international standard setting bodies recognized in the SPS Agreement. These international standard setting bodies are: for food safety, the Codex Alimentarius Commission (Codex); for animal health, the World Organisation for Animal Health (WOAH); and, for plant health, the International Plant Protection Convention (IPPC).

The SPS Committee also discusses and provides guidelines on specific provisions of the SPS Agreement. These discussions provide an opportunity to assist Members in meeting specific SPS obligations. For example, the SPS Committee has issued procedures or guidelines regarding: notification of SPS measures; the "consistency" provision of Article 5.5 of the SPS Agreement; equivalence; transparency regarding the provisions for Special & Differential Treatment (S&D); and, regionalization. Representatives from a number of international organizations attend SPS Committee meetings as observers on an *ad hoc* basis, including: Codex; the United Nations Food and Agriculture Organization; the Inter-American Institute for Cooperation on Agriculture; the International Trade Center; the IPPC; the WOAH; the World Bank; and, the World Health Organization.

In 2022, the SPS Committee held meetings in March, July, and November. The United States raised concerns in the SPS Committee regarding the adverse impact on U.S. food and agricultural exports resulting from SPS measures of other WTO Members. The United States continues to join a broad coalition of countries raising concerns with the EU's hazard-based pesticide policies, including the withdrawal of several pesticide maximum residue levels (MRLs) critical to international agricultural trade and new measures that appear to restrict the ability of regulators in third countries to regulate based on local conditions, instead imposing EU production requirements on trading partners. The United States also continued to raise concerns about several of China's actions in response to the COVID-19 pandemic that negatively affect trade.

Due to extensive engagement with WTO Members in and on the margins of the SPS Committee, Ministers adopted the Sanitary and Phytosanitary Declaration for the Twelfth WTO Ministerial Conference: Responding to Modern SPS Challenges. Originally proposed by Brazil, Canada, and the United States, the Declaration and its Work Program direct Members of the SPS Committee to identify opportunities to increase productivity, enhance sustainability and facilitate trade, and identify concerns that could adversely affect the ability of WTO Members to meet the critical SPS challenges ahead for agriculture and trade.

## **9. Committee on Subsidies and Countervailing Measures**

The Agreement on Subsidies and Countervailing Measures provides rules and disciplines for the use of government subsidies and the application of remedies, through either WTO dispute settlement or countervailing duty action taken by individual WTO Members, to address subsidized trade that causes harmful commercial effects. Subsidies contingent upon export performance or the use of domestic over imported goods are prohibited. All other subsidies are permitted but are actionable (through countervailing duty or WTO dispute settlement actions) if they are: (i) "specific", *i.e.*, limited to a firm, industry, or group thereof within the territory of a WTO Member; and, (ii) found to cause adverse trade effects, such as material injury to a domestic industry or serious prejudice to the trade interests of another Member.

The Committee on Subsidies and Countervailing Measures held two special and two regular meetings in April and October of 2022. Particularly noteworthy was an agenda item sponsored by the United States, the European Union, Japan, Canada, and others on the topic of how government subsidies have led to overcapacity in certain sectors and the need to develop stronger and more effective subsidy rules to confront this problem. At the two meetings in 2022 under this agenda item, Members discussed: the trade distortions that can result from state-owned enterprises; a report, titled Subsidies, Trade and International Cooperation, authored by the World Bank, IMF, OECD and WTO, which highlighted the negative impact of subsidies to and by state-owned enterprises, as well as the need for greater transparency of subsidy programs; and, more generally, the issue of subsidies and overcapacity in the steel, semiconductors, and aluminum sectors. The United States also continued to advocate for several initiatives that would enhance the transparency of Members' subsidy regimes.

## **10. Committee on Technical Barriers to Trade**

The Agreement on Technical Barriers to Trade (the TBT Agreement) establishes rules and procedures regarding the development, adoption, and application of standards, technical regulations, and conformity assessment procedures for all products. One of the main objectives of the TBT Agreement is to prevent the use of standards, technical regulations, and conformity assessment procedures as unnecessary barriers to trade, while ensuring that Members retain the right to regulate for legitimate purposes including for the protection of health, safety, or the environment, at the levels they consider appropriate.

The Committee on Technical Barriers to Trade (the TBT Committee) serves as a Member forum for consultation on issues associated with implementation and administration of the TBT Agreement. The TBT Committee provides an opportunity for Members to discuss specific trade concerns regarding measures a Member proposes or maintains. The TBT Committee also allows Members to discuss systemic issues affecting implementation of the TBT Agreement (*e.g.*, transparency, use of good regulatory practices, regulatory cooperation), and to exchange information on Members' practices related to implementing the TBT Agreement and updates from observing international organizations.

In 2022, the TBT Committee held three formal and three informal meetings. The formal meetings were held in March, July, and November and focused on raising specific trade concerns and implementing the TBT Committee's work plan agreed to in the Ninth Triennial Review of the TBT Agreement. Due to the COVID-19 pandemic, the meetings were held in person and via a virtual platform. In total, the United States formally raised 59 specific trade concerns (STCs) and responded to 7 STCs; some of the same concerns were raised in more than one meeting. Informally and on a bilateral basis, the United States raised another 61 STCs and responded to 9 STCs. The TBT Committee's informal thematic discussion in March 2022 was on accreditation and digital solutions for conformity assessment procedures, the discussion in July 2022 was on transparency and regulatory cooperation with a focus on micro, small and medium enterprises, and the one in November 2022 was on good regulatory practices and standards development in Codex Alimentarius.

## **11. Committee on Trade Facilitation**

The Trade Facilitation Agreement (TFA) entered into force on February 22, 2017, in accordance with Article X of the WTO Agreement, upon the ratification by two-thirds (118 Members) of the WTO. As of December 31, 2022, 156 of the 164 WTO Members had ratified the TFA. The TFA establishes transparent and predictable multilateral trade rules under the WTO to reduce opaque customs and border procedures and unwarranted delays at the border. Burdensome red tape and delays can add costs that are the equivalent of significant tariffs and are often cited by U.S. exporters as barriers to trade. The TFA is an important element of broader domestic strategies of many WTO Members to increase economic output and attract

greater investment, and it provides new opportunities to address factors holding back increased regional integration and trade among developing countries. Implementation of the TFA is expected to bring particular benefits to small and medium-sized businesses, enabling them to increase participation in the global trading system.

In 2022, the Committee on Trade Facilitation (TFC) held four formal meetings that focused on matters relating to the implementation and administration of the TFA, and included thematic discussions, a dedicated session on transit issues, and a dedicated session on capacity building. The United States submitted to the TFC an updated Article 22 notification which sets out U.S. technical assistance and capacity building for calendar year 2020, and participated in the dedicated capacity building meeting, in cooperation with four trading partners, for whom the United States provides capacity building assistance.

## **12. Committee on Trade-Related Investment Measures**

The Agreement on Trade-Related Investment Measures (TRIMS) prohibits investment measures that are inconsistent with national treatment obligations under Article III:4 of the General Agreement on Tariffs and Trade (GATT) 1994 and reinforces the prohibitions on quantitative restrictions set out in Article XI:1 of the GATT 1994. The TRIMS Agreement requires the elimination of certain measures imposing requirements on, or linking advantages to, certain actions of foreign investors, such as measures that require, or provide benefits for, the use of local inputs (local content requirements) or measures that restrict a firm's imports to an amount related to the quantity of its exports or foreign exchange earnings (trade balancing requirements). The TRIMS Committee has been a forum to address concerns, gather information, and raise questions about the maintenance, introduction, or modification of trade-related investment measures by Members.

In 2022 the TRIMS Committee held two formal meetings, in March and October, during which the United States and other Members continued to discuss particular Members' local content measures of concern to the United States. Key issues related to the proliferation of local content measures by Indonesia, and measures by the Russian Federation relating to state-owned enterprise (SOE) purchases.

## **13. Committee on Participants on the Expansion of Trade in Information Technology Products**

*For information on the Committee on Participants on the Expansion of Trade in Information Technology Products, also known as the ITA Committee, please see Section IV.J Plurilateral Agreements.*

## **14. Working Party on State Trading Enterprises**

Article XVII of the GATT 1994 requires Members, *inter alia*, to ensure that state-trading enterprises (STEs), as defined in that Article, act in a manner consistent with the general principles of nondiscriminatory treatment, and make purchases or sales solely in accordance with commercial considerations. The Understanding on the Interpretation of Article XVII of the GATT 1994 defines an STE for the purposes of providing a notification. Members are required to submit new and full notifications to the Working Party on State Trading Enterprises (WP-STE) for review every two years.

The WP-STE was established in 1995 to review, *inter alia*, Member notifications of STEs and the coverage of STEs that are notified, and to develop an illustrative list of relationships between Members and their STEs and activities engaged in by these enterprises.

In 2022, the WP-STE held two meetings in May and October.

## **E. Council for Trade-Related Aspects of Intellectual Property Rights**

The WTO Council for Trade-Related Aspects of Intellectual Property Rights (TRIPS) monitors the implementation of the TRIPS Agreement, provides a forum in which WTO Members can consult on intellectual property matters, and carries out the specific responsibilities assigned to the Council in the TRIPS Agreement.

The TRIPS Agreement sets minimum standards of protection for copyrights and related rights, trademarks, geographical indications, industrial designs, patents, integrated circuit layout designs, and undisclosed information. The TRIPS Agreement also establishes minimum standards for the enforcement of intellectual property rights through civil actions for infringement, actions at the border, and, at least with respect to cases of willful trademark counterfeiting and copyright piracy on a commercial scale, criminal actions. The TRIPS Agreement also provides a transition period for least-developed country WTO Members to apply the provisions of the TRIPS Agreement, with the exception of provisions on national treatment and Most-Favored-Nation treatment. This transition period, originally slated to end January 1, 2006, has been extended by the TRIPS Council until July 1, 2034.

In 2022, the TRIPS Council held four formal meetings to consider its regular agenda, in February, March (continued in May and June), July, and October. The TRIPS Council held additional meetings to consider a proposal for a waiver of certain provisions of the TRIPS Agreement in relation to prevention, containment, or treatment of COVID-19 and whether to extend the Ministerial Decision on the TRIPS Agreement with respect to COVID-19 vaccines to the production and supply of COVID-19 diagnostics and therapeutics.

## **F. Council for Trade in Services**

The Council for Trade in Services (the Council or CTS) oversees implementation of the General Agreement on Trade in Services (GATS) and reports to the General Council. This includes a technical review of GATS Article XX:2 provisions; review of waivers from specific commitments pursuant to paragraphs 3 and 4 of Article IX of the Marrakesh Agreement Establishing the WTO; a periodic review of developments in the air transport sector; the transitional review mechanism under Section 18 of China's Protocol of Accession; implementation of GATS Article VII; a review of Article II exemptions (to Most-Favored Nation treatment); and, notifications made to the General Council pursuant to GATS Articles III:3, V:5, V:7, and VII:4. Four subsidiary bodies report to the CTS: (1) the Committee on Specific Commitments; (2) the Committee on Trade in Financial Services; (3) the Working Party on Domestic Regulation; and, (4) the Working Party on GATS Rules.

In 2022, the CTS held four formal meetings, in March, May, October, and December.

In addition to technical review of the implementation of various articles of the GATS, the CTS also examines issues under the Work Programme on Electronic Commerce. Members briefed the Council and shared their experiences on policy developments in this area. As in past years, at the request of the United States and Japan, the Council continued to discuss cybersecurity measures of China and Vietnam. Several Members joined the discussion to express concern about such measures and their potentially unreasonable and discriminatory impact on foreign service suppliers.

For more information on the work of the following entities, see their annual reports on the [WTO website](#).

## **1. Committee on Trade in Financial Services**

The Committee on Trade in Financial Services (CTFS) provides a forum for Members to explore financial services market access issues, including implementation of existing trade commitments. In 2022, the CTFS held two formal meetings. At those meetings, Members discussed a proposal from Canada for a thematic seminar titled, “Financial Services: Trade, Inclusion and Accessibility.”

## **2. Working Party on Domestic Regulation, and Joint Statement Initiative on Services Domestic Regulation**

GATS Article VI:4 on Domestic Regulation provides for Members to develop any necessary disciplines relating to qualification requirements and procedures, technical standards, and licensing requirements and procedures. In May 1999, the CTS established the Working Party on Domestic Regulation (WPDR), which took on the mandate of GATS VI:4. The WPDR did not meet in 2022.

The Joint Statement Initiative on Services Domestic Regulation followed up on the successful conclusions of negotiations of a text of disciplines on authorization requirements and procedures for service suppliers and technical standards on services in December 2021, with a group of Members seeking to conclude their domestic procedures in order to certify their new schedule of commitments.

## **3. Working Party on General Agreement on Trade in Services Rules**

The Working Party on GATS Rules (WPGR) provides a forum to discuss the possibility of new disciplines on emergency safeguard measures, government procurement, and subsidies under GATS Articles X, XIII and XV, respectively. The WPGR did not meet during 2022 and has not met since 2016.

## **4. Committee on Specific Commitments**

The Committee on Specific Commitments (CSC) examines ways to improve the technical accuracy of scheduling commitments, primarily in preparation for the GATS negotiations, and oversees the application of the procedures for the modification of schedules under GATS Article XXI. The CSC also oversees implementation of commitments in Members’ schedules in sectors for which there is no sectoral committee, which is currently the case for all sectors except financial services.

In 2022, the CSC held four formal meetings, in March, May, October, and December. Based on a proposal from the United States for the WTO Secretariat to continue to compile a list of WTO Members’ GATS Schedules of Commitments that contain conditional language, the CSC reviewed the list with the aim of receiving updates from Members who conditioned their commitments on policy reviews or pending legislation at the time of entry into force of their schedules. Some Members provided updates on those policy reviews. Members also reviewed a proposal by Turkey to review Members’ commitments on road transport services.

## **G. Other General Council Bodies and Activities**

### **1. Committee on Trade and Environment**

The WTO General Council created the Committee on Trade and Environment (CTE) on January 31, 1995, pursuant to the Marrakesh Ministerial Decision on Trade and Environment. Since then, the CTE has discussed a broad range of important trade and environment issues. These issues include: market access

associated with environmental measures; the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement and the environment; labeling for environmental purposes; and capacity-building and environmental reviews.

In 2022, the CTE met three times. The United States worked to advance priorities related to trade and climate change, circular economy, and environmental goods and services. A key priority of the United States in 2022 was to focus Members' attention on the role that a more circular economy can play in addressing climate change. The United States convened an event during the 2022 Environment Week that focused on how WTO Members can support a more affirmative trade policy to enhance circularity for climate change solutions. The event recommended priority trade-related actions and considerations, such as analyzing which materials will be required to meet low energy carbon demand, where these materials are sourced from, where there are risks in supply chain reliability, and identifying financial, regulatory, and technical barriers that may exist. The overall aim of such work is to help enable an inclusive, environmentally sustainable, and just transition to greater circularity for primary resource producers, which are often developing countries, and to increase transparency and traceability throughout each stage of the value chain of relevant technologies to help improve their environmental footprints.

## **2. Committee on Trade and Development**

The Committee on Trade and Development (CTD) serves as the development focal point in the WTO. The Committee has a mandate to review the participation of developing country members in the multilateral trading system. The CTD-regular session (CTD-RS) focuses on technical cooperation and training, trade in commodities, market access in products of interest to developing countries, and the special concerns of least-developed countries (LDCs), landlocked developing countries, and small economies.

In 2022, the United States made presentations in the CTD that highlighted the innovative and dynamic nature of U.S. development partnerships. The United States showcased pragmatic and effective projects driven by host governments' national priorities. Examples included efforts to remove barriers to trade in public health goods in sub-Saharan Africa (namely Angola, Senegal, and Zambia) and discussions to understand, operationalize, and seize the benefit that the African Continental Free Trade Area (AfCFTA) offers.

The United States discussed U.S. Agency for International Development (USAID)-led projects in Angola, Senegal, and Zambia that supported digitalization of procurement processes and greater collaboration between border and other government agencies to mitigate delays in regular trade and facilitate faster clearances for donations. The United States also discussed the work of Prosper Africa, a USAID-led initiative that is leveraging private capital to increase two-way trade and investment between Africa and the United States.

The United States invited private sector representatives to the CTD in order to share their experiences on how they make decisions on which countries to source from when establishing supply chains for textiles, apparel, and bicycles. The private sector representatives explained how customs rules of origin and preference programs influence their companies' global sourcing decisions. The CTD workshops illustrated that the most effective capacity building partnerships are based on domestic development priorities backed by strong political will, combined with a flexible, inclusive multi-stakeholder approach to policy development and implementation.

### **3. Committee on Balance-of-Payments Restrictions**

The Uruguay Round Understanding on Balance-of-Payments (BOP) clarified General Agreement on Tariffs and Trade (GATT) disciplines on balance-of-payments-related trade measures. The Committee on Balance-of-Payments Restrictions works closely with the International Monetary Fund (IMF) in conducting consultations on balance of payments issues. Full consultations involve examining a Member's trade restrictions and BOP situation, while simplified consultations provide for more general reviews. Full consultations are held when restrictive measures are introduced or modified, or at the request of a Member in view of improvements in its BOP.

In 2022, Members did not bring to the Committee's attention any trade restrictive measures for which the Member that imposed the measure attempted to use balance of payments as a justification for the restriction. As a result, the Committee did not meet. It approved a chair and adopted its annual report by written procedure.

### **4. Committee on Budget, Finance and Administration**

The Committee on Budget, Finance and Administration (the Budget Committee) is responsible for providing Member oversight over the utilization of the Director General's budget for the WTO Secretariat and for making budget and administrative recommendations to the General Council for Members' approval. The Budget Committee meets throughout the year to address the financial requirements of the WTO. In November 2021, the Budget Committee completed its review of the Director-General's budget proposal for 2022-2023 with a recommendation for approval to the General Council. The Director General will submit a proposed biennial budget for 2024-2025 to the Budget Committee in 2023 for discussion and recommendation to the General Council. The WTO is currently in the twelfth consecutive year of zero nominal growth budgets. As is the practice in the WTO, decisions on budgetary issues are taken by consensus. The United States is an active participant in the Budget Committee.

In the WTO, the assessed contribution of each Member is based on the share of that Member's trade in goods, services, and intellectual property. The United States, as the Member with the largest share of world trade, makes the largest contribution to the WTO budget. For the 2022 budget, the U.S. assessed contribution was 11.84 percent of the total budget assessment, or CHF 23,149,155 (approximately \$25.3 million).

*For further discussion of the details required by Section 124 of the Uruguay Round Agreements Act on the WTO's consolidated budget, see Annex III: Background on the WTO.*

### **5. Committee on Regional Trade Agreements**

The Committee on Regional Trade Agreements (CRTA), a subsidiary body of the General Council, was established in early 1996 as a central body to oversee all regional agreements to which Members are a party. The CRTA is charged with conducting reviews of individual agreements, seeking ways to facilitate and improve the review process, and considering the systemic implications of such agreements and regional initiatives for the multilateral trading system.

GATT Article XXIV is the principal provision governing free trade areas (FTAs), customs unions (CUs), and interim agreements leading to an FTA or CU concerning goods. Additionally, the 1979 Decision on Differential and More Favorable Treatment, Reciprocity and Fuller Participation of Developing Countries, commonly known as the "Enabling Clause," provides a basis for certain agreements between or among developing country Members, also concerning trade in goods. The Uruguay Round added three more



provisions: the Understanding on the Interpretation of Article XXIV, which clarifies and enhances the requirements of Article XXIV of GATT 1994; and Articles V and V *bis* of the GATS, which govern services and labor markets integration agreements. FTAs and CUs are authorized departures from the principle of Most-Favored-Nation (MFN) treatment, if relevant requirements are met.

In 2022, the CRTA met four times, in March, June, September, and November. At these meetings, the United States argued for Members to be more transparent than they have been regarding their regional and bilateral trade agreements.

## 6. Accessions to the World Trade Organization

There were 24 applicants for WTO Membership, as of December 31, 2022, following the establishment of a Working Party for the accession of Turkmenistan in February. Of these 24 applicants,<sup>6</sup> four were engaged in the WTO accession process at some point during 2022. Notably, the Working Parties for the accessions of Timor-Leste, Union of the Comoros, and Uzbekistan met during the year, and Iraq submitted multilateral inputs needed for the next meeting of its Working Party, which may take place in the first half of 2023. Both Comoros and Timor-Leste have made steady progress in the multilateral rules track of the accession process. In addition, Comoros finalized its bilateral market access negotiations with the United States in May 2022, and is negotiating bilateral market access with one other Working Party Member as of the December 2022. Timor-Leste's bilateral market access negotiations are advanced.

Of the remaining 20 WTO accession applicants, four (Libya, Sao Tome and Principe, Turkmenistan, and Syria) had not submitted the initial documents describing their respective foreign trade regimes as of December 31, 2022. As a result, negotiations on their accessions had not commenced. Equatorial Guinea submitted its initial documents at the end of 2022. Accession negotiations with 14 applicants (Algeria, Andorra, Azerbaijan, the Bahamas, Bosnia and Herzegovina, Bhutan, Curaçao, Ethiopia, Iran, Lebanese Republic, Serbia, Somalia, South Sudan, and Sudan) remained dormant in 2022. Regarding Belarus, the United States joined 13 other Members in issuing a joint statement on March 24, 2022 that condemned Belarus for its complicity in Russia's premeditated, illegal, and unprovoked invasion of Ukraine. Further, those Members jointly concluded that Belarus is unfit for WTO membership and stated that they will not further consider its application for accession.

### *U.S. Leadership and Technical Assistance*

The United States has traditionally taken a leadership role in all aspects of the accession negotiations, including in the bilateral, plurilateral, and multilateral aspects of the negotiations. The U.S. objectives are to ensure that the applicant fully implements WTO provisions when it becomes a Member, to encourage trade liberalization and market-oriented policies in developing and transforming economies, and to use the opportunities provided in these negotiations to expand market access for U.S. exports. The United States also has provided technical assistance to countries seeking accession to the WTO to help them meet the requirements and challenges presented, both by the negotiations and the process of implementing WTO provisions in their trade regimes. The U.S. Agency for International Development, the U.S. Department of Agriculture, the Commercial Law Development Program of the U.S. Department of Commerce, and the U.S. Trade and Development Agency have provided this assistance on behalf of the United States.

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<sup>6</sup> Accession Working Parties have been established for Algeria, Andorra, Azerbaijan, the Bahamas, Belarus, Bhutan\*, Bosnia and Herzegovina, Comoros\*, Curaçao, Equatorial Guinea, Ethiopia\*, Iran, Iraq, Lebanon, Libya, Sao Tome and Principe\*, Serbia, Somalia\*, South Sudan\*, Sudan\*, Syria, Timor-Leste\*, Turkmenistan, and Uzbekistan. (The eight countries marked with an asterisk are LDCs.)

U.S. assistance can include providing short-term technical expertise focused on specific issues (*e.g.*, customs procedures, intellectual property rights protection, or sanitary and phytosanitary matters and technical barriers to trade), or a WTO expert in residence in the acceding country or customs territory. A number of the WTO Members that have acceded since 1995 received technical assistance in their accession process from the United States at one time or another, including Afghanistan, Albania, Armenia, Bulgaria, Cabo Verde, Croatia, Estonia, Georgia, Jordan, Kazakhstan, Kyrgyz Republic, Latvia, Lao PDR, Liberia, Lithuania, Macedonia, Republic of Moldova, Montenegro, Nepal, Russian Federation, Tajikistan, Ukraine, Viet Nam, and Yemen. The United States provided resident advisors for most of these countries for some portion of the accession process.

Many current accession applicants, including Algeria, Azerbaijan, Bosnia and Herzegovina, Ethiopia, Iraq, Lebanese Republic, Serbia, Timor-Leste, and Uzbekistan have received U.S. technical assistance in their accession processes. In addition, in 2021 and 2022, Georgia, Kazakhstan, Republic of Moldova, Ukraine, and Viet Nam continued to receive assistance that supports their implementation of their membership commitments.

## **7. Working Group on Trade, Debt and Finance**

Ministers at the Fourth WTO Ministerial Conference in Doha, Qatar in 2001 established the mandate for the Working Group on Trade, Debt, and Finance (WGTDF). Ministers instructed the WGTDF to examine the relationship between trade, debt, and finance and to make recommendations on possible steps, within the mandate and competence of the WTO, to enhance the capacity of the multilateral trading system to contribute to a durable solution to the problem of external indebtedness of developing and least-developed country Members. Ministers further instructed the WGTDF to consider possible steps to strengthen the coherence of international trade and financial policies, with a view to safeguarding the multilateral trading system from the effects of financial and monetary instability.

The WGTDF met twice in 2022. The discussion at these meetings focused primarily on elements of a proposal aimed at improving Member-driven discussion in the Working Group, including exchanges of information and experiences related to trade finance. The United States participates actively and constructively in these conversations; we share the goal of enabling more substantive and relevant discussions among WTO Members within the competence and mandate of the WTO. We also continue to call for full transparency from the Secretariat, consistent with the Secretariat's role in a Member-led organization.

## **8. Working Group on Trade and Transfer of Technology**

During the 2001 Doha Ministerial Conference, WTO Ministers agreed to an “examination ... of the relationship between trade and transfer of technology, and of any possible recommendations on steps that might be taken within the mandate of the WTO to increase flows of technology to developing countries.” To fulfill that mandate, the Trade Negotiations Committee established the Working Group on Trade and Transfer of Technology (WGTTT), under the auspices of the General Council, and tasked the WGTTT to report on its progress. The timeline for completing this work has been subject to several extensions by Ministers.

The WGTTT met twice in 2022. WTO Members continued their consideration of the relationship between trade and transfer of technology and of any possible recommendations. At the November 2022 meeting, experts from the Delegations of Argentina, Peru, and Senegal, and also from the Food and Agriculture Organization, the Standards and Trade Development Facility, the United Nations Conference on Trade and Development, the World Economic Forum, the World Health Organization, the World Intellectual Property

Organization, and the WTO, shared their perspectives on technology transfer. They noted in particular that technology transfer has narrowed the technological gap between developed and developing countries, and that technology transfer took place when there was a business interest and where host economies had sufficient capacity to absorb the new technological know-how.

## **9. Work Program on Electronic Commerce**

In June 2022, Members agreed to extend the longstanding Work Program on Electronic Commerce and to maintain a moratorium on duties on electronic transmissions. This decision will remain effective until the Thirteenth WTO Ministerial Conference or March 31, 2024, unless extended. In 2022, Members engaged in dedicated discussions on electronic commerce issues, both in the context of the Work Program on Electronic Commerce and informal sessions involving outside experts.

*For further discussion of this initiative, see Chapter III.D Digital Trade and Services.*

## **H. Dispute Settlement Understanding**

### **Status**

The Understanding on Rules and Procedures Governing the Settlement of Disputes (Dispute Settlement Understanding or DSU), which is annexed to the World Trade Organization (WTO) Agreement, provides a mechanism to settle disputes under the Uruguay Round Agreements.

The DSU is administered by the Dispute Settlement Body (DSB), which consists of representatives of the entire membership of the WTO and is empowered to establish dispute settlement panels, adopt panel and appellate reports, oversee the implementation of panel recommendations adopted by the DSB, and authorize countermeasures. The DSB makes all of its decisions by consensus unless the DSU provides otherwise.

The DSB met 15 times in 2022 to oversee disputes, including through the establishment of new panels, the adoption of panel reports, and the surveillance of implementation and recommendations adopted by the DSB, and to consider proposed additions to the roster of governmental and nongovernmental panelists.

### ***Dispute Settlement Reform***

The United States is committed to working towards an improved system that meets the needs of all WTO Members. A functioning dispute settlement system should be transparent, accessible, timely, restrained in its interpretations, and focused on resolving a specific dispute between two parties. Furthermore, the dispute settlement system should preserve the negotiated space for WTO Members to take the necessary domestic measures and provide confidence that the system equitably serves the interests of all Members.

In 2022, the United States convened a series of informal meetings among WTO Members to better understand the interests of all Members in WTO dispute settlement, including its appellate function. The United States will continue to engage further with those Members that are also seeking an improved and reformed dispute settlement system.

### ***Appellate Body***

Prior to 2022, the United States made a series of statements at DSB meetings explaining that, for more than 17 years and across multiple U.S. Administrations, the United States has been raising serious concerns with the Appellate Body's disregard for the rules set by WTO Members and adding to or diminishing rights or

obligations under the WTO Agreement.<sup>7</sup> Many WTO Members share these concerns, whether on the mandatory 90-day deadline for appeals, review of panel fact-finding, issuing advisory opinions on issues not necessary to resolve a dispute, the treatment of Appellate Body reports as precedent, or persons serving on appeals after their term has ended. The United States has also explained that when the Appellate Body abused the authority it had been given within the dispute settlement system, it undermined the legitimacy of the system and damaged the interests of all WTO Members who cared about having the agreements respected as they had been negotiated and agreed. A rules-based trading system requires adjudicators to follow the rules as agreed by WTO Members.

For many years, the United States and other WTO Members have raised repeated concerns about appellate reports going far beyond the text setting out WTO rules in areas as varied as subsidies, antidumping and countervailing duties, standards under the Technical Barrier to Trade Agreement, and safeguards. Such overreach restricts the ability of the United States to regulate in the public interest or protect U.S. workers and businesses against unfair trading practices.

As a result, the United States was not prepared to agree to launch the process to fill vacancies on the WTO Appellate Body, thereby allowing the Appellate Body to continue to hear appeals, without WTO Members engaging with and addressing these critical issues. Accordingly, there are presently no persons serving on the Appellate Body.

### ***Roster of Governmental and Non-Governmental Panelists***

Article 8 of the DSU makes it clear that panelists may be drawn from either the public or private sector and must be “well-qualified,” such as persons who have served on or presented a case to a panel, represented a government in the WTO or the General Agreement on Tariffs and Trade (GATT), served with the Secretariat, taught or published in the international trade field, or served as a senior trade policy official. Since 1985, the Secretariat has maintained a roster of nongovernmental experts for GATT 1947 dispute settlement, which has been available for use by parties in selecting panelists. In 1995, the DSB agreed on procedures for renewing and maintaining the roster, and expanding it to include governmental experts. In response to a U.S. proposal, the DSB also adopted standards increasing and systematizing the information submitted by roster candidates. These modifications aid in evaluating candidates’ qualifications and encouraging the appointment of well-qualified candidates who have expertise in the subject matters of the Uruguay Round Agreements. In 2022, the DSB approved by consensus a number of additional names for the roster. The United States scrutinized the credentials of these candidates to assure the quality of the roster.

Pursuant to the requirements of the Uruguay Round Agreements Act (URAA), the present WTO panel roster appears in the background information in Annex III. The list in the roster notes the areas of expertise of each roster member (goods, services, or Trade-Related Aspects of Intellectual Property Rights).

*For further information, see Annex III: Background Information on the WTO.*

### ***Rules of Conduct for the Dispute Settlement Understanding***

The DSB completed work on a code of ethical conduct for WTO dispute settlement and, on December 3, 1996, adopted the Rules of Conduct for the Understanding on Rules and Procedures Governing the Settlement of Disputes. A copy of the Rules of Conduct was printed in the Annual Report for 1996 and is available on the [WTO website](#). There were no changes to these Rules in 2022.

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<sup>7</sup> See, e.g., [Minutes of the DSB meeting held on Oct. 26, 2020 \(WT/DSB/M/446\)](#).

The Rules of Conduct elaborate on the ethical standards built into the DSU to maintain the integrity, impartiality, and confidentiality of proceedings conducted under the DSU. The Rules of Conduct require all individuals called upon to participate in dispute settlement proceedings to disclose direct or indirect conflicts of interest prior to their involvement in the proceedings and to conduct themselves during their involvement in the proceedings so as to avoid such conflicts.

The Rules of Conduct also provide parties an opportunity to address potential material violations of these ethical standards. The coverage of the Rules of Conduct exceeds the goals established by the U.S. Congress in section 123(c) of the URAA, which directed USTR to seek conflict of interest rules applicable to persons serving on panels and members of the Appellate Body. The Rules of Conduct cover not only panelists and Appellate Body members, but also: (1) arbitrators; (2) experts participating in the dispute settlement mechanism (*e.g.*, the Permanent Group of Experts under the Agreement on Subsidies and Countervailing Measures); (3) members of the WTO Secretariat assisting a panel or assisting in a formal arbitration proceeding; and, (4) members of the Secretariat supporting the Appellate Body.

As noted above, the Rules of Conduct established a disclosure-based system. Examples of the types of information that covered persons must disclose are set forth in Annex II to the Rules, and include: (1) financial interests, business interests, and property interests relevant to the dispute in question; (2) professional interests; (3) other active interests; (4) considered statements of personal opinion on issues relevant to the dispute in question; and, (5) employment or family interests.

### ***Dispute Settlement Activity in 2022***

During the DSB's 27 years in operation, WTO Members filed 607 requests for consultations (25 in 1995, 42 in 1996, 46 in 1997, 44 in 1998, 31 in 1999, 30 in 2000, 27 in 2001, 37 in 2002, 26 in 2003, 19 in 2004, 11 in 2005, 20 in 2006, 14 in 2007, 19 in 2008, 14 in 2009, 17 in 2010, 8 in 2011, 27 in 2012, 17 in 2013, 14 in 2014, 13 in 2015, 16 in 2016, 18 in 2017, 39 in 2018, 19 in 2019, 5 in 2020, 9 in 2021, and 8 in 2022). During that period, the United States filed 121 complaints against other Members' measures and received 153 complaints on U.S. measures. The number of complaints includes instances where complaints were filed with respect to the same issues. A number of disputes commenced in earlier years remained active in 2022.

*For a discussion of those disputes in which the United States was a complainant or defendant during 2022, see Chapter II.D WTO and FTA Enforcement.*

## **I. Trade Policy Review Body**

The Trade Policy Review Body (TPRB) is a subsidiary body of the General Council created by the Marrakesh Agreement Establishing the WTO to administer the Trade Policy Review Mechanism (TPRM). The TPRM examines domestic trade policies of each Member on a frequency determined by trade volume. The express purpose of the review process is to strengthen Members' adherence to WTO provisions and to contribute to the smoother functioning of the WTO. Moreover, the review mechanism serves as a valuable resource for improving the transparency of Members' trade and investment regimes. Members continue to value the review process because it informs each government's own trade policy formulation and coordination.

The Member under review provides pertinent information to the WTO Secretariat, which produces an independent report on the trade policies and practices of the Member under review. Accompanying the Secretariat's report is the Member's own report. In a TPRB session, the WTO Membership discusses these reports together, and the Member under review addresses issues raised in the reports and answers questions

about its trade policies and practices. Reports cover the range of WTO agreements including those relating to goods, services, and intellectual property, and are available to the public on the WTO's [Documents Online database](#) under the document symbol WT/TPR.

Trade Policy Reviews (TPRs) of least-developed-country (LDC) Members often perform a technical assistance function, helping them improve their understanding of their trade policy structures in relation to the WTO agreements. The reviews have also enhanced these countries' understanding of the WTO agreements, thereby better enabling them to comply and integrate into the multilateral trading system. In some cases, the reviews have spurred better interaction among government agencies. The wide coverage provided by Secretariat's and Members' reports of Members' policies also enables Members to identify any shortcomings in policy and specific areas where further technical assistance may be appropriate.

The TPRM requires Members, in between their reviews, to provide information on significant trade policy changes. The WTO Secretariat uses this and other information to prepare reports by the Director-General on a regular basis on the trade and trade-related developments of Members and Observer Governments. The reports are discussed at informal meetings of the TPRB. The Secretariat consolidates the information it collects and presents it in the Director-General's Annual Report on Developments in the International Trading Environment.

While each review highlights the specific issues and measures concerning the individual Member, common themes that typically emerge during the reviews include:

- transparency in policy making and implementation;
- economic environment and trade liberalization;
- implementation of the WTO agreements (including acceptance and implementation of the WTO Trade Facilitation Agreement);
- regional trade agreements and their relationship with the multilateral trading system;
- tariff issues, including the differences between applied and bound rates;
- customs valuation and customs clearance procedures;
- the use of trade remedy measures such as antidumping and countervailing duties;
- technical regulations and standards and their alignment with international standards;
- sanitary and phytosanitary measures;
- intellectual property rights legislation and enforcement;
- government procurement policies and practices;
- trade-related investment policy issues;
- sectoral trade policy issues, particularly liberalization in agriculture and certain services sectors; and
- technical assistance in implementing the WTO agreements and experience with Aid for Trade, and the Enhanced Integrated Framework.

During the 2022 cycle, the TPRB conducted reviews of 16 WTO Members: Georgia, Panama, Guyana, United Arab Emirates, Pakistan, Switzerland, Liechtenstein, New Zealand, Ghana, Republic of Moldova, Mexico, Djibouti, Barbados, Brazil, Seychelles, and the United States. By the end of the 2022 cycle, the TPRB had conducted 550 reviews since its inception in 1989, taking place over the course of 430 review meetings and covering 159 out of 164 WTO Members.

## **J. Plurilateral Agreements**

### **1. Committee on Trade in Civil Aircraft**

The Agreement on Trade in Civil Aircraft (Aircraft Agreement) entered into force on January 1, 1980 and is one of four WTO plurilateral agreements that are in force only for those WTO Members who have accepted it.

The Aircraft Agreement requires Signatories to eliminate tariffs on civil aircraft, engines, flight simulators, and related parts and components. It also establishes various obligations aimed at fostering free market forces. For example, signatory governments pledge that they will base their purchasing decisions strictly on technical and commercial factors.

There are currently 33 Signatories to the Aircraft Agreement: Albania; Canada, Egypt, the European Union (the following 19 EU Member States are also signatories in their own right: Austria, Belgium, Bulgaria, Denmark, Estonia, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Romania, Spain, and Sweden), Georgia, Japan, Macau China, Montenegro, North Macedonia, Norway, Switzerland, Chinese Taipei, the United Kingdom, and the United States. WTO Members with observer status in the Committee on Trade in Civil Aircraft are: Argentina, Australia, Bangladesh, Brazil, Cameroon, China, Colombia, Gabon, Ghana, India, Indonesia, Republic of Korea, Israel, Mauritius, Nigeria, Oman, the Russian Federation, Saudi Arabia, Singapore, Sri Lanka, Tajikistan, Trinidad and Tobago, Tunisia, Türkiye, Ukraine. The International Monetary Fund and the United Nations Conference on Trade and Development are also observers.

In 2022, the Committee held one special session and one formal meeting. During the special session, the Committee discussed the process to be followed regarding Brazil's application for its accession to the Agreement. At the one formal meeting, Signatories discussed Brazil's application for accession, the work underway to update the Aircraft Agreement's product coverage to reflect the most recent version of the Harmonized System, and issues related to strengthening transparency. Additionally, the United States participated in informal consultations held by the Chair on transposing the product coverage annex, Brazil's accession, and other matters related to the Aircraft Agreement.

### **2. Committee on Government Procurement**

The WTO Agreement on Government Procurement (GPA) is a plurilateral agreement included in Annex IV of the WTO Agreement. As such, it is not part of the WTO's single undertaking and its membership is limited to WTO Members that specifically signed the GPA in Marrakesh or that have subsequently acceded to it.

Forty-eight WTO Members are parties to the GPA: Armenia, Australia, Canada, the European Union and its 27 Member States, Hong Kong, China, Iceland, Israel, Japan, Republic of Korea, Liechtenstein, Moldova, Montenegro, the Netherlands with respect to Aruba, New Zealand, Norway, Singapore, Switzerland, Chinese Taipei, Ukraine, the United Kingdom, and the United States (collectively the GPA Parties).

In 2022, the Committee did not meet due to a lack of consensus related to the selection of a Committee Chair. Despite the lack of meetings, the GPA Committee received and circulated revised market access offers with respect to accessions to the Agreement, notably from Brazil and North Macedonia.

### 3. Information Technology Agreement Committee

The Information Technology Agreement (ITA)<sup>8</sup> is a plurilateral agreement to eliminate tariffs on certain information and communications technology (ICT) products. The ITA covers a wide range of ICT products, including computers and computer peripheral equipment, electronic components including semiconductors, computer software, telecommunications equipment, semiconductor manufacturing equipment, and computer-based analytical instruments. As of December 2022, 83 WTO Members were ITA participants. Among these 83 ITA participants, however, Morocco has yet to submit the formal documentation to implement its ITA commitments. Regarding new participants, Lao People's Democratic Republic (Lao PDR) became a participant of ITA in December 2021.

In 2022, the Committee of the Participants on the Expansion of Trade in Information Technology Products (better known as the ITA Committee) held two formal meetings in April and September, as well as one informal meeting in September. The meetings focused on the status of and concerns with implementation, as well as reducing divergences of certain product classifications.

The ITA Committee does not cover the Declaration on the Expansion of Trade in Information Technology Products (ITA Expansion Agreement)<sup>9</sup>; however, parties to the ITA Expansion Agreement met periodically in 2022 and provided regular updates to the ITA Committee on the status of implementation.

In 2022, the Parties continued to implement the ITA Expansion. For a very limited number of sensitive products, tariffs will continue to be phased out and will be eliminated in 2023. In addition, the majority of Parties have submitted, in accordance with the relevant WTO procedures<sup>10</sup>, modifications to their WTO tariff schedules of concessions, which will incorporate these duty-free tariff commitments into their overall WTO tariff commitments.

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<sup>8</sup> More formally known as the [“WTO Ministerial Declaration on Trade in Information Technology Products”](#) (WT/MIN(96)/16).

<sup>9</sup> A subset of ITA participants concluded negotiations to expand significantly the product coverage of the ITA in 2015. Under the [Declaration on the Expansion of Trade in Information Technology Products \(ITA Expansion Agreement\)](#) (WT/MIN(15)/25), each Party agreed to implement its initial tariff reductions for covered products beginning on July 1, 2016, subject to completion of its domestic procedural requirements.

<sup>10</sup> The relevant procedures are detailed in the [“Decision on 26 March 1980 on Procedures for Modification and Rectification of Schedules of Tariff Concessions”](#) (BISD 27S/25).





# V. TRADE POLICY DEVELOPMENT

## A. Policy Coordination

The Office of the United States Trade Representative (USTR) has primary responsibility, with the advice of the interagency trade policy organization, for developing and coordinating the implementation of U.S. trade policy, including on commodity matters (*e.g.*, coffee and rubber) and, to the extent they are related to trade, direct investment matters.

Under the Trade Expansion Act of 1962, the U.S. Congress established an interagency trade policy mechanism to assist with the implementation of trade policy. This organization, as it has evolved, consists of tiers of committees that constitute the principal mechanism for advising USTR as it develops and coordinates U.S. Government positions on international trade and trade-related investment issues.

USTR chairs and administers both the Trade Policy Review Group (TPRG) and the Trade Policy Staff Committee (TPSC). The TPRG's membership is at the Deputy/Under Secretary level. The TPSC's membership is at the senior civil servant level. The 21 voting member agencies of the TPRG and TPSC are: USTR, the U.S. Departments of Commerce, Agriculture, State, Treasury, Labor, Justice, Defense, Interior, Transportation, Energy, Health and Human Services, and Homeland Security; the Environmental Protection Agency; the Office of Management and Budget; the Council of Economic Advisers; the Council on Environmental Quality; the U.S. Agency for International Development; the Small Business Administration; the National Economic Council; and the National Security Council. The U.S. International Trade Commission is a nonvoting member of the TPSC and an observer at TPRG meetings. USTR may invite representatives of other agencies to attend meetings depending on the specific issues discussed.

Supporting the TPSC are over 90 subcommittees responsible for specialized issues. Through the TPSC process, USTR requests input and analysis from the subject matter experts of the appropriate TPSC subcommittee or task force. The conclusions and recommendations of the subcommittee or task force are presented to the TPSC and serve as the basis for reaching interagency consensus. In cases where the TPSC does not reach consensus on a topic, or if the issue under consideration involves particularly significant policy questions, the issue may be referred to the TPRG or to Cabinet Principals.

The TPSC regularly seeks advice from the public on policy decisions and negotiations through *Federal Register* notices and public hearings.

The TPSC held a virtual public hearing in January 2022: the Extension Review of the Safeguard Action on Imports of Certain Crystalline Silicon Photovoltaic Cells. The TPSC also invited written comment from the public on a number of matters, including: the Trade Pillar of an Indo-Pacific Economic Framework (April 2022); the annual African Growth and Opportunity Act country eligibility review (June to August 2022); the U.S.–Taiwan Initiative on 21st-Century Trade (July 2022); the U.S.–Kenya Strategic Trade and Investment Partnership (September 2022); China's Compliance with its WTO Commitments (September to December 2022); Russia's Implementation of its WTO Commitments (September to October 2022); and the National Trade Estimate Report on Significant Foreign Trade Barriers (October 2022). All testimony, submissions, and questions and responses (not containing Business Confidential Information) are posted on Regulations.gov to ensure transparency.

## B. Transparency and Public Input

The Office of the United States Trade Representative (USTR) drew on congressional direction and advice from the widest array of diverse stakeholders including business, labor, agriculture, civil society, and the general public and has broadened opportunities for public input and worked to ensure the transparency of trade policy through various initiatives carried out by USTR's Office of Intergovernmental Affairs and Public Engagement (IAPE).

The Office of IAPE works with USTR's Offices of Public and Media Affairs and Congressional Affairs to, coordinate with USTR's 13 regional and functional offices, the Office of WTO and Multilateral Affairs, the Office of General Counsel, and the Office of Trade Policy and Economics to ensure that timely trade information is available to the public and disseminated widely to stakeholders. This is accomplished in part via USTR's interactive website, online postings of *Federal Register* notices soliciting public comment and input, and participation in public hearings held by the Trade Policy Staff Committee (TPSC), and offering opportunities for public comment and interaction with negotiators during trade negotiations. The Office of the IAPE manages the agency's outreach and engagement to a diverse set of stakeholder sectors, including: Tribal, State, and local governments; business and trade associations; small and medium-sized businesses; agriculture groups; environmental organizations; industry groups; labor unions; consumer advocacy groups; non-governmental organizations' academia; think tanks; and, others; provides regular data updates to help the public understand and evaluate the role of trade; and, participates in discussions of trade policy at major domestic trade events and academic conferences. In addition to public outreach, the Office of IAPE is responsible for administering USTR's statutory advisory committee system, created by the U.S. Congress under the Trade Act of 1974, as amended, as well as facilitating consultations with Tribal, State, and local governments regarding the President's trade priorities and the status of trade negotiations that may affect them or touch upon Tribal, State, and local government policies. Each of these elements is discussed below.

### 1. Transparency

The Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (2015 TPA) set a goal of improving congressional oversight of negotiations and enforcement, encouraging public participation in policymaking, broadening stakeholder access and input, and ensuring senior-level institutional attention to transparency across the range of USTR's work. USTR continues to make strides in accomplishing these goals:

- During 2022, USTR continued to follow the Transparency Principles released in May 2021 by the U.S. Trade Representative to establish the foundation for a high transparency standard for the day-to-day operations of USTR. These Transparency Principles reflect the Administration's commitment to comprehensive public engagement, including outreach to historically overlooked and underrepresented communities, as it develops and implements a trade policy that advances the interests of all Americans. In the Transparency Principles, USTR commits to adhere to the Guidelines for Consultation and Engagement adopted in October 2015, among other things.
- The USTR General Counsel serves as the Chief Transparency Officer (CTO) in charge of leading the agency's efforts to put the Transparency Principles into action and identifying further opportunities for improving transparency in the development of U.S. trade policy. The position of the CTO was created by 2015 TPA and charges the official with taking concrete steps to increase transparency in trade negotiations, engage with the public, and consult with Congress on transparency policy.

- To broaden access to negotiating texts and further encourage congressional participation, USTR in 2022 made negotiating texts available to Members of Congress and their appropriately cleared staff, including professional staff with an appropriate security clearance of the Committees on Finance and Ways and Means, professional staff with an appropriate security clearance from other Committees interested in reviewing text relevant to that Committee's jurisdiction, personal office staffers with an appropriate security clearance of any Member of the Committees on Finance and Ways and Means, and personal office staff with an appropriate security clearance accompanying his or her Member of Congress. Any Member of the House or Senate Advisory Group on Negotiations, or any Member designated a congressional advisor on trade policy and negotiations by the Speaker of the House or the President *pro tempore* of the Senate (in both cases after consultation with the Chairman and Ranking Member of the appropriate committees of jurisdiction), and up to three professional staff with an appropriate security clearance from each of the Committees on Finance and Ways and Means were accredited to negotiating rounds. In response to the COVID-19 pandemic, and at the request of Congress, USTR improved access to classified text using a secure website.
- USTR also provided information to the public and interested stakeholders during 2022 regarding significant trade agreement negotiations and other trade developments by releasing information on the schedules of negotiating rounds; publishing summaries of negotiating objectives; updating negotiating objectives during negotiations; publishing *Federal Register* notices for significant negotiations; holding public hearings on negotiations and other trade priorities; holding regular public events during negotiations, in which stakeholders and the public met with USTR negotiators directly involved in particular agreements; and, other means.

## 2. Public Outreach

### ***Federal Register* Notices Seeking Public Input/Comments and Public Hearings**

In 2022, USTR published approximately 40 *Federal Register* notices to solicit public comment on negotiations and policy decisions on a wide range of issues, including the annual Special 301 review, the Out-of-Cycle Review of Notorious Markets, the China 301 Investigation, digital services taxation, the Section 201 proceeding involving solar products, market opportunities for U.S. producers in overseas airport construction, Indo-Pacific Economic Framework, the U.S.–Kenya Strategic Trade and Investment Partnership, the U.S.–Taiwan Initiative on 21st-Century Trade, and other topics. Public comments received in response to *Federal Register* notices are available for inspection [online](#).

USTR also held public hearings or invited written comment from the public, as appropriate, regarding a variety of trade policy initiatives, including the Trade Pillar of an Indo-Pacific Economic Framework, the U.S.–Taiwan Initiative on 21st-Century Trade, and the U.S.–Kenya Strategic Trade and Investment Partnership. Submissions of all parties in all hearings are posted online.

*For a discussion of TPSC public hearings and advice, see Chapter V.A Policy Coordination.*

### **Open Door Policy**

USTR officials, including the U.S. Trade Representative and staff in the Office of IAPE, conducted outreach with a broad array of stakeholders, including agricultural commodity groups and farm associations, labor unions, environmental organizations, consumer groups, large and small businesses, trade associations, consumer advocacy groups, faith groups, development and poverty relief organizations, other public interest groups, civil and human rights groups, Tribal Nations, State and local governments, non-

governmental organizations, think tanks, and academics to discuss specific trade policy issues, subject to negotiator availability and scheduling.

### **3. The Trade Advisory Committee System**

Congress established the trade advisory committee system to ensure that U.S. trade policy and trade negotiating objectives adequately reflect U.S. public and private sector interests. The system is a central means of ensuring that USTR's senior officials and line negotiators receive ideas, input, and critiques from a wide range of public interests. The system now consists of 26 advisory committees, with a total membership of up to approximately 700 advisors. Advisory committee members represent the full span of interests, including manufacturing; agriculture; digital trade; intellectual property; services; small businesses; labor; environment, consumer, and public health organizations; and, State and local governments.

USTR manages the Advisory Committee on Trade Policy Negotiations (ACTPN); the Intergovernmental Policy Advisory Committee (IGPAC); the Trade Advisory Committee on Africa; and, the Trade and Environment Policy Advisory Committee (TEPAC). USTR co-manages the Agricultural Policy Advisory Committee (APAC) with the U.S. Department of Agriculture and the Labor Advisory Committee (LAC) with the U.S. Department of Labor. USTR also co-manages 20 technical and sectoral advisory committees organized by industry and agriculture in conjunction with the U.S. Department of Commerce and the U.S. Department of Agriculture, respectively.

The trade advisory committees provide information and advice on U.S. negotiating objectives, the operation of trade agreements, and other matters arising in connection with the development, implementation, and administration of U.S. trade policy.

In cooperation with the other agencies served by the advisory committees, USTR continues to look for ways to broaden the participation on committees to include a more diverse group of stakeholders and to represent new interests and fresh perspectives. USTR continues exploring ways to expand representation while ensuring the committees remain effective.

Recommendations for candidates for committee membership are collected from a number of sources, including associations and organizations, publications, other Federal agencies, responses to *Federal Register* notices, and self-nominated individuals who have demonstrated an interest in, and knowledge of, U.S. trade policy. Membership selection is based on qualifications, diversity of sectors and geography represented, and the needs of the specific committee to maintain a balance of the perspectives represented. Committee members are required to have a security clearance in order to serve and have access to confidential trade documents on a secure encrypted website. Committees meet regularly in Washington, D.C., as well as in conference call meetings, to provide input and advice to USTR and other agencies. Members pay for their own travel and related expenses.

For additional information on the advisory committees, see the [USTR website](#).

#### **Tier I: President's Advisory Committee on Trade Policy and Negotiations**

As the highest-level committee in the system, the President's Advisory Committee on Trade Policy and Negotiations (ACTPN) examines U.S. trade policy and agreements from the broad context of the overall national interest. The ACTPN consists of no more than 45 members, who are broadly representative of the key economic sectors of the economy affected by trade, including non-Federal governments, labor,

industry, agriculture, small business, service industries, retailers, and consumer interests. The President appoints ACTPN members to four-year terms not to exceed the duration of the charter.

A list of all the ACTPN members and the diverse interests they represent is available on the [USTR website](#).

## **Tier II: Policy Advisory Committees**

Members of the five policy advisory committees are appointed by the U.S. Trade Representative or in conjunction with other Cabinet officers. The Agricultural Policy Advisory Committee (APAC) and the Labor Advisory Committee for Trade Negotiations and Trade Policy (LAC) are managed jointly with the U.S. Departments of Agriculture and Labor, respectively. The Intergovernmental Policy Advisory Committee on Trade (IGPAC), the Trade and Environment Policy Advisory Committee (TEPAC), and the Trade Advisory Committee on Africa (TACA) are appointed and managed solely by USTR. Each committee provides advice based upon the perspective of its specific area, and its members are chosen to represent the diversity of interests in those areas.

When re-chartering USTR-managed advisory committees, USTR is furthering the objectives of Executive Order (EO) 13985, [Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), and EO 14035, [Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce](#) by encouraging membership applications from a broader group of stakeholders and committing to a trade agenda that advances racial and economic equity and supports underserved communities.

A list of all the members of the Committees and the diverse interests they represent is available on the [USTR website](#).

### ***Agricultural Policy Advisory Committee***

The Agricultural Policy Advisory Committee (APAC) is designed to represent a broad spectrum of agricultural interests, including the interests of farmers, ranchers, processors, renderers, and public advocates, for the range of food and agricultural products grown and produced in the United States. Members serve at the discretion of the U.S. Secretary of Agriculture and the U.S. Trade Representative. The Secretary of Agriculture and the U.S. Trade Representative jointly appoint a maximum of 40 members to four-year terms.

### ***Labor Advisory Committee***

The Labor Advisory Committee (LAC) consists of not more than 30 members from the U.S. labor community appointed by the U.S. Trade Representative and the U.S. Secretary of Labor, acting jointly. Members represent unions from all sectors of the economy including steel, automotive, aerospace, farmworkers, teachers, pilots, artists, machinists, service workers, and food and commercial workers. Members are appointed by, and serve at the discretion of, the U.S. Secretary of Labor and the U.S. Trade Representative.

### ***Intergovernmental Policy Advisory Committee on Trade***

The Intergovernmental Policy Advisory Committee on Trade (IGPAC) consists of not more than 35 members appointed from, and representative of, the various States and other non-Federal Governmental entities within the jurisdiction of the United States. These entities include, but are not limited to, the executive and legislative branches of Tribal, State, county, and municipal governments. Members may

hold elective or appointive office. Members are appointed by, and serve at the discretion of, the U.S. Trade Representative.

### ***Trade and Environment Policy Advisory Committee***

The Trade and Environment Policy Advisory Committee (TEPAC) consists of not more than 35 members, including, but not limited to, representatives from environmental interest groups, industry, services, academia, and non-Federal governments. The Committee is designed to be broadly representative of key sectors and groups of the economy with an interest in trade and environmental policy issues. Members of the Committee are appointed by, and serve at the discretion of, the U.S. Trade Representative.

### ***Trade Advisory Committee on Africa***

The Trade Advisory Committee on Africa (TACA) consists of not more than 30 members, including, but not limited to, representatives from industry, labor, investment, agriculture, services, academia, and nonprofit development organizations. The members of the Committee are appointed to be broadly representative of key sectors and groups with an interest in trade and development in sub-Saharan Africa, including non-profit organizations, producers, and retailers. Members of the committee are appointed by, and serve at the discretion of, the U.S. Trade Representative.

### **Tier III: Technical and Sectoral Committees**

The 20 technical and sectoral advisory committees are organized into the two areas of agriculture and industry. Representatives are appointed jointly by the U.S. Trade Representative and the U.S. Secretaries of Agriculture or Commerce, respectively. Each sectoral or technical committee represents a specific sector, commodity group, or functional area and provides specific technical advice concerning the effect that trade policy decisions may have on its sector or issue.

### ***Agricultural Technical Advisory Committees***

There are six Agricultural Technical Advisory Committees (ATACs) focusing on the following products: (1) Animals and Animal Products; (2) Fruits and Vegetables; (3) Grains, Feed, Oilseeds, and Planting Seeds; (4) Processed Foods; (5) Sweeteners and Sweetener Products; and, (6) Tobacco, Cotton, and Peanuts. Members of each committee are appointed by, and serve at the discretion of, the U.S. Secretary of Agriculture and the U.S. Trade Representative. Members must represent a U.S. entity with an interest in agricultural trade and should have expertise and knowledge of agricultural trade as it relates to policy and commodity-specific products. In appointing members to the committees, balance is achieved and maintained by assuring that the members appointed represent entities across the range of agricultural interests that will be directly affected by the trade policies of concern to the committee (*e.g.*, farm producers, farm and commodity organizations, processors, traders, and consumers). Geographical balance on each committee is also sought.

A list of all the members of the committees and the diverse interests they represent is available on the [U.S. Department of Agriculture website](#).

### ***Industry Trade Advisory Committees***

There are 15 industry trade advisory committees (ITACs). As of December 31, 2022, those committees are: Aerospace Equipment (ITAC 1); Automotive Equipment and Capital Goods (ITAC 2); Chemicals, Pharmaceuticals, Health/Science Products and Services (ITAC 3); Consumer Goods (ITAC 4); Critical minerals and Nonferrous Metals (ITAC 5); Digital Economy (ITAC 6); Energy and Energy Services (ITAC

7); Forest Products and Building Materials (ITAC 8); Small, Minority, and Woman-led Business (ITAC 9); Services (ITAC 10); Steel (ITAC 11); Textiles and Clothing (ITAC 12); Customs Matters and Trade Facilitation (ITAC 13); Intellectual Property Rights (ITAC 14); and, Standards and Technical Trade Barriers (ITAC 15). Additionally, there is a Committee of Chairs of the Industry Trade Advisory Committees which is comprised of the Chairs of the 15 ITACs.

Members of the ITACs are appointed jointly by the U.S. Secretary of Commerce and the U.S. Trade Representative and serve at their discretion. Membership on the Committee of Chairs is automatically conferred by virtue of being elected Chair of an ITAC. Each of the committees consists of not more than 50 members representing diverse interests and perspectives, which may include, but are not limited to, labor unions, manufacturers, exporters, importers, service suppliers, producers, and representatives of small and large business. Committee members should have knowledge and experience in their industry or interest area and represent a U.S. entity that has an interest in trade matters related to the sectors or subject matters of concern to the individual committees. In appointing members to the committees, balance is ensured in terms of points of view, demographics, geography, and entity or organization size.

A list of all the members of the committees and the diverse interests the committees and their respective memberships represent is available on the [U.S. Department of Commerce website](#).

#### **4. Tribal, State and Local Government Relations**

USTR maintains consultative procedures between Federal trade officials and Tribal, State and local governments. USTR informs the states, on an ongoing basis, of trade-related matters that directly relate to, or that may have a direct effect on, them. U.S. territories may also participate in this process. USTR also serves as a liaison point in the Executive Branch for State and local government and Federal agencies to transmit information to interested State and local governments, and relay advice and information from the states on trade-related matters. This is accomplished through a number of mechanisms, detailed below.

##### **State Single Point of Contact System and IGPAC**

###### ***State Single Point of Contact System***

For day-to-day communications, USTR operates a State Single Point of Contact (SPOC) system. The Governor's office in each state designates a single contact point to disseminate information received from USTR to relevant State and local offices and assist in relaying specific information and advice from the states to USTR on trade-related matters. Through the SPOC network, State governments are promptly informed of Administration trade initiatives so that they can provide companies and workers with information in order to take full advantage of increased foreign market access and reduced trade barriers. It also enables USTR to consult with states and localities directly on trade matters that may affect them.

###### ***Intergovernmental Policy Advisory Committee on Trade***

Additionally, USTR works closely with the Intergovernmental Policy Advisory Committee on Trade (IGPAC) made up of various State and local officials. The IGPAC makes recommendations to USTR and the Administration on trade policy matters from the perspective of Tribal, State and local governments. IGPAC members are also invited to participate in periodic teleconference briefings, similar to teleconference calls held for SPOC and chairs of the advisory committees.



## **Meetings of Tribal, State and Local Associations and Local Chambers of Commerce**

USTR officials participate frequently in meetings of State and local government associations and local chambers of commerce to apprise them of relevant trade policy issues and solicit their views. USTR senior officials have met with the National Governors' Association and other Tribal, State and local commissions and organizations.

## **Consultations Regarding Specific Trade Issues**

USTR consults with particular Tribal Nations, states and localities on issues arising under the WTO and other U.S. trade agreements and frequently responds to requests for information from State and local governments. The U.S. Trade Representative also hosts Tribal consultation meetings with Tribal leaders and their designees.

## **5. Freedom of Information Act**

USTR is subject to the Freedom of Information Act (FOIA), a law that provides the public with a right of access to federal agency records except to the extent those records are protected from disclosure under particular FOIA exemptions or exceptions. Detailed information about the USTR FOIA program is available on the [USTR website](#). USTR had 9 requests pending at the start of fiscal year 2022, and over the course of the fiscal year received 67 new FOIA requests and processed 73 FOIA requests. The USTR FOIA Office demonstrated its ongoing commitment to transparency by, among other things, reducing its backlog of FOIA requests to one, which was closed during the first quarter of fiscal year 2023, while also improving the timeliness of responses. In addition, the USTR FOIA Office proactively added links to certain materials in anticipation of high public interest, such as the confidentiality arrangements with trade negotiating partners. The USTR FOIA Office also updated frequently requested records including USTR's FOIA logs on a quarterly basis. Proactively disclosed information is available in the [USTR FOIA Library](#).

## **C. Congressional Consultations**

The Office of the United States Trade Representative (USTR) continued robust consultations with the U.S. Congress. USTR consulted with Congressional committees and the leadership of both parties in the U.S. Senate and U.S. House of Representatives, held numerous meetings and calls with Members and their staff, participated in Congressional hearings and led congressional delegations overseas to meet with trading partners and multilateral organizations. USTR also engaged Members of Congress in their districts and states, travelling to Alaska, California, Iowa, Maryland, Massachusetts, New Hampshire, New York, North Carolina, and Oregon, and meeting with constituents, including workers, farmers, businesses, and community-based stakeholders.

To ensure access to negotiating texts and further encourage Congressional participation, USTR holds consultations with Members of Congress and their staff and also makes negotiating text available to Members of Congress and appropriately cleared staff, including professional staff with an appropriate security clearance of the Committees on Finance and Ways and Means, professional staff with an appropriate security clearance from other Committees interested in reviewing text relevant to that Committee's jurisdiction, personal office staffers with an appropriate security clearance of a Member of the Committees on Finance and Ways and Means, and personal office staff with an appropriate security clearance accompanying his or her Member of Congress. In addition, bipartisan Congressional staff delegations travelled to negotiations, including the World Trade Organization's 12th Ministerial Conference in Geneva, the Indo-Pacific Economic Framework for Prosperity (IPEF) ministerial meeting in Los Angeles, and the first IPEF negotiating round in Brisbane, Australia.

These engagements and consultations kept Congress abreast of USTR activities and ensured Congress had ample opportunities to shape U.S. trade policy.



# ANNEX I



# U.S. TRADE IN 2022

## I. 2022 Overview

During 2022, the global economy expanded at an estimated 3.4 percent in real terms while trade of goods and services grew 5.4 percent, as the ongoing impact of the COVID-19 pandemic and staggered re-openings across the world, effects from Russia's full-scale invasion of Ukraine, and rising interest rates continued to suppress normal economic activity. The improvement in world output and goods and services trade during 2022 represented a slowdown from 2021 increases of 6.2 percent in output and 10.4 percent in goods and services trade, when the global economy recovered from the events of 2020.<sup>11</sup>

U.S. trade in 2022 similarly continued to recover from the pandemic-induced decline that occurred in 2020. Total U.S. trade (exports and imports of goods and services) increased 16.9 percent (\$1.0 trillion) to a record \$7.0 trillion in 2022,<sup>12</sup> following the increase of 19.9 percent (\$987 billion) in 2021 after the pandemic-induced contraction in trade in 2020 (down 12.0 percent) (*Figure 1*). U.S. exports of goods and services increased 17.7 percent (\$453 billion) in 2022, following a similar post-pandemic increase of 18.4 percent (\$398 billion) in 2021, while U.S. imports of goods and services increased 16.3 percent (\$556 billion) in 2022, following a 20.9 percent (\$589 billion) increase in 2021. As a share of U.S. GDP, total U.S. trade increased as well, representing 27.4 percent of GDP in 2022, up from 25.6 percent in 2021, but still below the 30-percent levels reached during the 2011-2014 period (*Figure 2*). U.S. exports represented 11.8 percent of U.S. GDP in 2022, up from 11.0 percent in 2021. U.S. Imports represented 15.5 percent of U.S. GDP in 2022, up from 14.6 percent in 2021.<sup>13</sup>

In real terms, U.S. trade was up 7.8 percent in 2022, compared to the 10.8 percent increase in 2021.<sup>14</sup> Real U.S. exports of goods and services were up 7.3 percent in 2022, compared to an increase of 6.1 percent in 2021, while real U.S. imports of goods and services were up 8.1 percent, compared to an increase of 14.1 percent in 2021. U.S. exports of goods and services contributed 0.81 percentage points to U.S. GDP growth of 2.1 percent in 2022.

The U.S. deficit in goods and services trade increased \$103.0 billion (12.2 percent) in 2022 to a record \$948.1 billion. As a share of GDP, the U.S. deficit increased from 3.6 percent in 2021 to 3.7 percent in 2022 but is down from its high of 5.5 percent in 2006.

The U.S. deficit in goods trade alone increased 9.3 percent (\$101.5 billion) to a record \$1.2 trillion in 2022. The U.S. services trade surplus declined for the second consecutive year, and was down 0.6 percent (\$1.6 billion) to \$243.7 billion in 2022. As a share of GDP, the U.S. goods deficit remained at 4.7 percent in 2022, and the U.S. services surplus decreased from 1.1 percent in 2021 to 1.0 percent in 2022.

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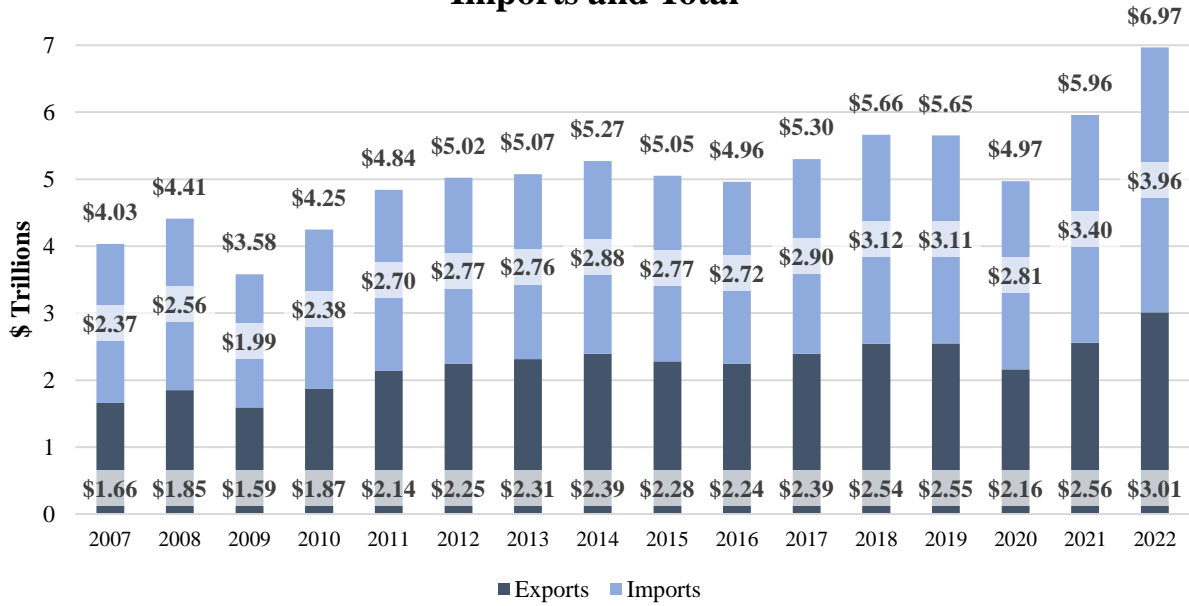
<sup>11</sup> IMF, World Economic Outlook Update, January 2023.

<sup>12</sup> On a balance of payments (BOP) basis.

<sup>13</sup> The broadest measure of commercial trade is from the Current Account and includes goods and services as well as earnings/payments on foreign investment and current transfers. Earnings are considered trade because they are the payment made/received to foreign/U.S. residents for the service rendered by the use of foreign/U.S. capital. Based on the Current Account, trade increased by 17.9 percent in the first three quarters of 2022 (latest data available) and represented an annualized estimate of 38.9 percent of GDP (based on the first 3 quarters of 2021), up from 36.1 percent in full year 2021.

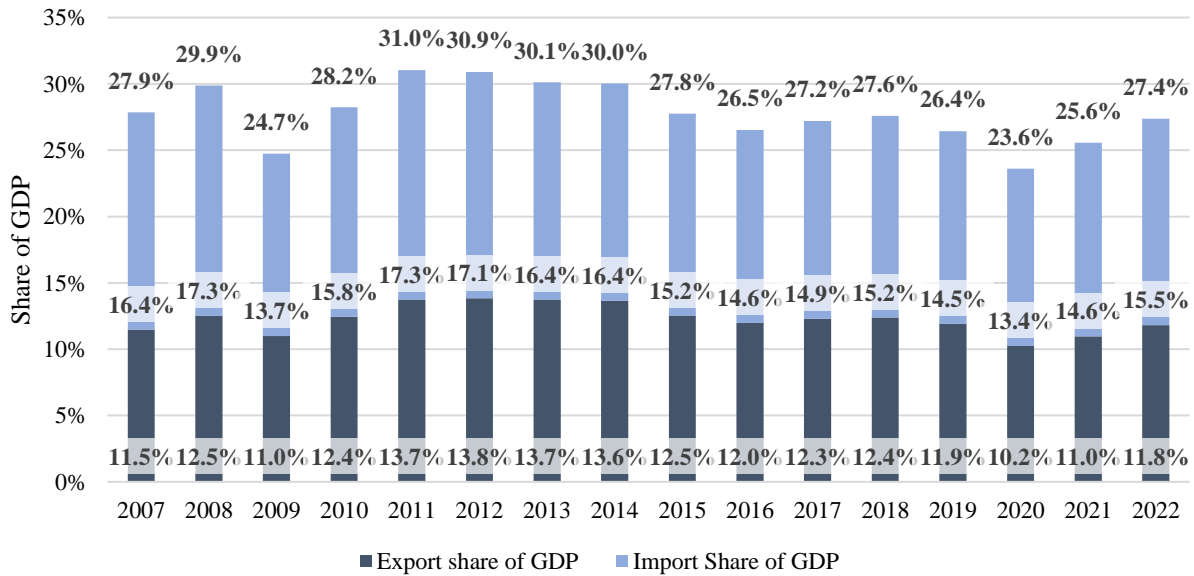
<sup>14</sup> On a National Income Products Account basis.

**Figure 1 - Value of Goods and Services Trade, Exports, Imports and Total**



Source: U.S. Department of Commerce

**Figure 2 - Goods and Services Trade as a Share of GDP, Exports, Imports and Total Trade**



Source: U.S. Department of Commerce

## II. Exports

U.S. exports of goods and services increased 17.7 percent (\$453.1 billion) in 2022 to a record \$3.0 trillion, and were up 25.7 percent since 2017 (*Table 1*). U.S. goods exports were up 18.4 percent (\$324.2 billion) to a record \$2.1 trillion, while U.S. services exports were up 16.2 percent (\$128.9 billion) to a record \$924.2 billion.

<b>Table 1 - U.S. Exports</b>					
	Value (\$Billions)			% Change	
	2017	2021	2022	17-22	21-22
<b>Total Goods and Services</b>	<b>2,394.5</b>	<b>2,556.6</b>	<b>3,009.7</b>	<b>25.7%</b>	<b>17.7%</b>
<b>Goods on a BOP Basis</b>	<b>1,557.0</b>	<b>1,761.4</b>	<b>2,085.6</b>	<b>33.9%</b>	<b>18.4%</b>
Foods, Feeds, Beverages	132.8	164.7	180.0	35.6%	9.3%
Industrial Supplies	465.2	636.9	827.8	77.9%	30.0%
Capital Goods	533.4	520.6	571.6	7.2%	9.8%
Autos and Auto Parts	157.9	144.1	158.4	0.3%	9.9%
Consumer Goods	197.7	222.2	246.4	24.6%	10.9%
Other Goods	60.3	65.8	80.6	33.7%	22.5%
Petroleum	125.6	196.3	305.7	143.3%	55.7%
Manufacturing	1,323.8	1,399.2	1,596.8	20.6%	14.1%
Agriculture	148.9	182.3	202.4	36.0%	11.0%
<b>Services</b>	<b>837.5</b>	<b>795.3</b>	<b>924.2</b>	<b>10.4%</b>	<b>16.2%</b>
Maintenance and repair services	23.2	12.5	14.2	-38.7%	13.7%
Transport	86.3	65.8	90.0	4.3%	36.9%
Travel	196.5	70.2	134.0	-31.8%	90.8%
Construction	2.1	3.1	1.7	-18.2%	-46.3%
Insurance services	19.0	22.7	21.3	12.5%	-6.1%
Financial services	131.7	171.7	166.2	26.2%	-3.2%
Charges for the use of intellectual property	118.1	124.6	126.9	7.4%	1.8%
Telecom, computer, and information services	47.7	59.8	69.4	45.7%	16.1%
Other business services	167.3	217.4	243.9	45.8%	12.2%
Personal, cultural, and recreational services	25.7	23.9	26.4	3.0%	10.6%
Government goods and services	19.9	23.4	30.0	50.6%	28.3%

Source: U.S. Department of Commerce, Balance of Payments basis for total and services, Census basis for goods sectors



## A. U.S. Goods Exports

U.S. goods exports increased 18.4 percent (\$324.2 billion) in 2022 to a record of \$2.1 trillion (*Table 1*). Goods exports accounted for 69.3 percent of total goods and services exports in 2022. U.S. manufacturing exports, which accounted for 77.3 percent of total goods exports, increased 14.1 percent (\$197.6 billion) in 2022 to \$1.6 trillion, while agricultural exports, which accounted for 9.8 percent of total goods exports, increased 11.0 percent (\$20.1 billion) to \$202.4 billion (*Table 1*).

Of the major end-use goods sectors, U.S. export growth in 2022 ranged between 9.3 percent for foods, feeds, and beverages and 55.7 percent for petroleum products which generally saw global price increases in 2022 over 2021. Five categories, 1) foods, feeds, and beverages, 2) industrial supplies, 3) capital goods, 4) consumer goods, and 5) other goods, showed record exports.

Over the last five years (2017 to 2022), U.S. goods exports have increased 33.9 percent (\$528.6 billion). Over the same time period, U.S. agricultural exports increased 36.0 percent (\$53.5 billion), while U.S. manufacturing exports increased 20.6 percent (\$273.0 billion). Of the major end-use categories, industrial supplies and materials had the largest increase in value, up \$362.6 billion (77.9 percent) while petroleum exports, a subset of industrial supplies, increased \$180 billion (143.3 percent). Goods sectors with the lowest export growth included autos and auto parts, up just \$487 million (0.3 percent), and capital goods, up \$38.2 billion (7.2 percent).

In 2022, U.S. goods exports increased to the top five export markets: Canada (up 15.7 percent), Mexico (up 17.3 percent), China (up 1.6 percent), Japan (up 7.7 percent), and the European Union (27) (up 28.6 percent) (*Table 2*). U.S. goods exports to the 20 U.S. FTA partners<sup>15</sup> increased 17.7 percent<sup>16</sup>. U.S. goods exports to advanced economies, accounting for 54.4 percent of U.S. total goods exports, increased 18.9 percent, while U.S. goods exports to emerging markets and developing economies increased 15.9 percent and accounted for 45.6 percent of U.S. total goods exports.

	Value (\$Billions)			% Change	
	2017	2021	2022	17-22	21-22
Canada	282.8	307.8	356.1	25.9%	15.7%
Mexico	243.6	276.5	324.4	33.2%	17.3%
China	130.0	151.4	153.8	18.3%	1.6%
Japan	67.6	74.6	80.3	18.8%	7.7%
European Union (27)	227.0	271.7	349.3	53.9%	28.6%
Latin America (excluding Mexico)	150.4	174.8	225.7	50.1%	29.1%
Pacific Rim (excluding Japan and China)	201.0	232.3	259.5	29.1%	11.7%
FTA Countries	721.0	822.4	968.1	34.3%	17.7%
Advanced Economies	838.1	943.7	1,123.3	34.0%	19.0%
Emerging Markets and Developing Economies	709.1	810.6	939.3	32.5%	15.9%

Source: U.S. Department of Commerce, Census basis  
Advanced Economies and Emerging Markets as defined by the IMF

<sup>15</sup> The United States has FTAs entered into force with 20 countries: Australia, Bahrain, Canada, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Israel, Jordan, Korea, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, and Singapore.

<sup>16</sup> The 20 countries with which the United States currently has FTAs entered into force accounted for a 46.9 percent of total U.S. goods exports in 2021.

## **B. U.S. Services Exports**

U.S. exports of services increased 16.2 percent (\$128.9 billion) to a record \$924.2 billion in 2022, and were up 10.4 percent (\$86.7 billion) since 2017 (*Table 1*). U.S. services exports accounted for 30.7 percent of the level of U.S. goods and services exports in 2022.

Of the eleven major services sectors, eight showed export gains in 2022 ranging from 1.8 percent (\$2.3 billion) for charges for the use of intellectual property to 90.8 percent (\$63.8 billion) for travel. The three services sectors that showed export declines were construction (down 46.3 percent, \$1.4 billion), insurance services (down 6.1 percent, \$1.4 billion) and financial services (down 3.2 percent, \$5.5 billion).

Over the last five years (2017 to 2022), U.S. services exports increased 10.4 percent (\$86.7 billion). U.S. service sectors with the largest export gains included government goods and services, up 50.6 percent (\$10.1 billion); other business services, up 45.8 percent (\$76.6 billion); information and communications technology services, up 45.7 percent (\$21.8 billion), and financial services, up 26.2 percent (\$34.5 billion). Partially offsetting these export gains, were declines in maintenance and repair services, down 38.7 percent (\$9.0 billion); and, travel, down 31.8 percent (\$62.5 billion), and which has yet to return to pre-pandemic levels.

Ireland was the largest purchaser of U.S. services exports in 2021 (latest available full year data), accounting for 9.4 percent (\$74.8 billion) of total U.S. services exports. The next four largest purchasers of services exports in 2020 were: the United Kingdom (\$67.8 billion), Canada (\$56.1 billion), Switzerland (\$47.1 billion), and China (\$39.5 billion). Regionally, in 2021, the United States exported \$201.7 billion in services to the European Union (27), \$204.7 billion to the Asia/Pacific Rim region (\$128.3 billion excluding Japan and China), \$127.6 billion to Latin America (excluding Mexico), and \$86.6 billion to Canada and Mexico (the United States–Mexico–Canada Agreement countries).

## **III. Imports**

U.S. imports of goods and services increased 16.3 percent (\$556.1 billion) in 2022, to a record \$4.0 trillion. U.S. goods imports were up 14.9 percent (\$425.7 billion) to a record \$3.3 trillion and U.S. services imports were up 23.7 percent (\$130.5 billion) to \$680.5 billion (*Table 3*).

### **A. U.S. Goods Imports**

U.S. goods imports increased 14.9 percent (\$425.7 billion) in 2022 to a record \$3.3 trillion, accounting for 82.8 percent of total imports (*Table 3*). U.S. manufacturing imports, which accounted for 86.1 percent of total goods imports, increased 13.6 percent (\$335.4 billion) in 2022. U.S. agriculture imports, accounting for 6.1 percent of total goods imports, increased 16.4 percent (\$28.0 billion).

Of the major end-use goods sectors, all but “Other Goods” showed import gains in 2022 ranging from 10.0 percent (\$76.3 billion) for consumer goods to 24.8 percent (\$160.9 billion) for industrial supplies. Imports of food, feeds, and beverages, industrial supplies, capital goods, autos, and consumer goods were records.

**Table 3 - U.S. Imports**

	Value (\$Billions)			% Change	
	2017	2021	2022	17-22	21-22
<b>Total Goods and Services</b>	<b>2,904.8</b>	<b>3,401.7</b>	<b>3,957.8</b>	<b>36.2%</b>	<b>16.3%</b>
<b>Goods on a BOP Basis</b>	<b>2,356.3</b>	<b>2,851.7</b>	<b>3,277.3</b>	<b>39.1%</b>	<b>14.9%</b>
Foods, Feeds, Beverages	137.8	182.1	208.3	51.1%	14.3%
Industrial Supplies	507.0	649.8	810.7	59.9%	24.8%
Capital Goods	639.8	761.1	864.7	35.1%	13.6%
Autos and Auto Parts	358.2	347.1	399.1	11.4%	15.0%
Consumer Goods	601.4	766.3	842.6	40.1%	10.0%
Other Goods	95.3	124.7	121.4	27.4%	-2.6%
Petroleum	186.5	204.8	291.6	56.3%	42.4%
Manufacturing	2,019.3	2,460.4	2,795.8	38.5%	13.6%
Agriculture	129.9	171.1	199.1	53.2%	16.4%
<b>Services</b>	<b>548.5</b>	<b>550.0</b>	<b>680.5</b>	<b>24.1%</b>	<b>23.7%</b>
Maintenance and repair services	6.8	8.0	8.5	24.6%	6.1%
Transport	96.5	105.3	154.3	59.9%	46.6%
Travel	117.9	56.9	113.3	-3.9%	99.3%
Construction	2.0	1.5	1.5	-22.1%	1.6%
Insurance services	53.3	59.4	57.0	7.1%	-4.0%
Financial services	38.0	49.5	53.5	41.0%	8.1%
Charges for the use of intellectual property	44.4	43.3	52.1	17.3%	20.2%
Telecom, computer, and information services	43.1	43.1	47.4	10.0%	9.9%
Other business services	107.0	129.6	138.3	29.3%	6.7%
Personal, cultural, and recreational services	17.5	28.3	29.1	66.1%	2.9%
Government goods and services	22.0	25.1	25.3	14.8%	0.6%

Source: U.S. Department of Commerce, Balance of Payments basis, Census basis for goods sectors

Over the last five years (2017 to 2022), U.S. goods imports increased 39.1 percent (\$921.0 billion). Over this same time period, U.S. manufacturing imports increased 38.5 percent (\$776.5 billion), while agricultural imports increased 53.2 percent (\$69.1 billion). All end-use goods sectors showed import gains, which ranged between 11.4 percent (\$40.8 billion) for autos to 59.9 percent (\$303.7) for industrial supplies.

In 2022, U.S. goods imports increased from all of our top five import suppliers, Canada (up 22.3 percent), Mexico (up 18.3 percent), the European Union (up 12.8 percent), China (up 6.3 percent), and Japan (up 10.0 percent) (*Table 4*). U.S. goods imports from our 20 FTA partners increased 20.1 percent in 2022. U.S. goods imports from advanced economies, accounting for 47.2 percent of U.S. total goods imports, increased 15.1 percent, while goods imports from emerging markets and developing economies increased 14.3 percent and accounted for 52.8 percent of U.S. total goods imports.

**Table 4 - U.S. Goods Imports from Selected Countries/Regions**

	Value (\$Billions)			% Change	
	2017	2021	2022	17-22	21-22
Canada	299.1	357.8	437.7	46.4%	22.3%
Mexico	312.7	384.6	454.9	45.5%	18.3%
China	505.2	504.9	536.8	6.3%	6.3%
Japan	136.4	134.9	148.3	8.7%	10.0%
European Union (27)	227.0	490.4	553.3	143.7%	12.8%
Latin America (excluding Mexico)	115.9	121.0	149.5	29.0%	23.6%
Pacific Rim (excluding Japan and China)	224.2	320.4	371.0	65.5%	15.8%
FTA Countries	794.9	970.9	1,165.6	46.6%	20.1%
Advanced Economies	1,073.1	1,330.1	1,531.3	42.7%	15.1%
Emerging Markets and Developing Economies	1,266.5	1,501.0	1,715.2	35.4%	14.3%

Source: U.S. Department of Commerce, Census basis  
Advanced Economies and Emerging Markets as defined by the IMF

## B. U.S. Services Imports

U.S. services imports increased 23.7 percent (\$130.5 billion) to a record \$680.5 billion in 2022, and were up 24.1 percent (\$132.0 billion) since 2017 (*Table 3*). U.S. services imports accounted for 17.2 percent of U.S. goods and services imports in 2022.

U.S. services imports increased for all of the major services sectors in 2022 except for insurance, ranging between 0.6 percent (\$157 million) for government goods and services and 99.3 percent (\$56.5 billion) for travel services. Six sectors, transport (\$154.3 billion), financial services (\$53.5 billion), charges for the use of intellectual property (\$52.1 billion), telecommunication, computer, and information services (\$47.4 billion), other business services (\$138.3 billion), and personal, cultural, and recreational services (\$29.1 billion), reached record levels.

Over the last five years (2017 to 2022), U.S. services imports increased 24.1 percent (\$132.0 billion). Services imports increased for nine of the eleven sectors, with the largest import growth being personal, cultural, and recreational services (up 66.1 percent) (\$11.6 billion) and transport (up 59.9 percent) (\$57.8 billion). Services imports declined in two sectors, travel (down 3.9 percent) (\$4.6 billion) and construction (down 22.1 percent) (\$431 million).

The United Kingdom remained our largest supplier of services, accounting for 11.1 percent (\$61.1 billion) of total U.S. services imports in 2021 (latest available full year data). The next four largest suppliers of U.S. services imports in 2021 were: Germany (\$34.7 billion), Canada (\$33.1 billion), Japan (\$31.1 billion) and Bermuda (\$30.8 billion). Regionally, in 2021, the United States imported \$130.3 billion of services from the European Union (27), \$146.6 billion from the Asia/Pacific Rim region (\$94.1 billion, excluding Japan and China), \$86.6 billion from Latin America (excluding Mexico), and \$60.9 billion from Canada and Mexico (the United States–Mexico–Canada Agreement countries).

## IV. The U.S. Trade Balance

The total U.S. deficit in goods and services trade<sup>17</sup> increased 12.2 percent (\$103.0 billion) in 2022 to a record \$948.1 billion. While the U.S. deficit increased as a share of GDP, from 3.6 percent of GDP in 2021 to 3.7 percent of GDP in 2022, this was still substantially lower than its record high of 5.5 percent in 2006.

The U.S. deficit in goods trade alone increased 9.3 percent (\$101.5 billion) from \$1.1 trillion in 2021 (4.7 percent of GDP) to a record \$1.2 trillion in 2022 (4.7 percent of GDP), while the services trade surplus decreased 0.6 percent (\$1.6 billion), from \$245.2 billion in 2021 (1.1 percent of GDP) to \$243.7 billion in 2022 (1.0 percent of GDP). The services surplus in 2022 was the lowest since 2012 (\$215.2 billion).

<b>Table 5 - U.S. Trade Balances</b>						
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>U.S. Trade Balances as a share of GDP</b>						
<b>Goods and Services</b>	<b>-2.6%</b>	<b>-2.8%</b>	<b>-2.6%</b>	<b>-3.1%</b>	<b>-3.6%</b>	<b>-3.7%</b>
Goods	-4.1%	-4.3%	-4.0%	-4.3%	-4.7%	-4.7%
Services	1.5%	1.5%	1.4%	1.2%	1.1%	1.0%
<b>U.S. Trade Balances with the World (\$Billions)</b>						
<b>Goods and Services</b>	<b>-510.3</b>	<b>-578.6</b>	<b>-559.7</b>	<b>-654.0</b>	<b>-845.0</b>	<b>-948.1</b>
Goods	-799.3	-878.7	-857.3	-913.9	-1,090.3	-1,191.8
Services	289.0	300.2	297.6	259.9	245.2	243.7

Source: U.S. Department of Commerce

<sup>17</sup> On a balance of payments basis.

# **ANNEX II**



# U.S. TRADE-RELATED AGREEMENTS AND DECLARATIONS

## I. Agreements That Have Entered Into Force

Following is a list of trade agreements entered into by the United States since 1984 and monitored by the Office of the United States Trade Representative for compliance.

### Multilateral and Plurilateral Agreements

- Marrakesh Agreement Establishing the World Trade Organization (WTO) (signed April 15, 1994), the Ministerial Decisions and Declarations adopted by the Uruguay Round Trade Negotiations Committee on December 15, 1993, and subsequent WTO agreements.
  - a. Multilateral Agreements on Trade in Goods
    - i. General Agreement on Tariffs and Trade 1994
    - ii. Agreement on Agriculture
    - iii. Agreement on the Application of Sanitary and Phyto-sanitary Measures
    - iv. Agreement on Technical Barriers to Trade
    - v. Agreement on Trade-Related Investment Measures
    - vi. Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994
    - vii. Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994
    - viii. Agreement on Preshipment Inspection
    - ix. Agreement on Rules of Origin
    - x. Agreement on Import Licensing Procedures
    - xi. Agreement on Subsidies and Countervailing Measures
    - xii. Agreement on Safeguards
    - xiii. Agreement on Trade Facilitation (entered into force on February 22, 2017 for those Members that had accepted it by then (two-thirds of the WTO Members); thereafter to take effect for other Members upon acceptance)
  - b. General Agreement on Trade in Services (GATS)
    - i. Fourth Protocol to the GATS (Basic Telecommunication Services) (February 5, 1998)
    - ii. Fifth Protocol to the GATS (Financial Services) (March 1, 1999)
  - c. Agreement on Trade-Related Aspects of Intellectual Property Rights (amended in 2017)
  - d. Plurilateral Trade Agreements
    - i. Agreement on Trade in Civil Aircraft (April 12, 1979; amended in 1986)
    - ii. Agreement on Government Procurement (April 15, 1994; amended in 2014)



- WTO Ministerial Declaration on Trade in Information Technology Products (Information Technology Agreement (ITA)) (March 26, 1997)
- Declaration on the Expansion of Trade in Information Technology Products (July 28, 2015)
- International Tropical Timber Agreement (successor to the 1994 International Tropical Timber Agreement, December 7, 2011)
- Agreement between the United States of America, the United Mexican States, and Canada (July 1, 2020)
  - i. Decision No. 3 of the Free Trade Commission of the CUSMA, T-MEC, USMCA (“Agreement”) (Signed December 8, 2021, January 2, 2022, and January 24, 2022; retroactively effective July 1, 2020)
  - ii. Decision No. 2 of the Free Trade Commission of the CUSMA, T-MEC, USMCA (“Agreement”) (May 18, 2021)
  - iii. Decision No. 1 of the Free Trade Commission of the CUSMA, T-MEC, USMCA (“Agreement”) (Signed July 2, 2020; retroactively effective July 1, 2020)
- Agreement on Environmental Cooperation between the Governments of the United States of America, the United Mexican States, and Canada (July 1, 2020)
- Environment Cooperation and Customs Verification Agreement between the United States and Mexico (July 1, 2020)
- Statement Concerning Semiconductors by the European Commission and the Governments of the United States, Japan, and Korea (June 10, 1999)
- Agreement on Mutual Acceptance of Oenological Practices (December 18, 2001)
- The Dominican Republic–Central America–United States Free Trade Agreement (Costa Rica (January 1, 2009); the Dominican Republic (March 1, 2007); El Salvador (March 1, 2006); Guatemala (July 1, 2006); Honduras (April 1, 2006); and Nicaragua (April 1, 2006))
  - i. Amendment to the Dominican Republic–Central America–United States Free Trade Agreement relating to Article 22.5 (March 29, 2006)
  - ii. Amendment to the Dominican Republic–Central America–United States Free Trade Agreement relating to Textiles Matters (August 15, 2008)
  - iii. Amendment to the Dominican Republic–Central America–United States Free Trade Agreement relating to Guatemala Tariffs on Beer (February 4, 2009)
  - iv. Decision Regarding the Rules of Origin for Textile and Apparel Goods (Feb. 23, 2011)
  - v. Decision Regarding Appendix 4.1-B (Feb. 23, 2011)
  - vi. Decision Regarding Annex 9.1.2(b)(i) (Feb. 23, 2011)
  - vii. Decision Regarding Common Guidelines for the Interpretation, Application and Administration of Chapter Four (October 27, 2012)
  - viii. Decision Regarding the Specific Rules of Origin of Annex 4.1 (March 26, 2015)
  - ix. Decision Regarding the Special Rules of Origin of Appendix 3.3.6 (March 26, 2015)
  - x. Decision Regarding The Tariff Elimination for Lines 15071000, 15121100 and 15152100 of Annex 3.3 (Tariff Schedule of Costa Rica) (March 26, 2015)
  - xi. Decision Concerning the Tariff Elimination for Tariff Lines 0207 13 99B and 0207 14 99B (Tariff Schedule of Guatemala to Annex 3.3) (April 11, 2017)

- xii. Decision Regarding the Specific Rules of Origin of Annex 4.1 (July 7, 2017)
  - xiii. Decision Regarding The Determination Of The Chicken Tariff Rate Quota Volumes For Years 13 To 17 As Provided For In Appendix I Of The General Notes To The Tariff Schedule To Annex 3.3 Of El Salvador, Honduras And Nicaragua (September 17, 2017)
  - xiv. Exchange of Letters between the United States and Guatemala Regarding Tariff Elimination for Tariff Lines 0207 13 99B and 0207 14 99B (Tariff Schedule of Guatemala) (January 1, 2018)
  - xv. Exchange of Letters between the United States and Nicaragua Regarding Tariff Rate Quotas for Tariff Lines 0207139920, 0207149920 and 16023200A (Tariff Schedule of Nicaragua to Annex 3.3) (January 1, 2018)
  - xvi. Exchange of Letters between the United States and Honduras Regarding Tariff Rate Quotas for Tariff Lines 02071399B, 02071499B and 16023200A (Tariff Schedule of Honduras to Annex 3.3) (January 1, 2018)
  - xvii. Exchange of Letters between the United States and El Salvador Regarding Tariff Rate Quotas for Tariff Lines 02071399B, 02071499B and 16023200A (Tariff Schedule of El Salvador to Annex 3.3) (January 1, 2018)
  - xviii. Exchange of letters between the United States and Costa Rica regarding Costa Rica's conformity assessment procedures for new pneumatic tires (July 31, 2020)
- Agreement Establishing a Secretariat for Environmental Matters Under the Dominican Republic–Central America–United States Free Trade Agreement (August 25, 2006)
  - Agreement on Duty-Free Treatment of Multi-Chips Integrated Circuits (MCPs) (January 18, 2006) (Korea, Taiwan, Japan, European Union, and the United States)
  - Agreement on Requirements for Wine Labeling (January 23, 2007) (Australia, Argentina, Canada, Chile, New Zealand, and the United States)
  - Agreement Between the Governments of Australia, the People's Republic of China, the Republic of Korea, the Kingdom of Thailand, the United States of America, and the Socialist Republic of Viet Nam concerning the importation by Korea of rice (December 30, 2019)

## **Bilateral Agreements**

### **Albania**

- Agreement on Bilateral Trade Relations (May 14, 1992)
- Treaty Between the United States of America and the Government of the Republic of Albania Concerning the Encouragement and Reciprocal Protection of Investment (January 4, 1998)

### **Argentina**

- Private Courier Mail Agreement (May 25, 1989)
- Treaty Between the United States of America and the Argentine Republic Concerning the Reciprocal Encouragement and Protection of Investment (October 20, 1994)

### **Armenia**

- Agreement on Bilateral Trade Relations (April 7, 1992)
- Treaty Between the United States of America and the Republic of Armenia Concerning the Reciprocal Encouragement and Protection of Investment (March 29, 1996)

### **Australia**

- Settlement on Leather Products Trade (November 25, 1996)
- Understanding on Automotive Leather Subsidies (June 20, 2000)
- Agreement to Implement Phase I of the Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (October 19, 2002)
- United States–Australia Free Trade Agreement (January 1, 2005)

### **Azerbaijan**

- Agreement on Bilateral Trade Relations (April 21, 1995)
- Treaty Between the Government of the United States of America and the Government of the Republic of Azerbaijan Concerning the Encouragement and Reciprocal Protection of Investment (August 2, 2001)

### **Bahrain**

- Treaty Between the Government of the United States of America and the Government of the State of Bahrain Concerning the Encouragement and Reciprocal Protection of Investment (May 30, 2001)
- Agreement between the Government of the United States of America and the Government of the Kingdom of Bahrain on the Establishment of a Free Trade Area (August 1, 2006)

- Memorandum of Understanding Between the United States of America and the Kingdom of Bahrain on Trade in Food and Agricultural Products (March 30, 2018)

### **Bangladesh**

- Treaty Between the United States of America and the People's Republic of Bangladesh Concerning the Reciprocal Encouragement and Protection of Investment (July 25, 1989)

### **Belarus**

- Agreement on Bilateral Trade Relations (February 16, 1993)

### **Bolivia**

- Treaty Between the Government of the United States of America and the Government of the Republic of Bolivia Concerning the Encouragement and Reciprocal Protection of Investment (June 6, 2001) (Bolivia terminated the treaty in June 2012; investments established or acquired before the termination will continue to be protected under the treaty for 10 years following the date of termination.)
- Exchange of Letters between the United States and Bolivia Regarding Certain Distinctive Products (January 6, 2020)

### **Brazil**

- Memorandum of Understanding Between the Government of Brazil and the Government of the United States Concerning Trade Measures in the Automotive Sector (March 16, 1998)
- Agreement on Trade and Economic Cooperation Between the Government of the Federative Republic of Brazil and the Government of the United States of America (March 19, 2011)
- Exchange of Letters between the United States and Brazil Regarding Certain Distinctive Products (April 9, 2012)
- Memorandum of Understanding Between the Government of the United States and the Government of the Federative Republic of Brazil Related to the Cotton Dispute (WT/DS267) (October 1, 2014)
- Protocol to the Agreement on Trade and Economic Cooperation Between the Government of the United States of America and the Federative Republic of Brazil Relating to Trade Rules and Transparency (February 2, 2022)

### **Bulgaria**

- Agreement on Trade Relations (November 22, 1991)
- Treaty Between the United States of America and the Republic of Bulgaria Concerning the Encouragement and Reciprocal Protection of Investment (June 2, 1994; amended January 1, 2007)
- Agreement Concerning Intellectual Property Rights (July 6, 1994)

### **Cambodia**

- Agreement between the United States of America and the Kingdom of Cambodia on Trade Relations and Intellectual Property Rights Protection (October 8, 1996)

## **Cameroon**

- Treaty Between the United States of America and the Republic of Cameroon Concerning the Reciprocal Encouragement and Protection of Investment (April 6, 1989)

## **Canada**

- Agreement on Salmon & Herring (May 11, 1993)
- Agreement Regarding Tires (May 25, 1993)
- Memorandum of Understanding on Provincial Beer Marketing Practices (August 5, 1993)
- Agreement on Ultra-High Temperature Milk (September 1993)
- Agreement on Beer Market Access in Quebec and British Columbia Beer Antidumping Cases (April 4, 1994)
- Agreement on Salmon & Herring (April 1994)
- Agreement on Barley Tariff-Rate Quota (September 8, 1997)
- Record of Understanding on Agriculture (December 1998)
- Agreement on Magazines (Periodicals) (May 1999)
- Agreement on Implementation of the WTO Decision on Canada's Dairy Support Programs (December 1999)
- Agreement to Implement Phase I of the Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (January 17, 2002)
- Agreement to Implement Phase II of the Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (January 28, 2003)
- United States–Canada Understanding on Implementation of the Decision of the WTO General Council of August 30, 2003, on “Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health” as Interpreted by the Accompanying Statement of the Chairman of the General Council of the Same Date (July 16, 2004)
- Technical Arrangement between the United States and Canada concerning Trade in Potatoes (November 1, 2007)
- Agreement Between the Government of the United States and the Government of Canada on Government Procurement (February 16, 2010)
- United States–Canada Exchange of Letters on Milk Equivalence (February 4, 2016)
- United States–Canada Exchange of Letters on the Sale of Wine (November 30, 2018)
- United States–Canada Exchange of Letters on Trade in Automotive Goods (November 30, 2018)

- United States–Canada Exchange of Letters on Research and Development Expenditures (November 30, 2018)
- United States–Canada Exchange of Letters on Measures Taken Under Section 232 of the Trade Expansion Act of 1962 (November 30, 2018)
- United States–Canada Exchange of Letters on Energy (July 1, 2020)
- United States–Canada Exchange of Letters on Natural Water Resources (July 1, 2020)

### **Caribbean Community (CARICOM)**

- Trade and Investment Council Agreement (July 22, 1991)

### **Chile**

- United States–Chile Free Trade Agreement (January 1, 2004)
- United States–Chile Agreement on Accelerated Tariff Elimination (November 14, 2008)
- United States–Chile Agreement on Trade in Table Grapes (November 21, 2008)
- United States–Chile Agreement on Beef Grade Labeling (March 26, 2009)
- United States–Chile Exchange of Letters on Chapter 17 of United States-Chile Free Trade Agreement (March 17, 2011)
- United States–Chile Exchange of Letters on Salmonid Eggs (February 4, 2016)

### **China**

- Accord on Industrial and Technological Cooperation (January 12, 1984)
- Memorandum of Understanding on the Protection of Intellectual Property Rights (January 17, 1992)
- Memorandum of Understanding on Prohibiting Import and Export in Prison Labor Products (June 18, 1992)
- Memorandum of Understanding Concerning Market Access (October 10, 1992)
- Agreement on Trade Relations between the United States of America and the People’s Republic of China (February 1, 1980)
- Agreement on Providing Intellectual Property Rights Protection (February 26, 1995)
- Report on China’s Measures to Enforce Intellectual Property Protections and Other Measures (June 17, 1996)
- Interim Agreement on Market Access for Foreign Financial Information Companies (Xinhua) (October 24, 1997)
- Agreement on U.S.–China Agricultural Cooperation (April 10, 1999)
- Memorandum of Understanding between China and the United States Regarding China’s Value-Added Tax on Integrated Circuits (July 14, 2004)

- Memorandum of Understanding between the Governments of the United States of America and the People's Republic of China Concerning Trade in Textile and Apparel Products (November 8, 2005)
- Memorandum of Understanding between the United States of America and the People's Republic of China Regarding Certain Measures Granting Refunds, Reductions, or Exemptions from Taxes or Other Payments (November 29, 2007)
- Memorandum of Understanding between the United States of America and the People's Republic of China Regarding Certain Measures Affecting Foreign Suppliers of Financial Information Services (November 13, 2008)
- Memorandum of Understanding between the People's Republic of China and the United States of America Regarding Films for Theatrical Release (April 25, 2012)
- Economic and Trade Agreement between the Government of the United States of America and the Government of the People's Republic of China (February 14, 2020)

## **Colombia**

- Memorandum of Understanding on Trade in Bananas (January 9, 1996)
- Exchange of Letters between the United States and Colombia on Sanitary and Phyto-sanitary Measures and Technical Barriers to Trade Issues (February 27, 2006)
- Exchange of Letters between the United States and Colombia on Beef Sanitary and Phyto-sanitary Issues (August 21, 2006)
- Exchange of Letters between United States and Colombia on Control Measures on Avian Influenza (April 15, 2012)
- Exchange of Letters between United States and Colombia on Control Measures on Salmonella in Poultry and Poultry Products (April 15, 2012)
- Exchange of Letters between United States and Colombia on Phyto-sanitary Measures for Paddy Rice (April 15, 2012)
- Exchange of Letters between United States and Colombia related to Constitutional Court Review of Certain IPR Treaties (April 15, 2012)
- United States–Colombia Trade Promotion Agreement (May 15, 2012)
  - i. Decision of the Free Trade Commission of the United States–Colombia Trade Promotion Agreement Regarding Clarification of the Definition of Poultry in the Context of Appendix I, Paragraph 6, of Colombia's Tariff Schedule (September 25, 2012)
  - ii. Decision No. 2 of Free Trade Commission of the United States–Colombia Trade Promotion Agreement by which ECOPETROL Qualifies as a Special Covered Entity Under Section D of Annex 9.1 (November 19, 2012)
  - iii. Decision No. 3 of the Free Trade Commission of the United States–Colombia Trade Promotion Agreement; Decision on Tariff-Rate Quotas Covering Yellow Corn (November 2017)

- iv. Decision No. 4 of the Free Trade Commission of the United States – Colombia Trade Promotion Agreement; Decision on Tariff-Rate Quotas Covering Variety Meats (December 2017)
  - v. Decision No. 5 of the Free Trade Commission of the United States – Colombia Trade Promotion Agreement; Decision to Establish the Remuneration of Panelists, Assistants, and Experts, and the Payment of Expenses in Dispute Settlement Proceedings Under Chapter Twenty-One (Dispute Settlement) (July 2018)
  - vi. Decision No. 6 of the Free Trade Commission of the United States – Colombia Trade Promotion Agreement; Decision Establishing the Model Rules of Procedure (July 2018)
  - vii. Decision No. 7 of the Free Trade Commission of the United States – Colombia Trade Promotion Agreement; Decision Establishing a Code of Conduct (July 2018)
  - viii. Decision No. 8 of the Free Trade Commission of the United States – Colombia Trade Promotion Agreement; Decision to Modify Annex 3-A, Annex 3-B, Annex 3-C, and Annex 4.1 (February 2020)
- Exchange of Letters between the United States and Colombia Establishing the Committee of Sanitary and Phyto-Sanitary (SPS) and SPS Committee Terms of Reference (June 14, 2012)
  - Exchange of Letters between the United States and Colombia Rescinding the 2012 SPS Letter Exchange on Paddy Rice (August 2017)
  - Exchange of Letters between the United States and Colombia Regarding Chapter 16 of the United States – Colombia Trade Promotion Agreement and Truck Scrappage Program (April 2018)
  - Agreement Establishing a Secretariat for Environmental Matters (April 2019)
  - Exchange of Letters Regarding Preferential Treatment for U.S. Corn (July 15, 2021)

#### **Congo, Democratic Republic of the (formerly Zaire)**

- Treaty Between the United States of America and the Republic of Zaire Concerning the Reciprocal Encouragement and Protection of Investment (July 28, 1989)

#### **Congo, Republic of the**

- Treaty Between the Government of the United States of America and the Government of the People's Republic of the Congo Concerning the Reciprocal Encouragement and Protection of Investment (August 13, 1994)

#### **Costa Rica**

- Memorandum of Understanding on Trade in Bananas (January 9, 1996)
- Exchange of Letters on Trade in Textile and Apparel Goods (May 31, 2007)

#### **Croatia**

- Memorandum of Understanding on Intellectual Property Rights (May 26, 1998)



- Treaty Between the Government of the United States of America and the Government of the Republic of Croatia Concerning the Encouragement and Reciprocal Protection of Investment (June 20, 2001)

### **Czech Republic**

- Treaty Between the United States of America and the Czech and Slovak Federal Republic Concerning the Reciprocal Encouragement and Protection of Investment (December 19, 1992; amended May 1, 2004)

### **Dominican Republic**

- Exchange of Letters on Trade in Textile and Apparel Goods (October 21, 2006)

### **Ecuador**

- Trade and Investment Council Agreement (July 23, 1990)
- Agreement on Intellectual Property Rights Protection (October 15, 1993) (Ecuador notified the United States on January 19, 2017 of its intent to withdraw from this treaty).
- Treaty Between the United States of America and the Republic of Ecuador Concerning the Encouragement and Reciprocal Protection of Investment (May 11, 1997) (Ecuador had notified the United States that it would terminate the treaty effective May 18, 2018; investments established or acquired before the termination will continue to be protected under the treaty for 10 years following the date of termination).
- Protocol to the Trade and Investment Council Agreement Between the Government of the United States and the Government of the Republic of Ecuador Relating to Trade Rules and Transparency (December 8, 2020)

### **Egypt**

- Treaty Between the United States of America and the Arab Republic of Egypt Concerning the Reciprocal Encouragement and Protection of Investments (June 27, 1992)

### **El Salvador**

- Exchange of Letters on Trade in Textile and Apparel Goods (January 27, 2006)

### **Estonia**

- Treaty Between the Government of the United States of America and the Government of the Republic of Estonia Concerning the Encouragement and Reciprocal Protection of Investment (February 16, 1997; amended May 1, 2004)

### **European Economic Area – European Free Trade Association (EEA EFTA States – Norway, Iceland, and Liechtenstein)**

- Agreement on Mutual Recognition between the United States of America and the EEA EFTA States Regarding Telecommunications Equipment, Electromagnetic Compatibility and Recreational Craft (March 1, 2006)

- Agreement between the United States of America and the EEA EFTA States on the Mutual Recognition of Certificates of Conformity for Marine Equipment (March 1, 2006)

## **European Union**

- Wine Accord (July 1983)
- Agreement for the Conclusion of Negotiations between the United States and the European Community under GATT Article XXIV:6 (January 30, 1987)
- Agreement on Exports of Pasta with Settlement, Annex and Related Letter (September 15, 1987)
- Agreement on Canned Fruit (updated) (April 14, 1992)
- Agreement on Meat Inspection Standards (November 13, 1992)
- Corn Gluten Feed Exchange of Letters (December 4 and 8, 1992)
- Malt-Barley Sprouts Exchange of Letters (December 4 and 8, 1992)
- Oilseeds Agreement (December 4 and 8, 1992)
- Agreement on Recognition of Bourbon Whiskey and Tennessee Whiskey as Distinctive U.S. Products (March 28, 1994)
- Memorandum of Understanding on Government Procurement (April 15, 1994)
- Letter on Financial Services Confirming Assurances to Provide Full MFN and National Treatment (July 14, 1995)
- Agreement on EU Grains Margin of Preference (signed July 22, 1996; retroactively effective December 30, 1995)
- Exchange of Letters Concerning Implementation of the Marrakesh Agreement Establishing the World Trade Organization and Related Matters (June 26, 1996)
- Exchange of Letters between the United States of America and the European Community on a Settlement for Cereals and Rice, and Accompanying Exchange of Letters on Rice Prices (July 22, 1996)
- Agreement for the Conclusion of Negotiations between the United States of America and the European Community under GATT Article XXIV:6, and Accompanying Exchange of Letters (signed July 22, 1996; retroactively effective December 30, 1995)
- Tariff Initiative on Distilled Spirits (February 28, 1997)
- Agreement on Global Electronic Commerce (December 9, 1997)
- Agreed Minute on Humane Trapping Standards (December 18, 1997)
- Agreement on Mutual Recognition between the United States of America and the European Community (December 1, 1998) and United States – European Union Amended Sectoral Annex for Pharmaceutical Good Manufacturing Practices (March 1, 2017)

- Agreement between the United States and the European Community on Sanitary Measures to Protect Public and Animal Health in Trade in Live Animals and Animal Products (July 20, 1999)
- Understanding on Bananas (April 11, 2001)
- Agreement between the United States of America and the European Community on the Mutual Recognition of Certificates of Conformity for Marine Equipment (July 1, 2004)
- Agreement in the Form of an Exchange of Letters between the United States and the European Community Relating to the Method of Calculation of Applied Duties for Husked Rice (June 30, 2005; retroactively effective March 1, 2005)
- Agreement between the United States and European Community on Trade in Wine (March 10, 2006)
- Agreement in the Form of an Exchange of Letters between the United States and the European Union pursuant to Article XXIV:6 and Article XXVIII of the GATT 1994 Relating to the Modification of Concessions in the Schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the Course of their Accession to the European Union (March 22, 2006)
- Joint Letter from the United States and the European Communities on implementation of GATS Article XXI procedures relating to the accession to the European Communities of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, the Slovak Republic, Finland, and Sweden (August 7, 2006)
- Memorandum of Understanding Between the United States and European Commission Regarding the Importation of Beef from Animals Not Treated with Certain Growth-Promoting Hormones and Increased Duties Applied to Certain Products of the European Communities (May 13, 2009)
- Agreement on Trade in Bananas Between the United States of America and the European Union (January 24, 2013)
- Agreement in the Form of an Exchange of Letters Between the United States of America and the European Union Pursuant to Articles XXIV:6 and XXVIII of the GATT 1994 (July 1, 2013)
- Bilateral Agreement Between the European Union and the United States of America on Prudential Measures Regarding Insurance and Reinsurance (April 4, 2018)
- Agreement Related to the Revised Memorandum of Understanding between the United States of America and the European Commission in Connection with the *EC – Hormones* Dispute (December 14, 2019)
- Agreement between the United States of America and the European Union regarding tariffs on certain products (November 20, 2020)

## **Georgia**

- Agreement on Bilateral Trade Relations (August 13, 1993)
- Treaty Between the Government of the United States of America and the Government of the Republic of Georgia Concerning the Encouragement and Reciprocal Protection of Investment (August 17, 1997)

## **Grenada**

- Treaty Between the United States of America and Grenada Concerning the Reciprocal Encouragement and Protection of Investment (March 3, 1989)

## **Guatemala**

- Exchange of Letters on Trade in Textile and Apparel Goods (June 23, 2006)

## **Haiti**

- Exchange of Letters on Trade in Textile and Apparel Goods (September 18, 2008)

## **Hong Kong**

- Agreement to Implement Phase I and Phase II of the Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (April 4, 2005)
- Memorandum of Understanding between the United States of America and the Hong Kong Special Administrative Region Concerning Cooperation in Trade in Textile and Apparel Goods (August 1, 2005)

## **Honduras**

- Memorandum of Understanding on Worker Rights (November 15, 1995)
- Treaty Between the Government of the United States of America and the Government of the Republic of Honduras Concerning the Encouragement and Reciprocal Protection of Investment (July 11, 2001)
- Exchange of Letters on Trade in Textile and Apparel Goods (March 7, 2006)

## **Hungary**

- Agreement on Trade Relations (July 7, 1978)
- Agreement on Intellectual Property Rights Protection (September 29, 1993)

## **India**

- Agreement Regarding Indian Import Policy for Motion Pictures (February 5, 1992)
- Reduction of Tariffs on In-Shell Almonds (May 27, 1992)
- Agreement on Intellectual Property Rights Protections (March 1993)
- Agreement on Import Restrictions (December 28, 1999)
- Agreement on Textile Tariff Bindings (September 15, 2000)

## **Indonesia**

- Conditions for Market Access for Films and Videos into Indonesia (April 19, 1992)

- Memorandum of Understanding with Indonesia Concerning Cooperation in Trade in Textile and Apparel Goods (September 26, 2006)

### **Israel**

- Agreement on the Establishment of a Free Trade Area between the Government of Israel and the Government of the United States of America (August 19, 1985)
- United States–Israel Agreement Concerning Certain Aspects of Trade in Agricultural Products (July 27, 2004; extended by Exchange of Letters (This agreement has been extended on a yearly basis since December 2008, with the last extension on December 8, 2022)
- Mutual Recognition Agreement between the Government of the United States of America and the Government of the State of Israel for Conformity Assessment of Telecommunications Equipment (December 12, 2013)

### **Jamaica**

- Agreement on Intellectual Property (February 1994)
- Treaty Between the United States of America and Jamaica Concerning the Reciprocal Encouragement and Protection of Investment (March 7, 1997)

### **Japan**

- Market-Oriented Sector-Selective (MOSS) Agreement on Medical Equipment and Pharmaceuticals (January 9, 1986)
- Exchange of Letters Regarding Tobacco (October 6, 1986)
- Foreign Lawyers Agreement (February 27, 1987)
- Science and Technology Agreement (June 20, 1988; extended June 16, 1993)
- Exchange of Letters on Procedures to Introduce Supercomputers (August 7, 1987)
- Measures Relating to Wood Products (June 15, 1990)
- Policies and Procedures Regarding Satellite Research and Development/Procurement (June 15, 1990)
- Policies and Procedures Regarding International Value-Added Network Services and Network Channel Terminating Equipment (July 31, 1990)
- Joint Announcement on Amorphous Metals (September 21, 1990)
- Measures Further to 1990 Policies and Procedures regarding International Value-Added Network Services (April 27, 1991)
- Measures Regarding International Value-Added Network Services Investigation Mechanisms (June 25, 1991)
- United States–Japan Major Projects Arrangement (July 31, 1991; originally negotiated 1988)

- Measures Related to Japanese Public Sector Procurement of Computer Products and Services (January 22, 1992)
- United States–Japan Framework for a New Economic Partnership (July 10, 1993)
- Exchange of Letters Regarding Apples (September 13, 1993)
- United States–Japan Public Works Agreement (January 18, 1994)
- Mutual Understanding on Intellectual Property Rights between the Japanese Patent Office and the U.S. Patent and Trademark Office (January 20, 1994)
- Rice (April 15, 1994)
- Harmonized Chemical Tariffs (April 15, 1994)
- Copper (April 15, 1994)
- Market Access (April 15, 1994)
- Actions to be Taken by the Japanese Patent Office and the U.S. Patents and Trademark Office pursuant to the January 20, 1994, Mutual Understanding on Intellectual Property Rights (August 16, 1994)
- Measures by the Government of the United States and the Government of Japan Regarding Insurance (October 11, 1994)
- Measures on Japanese Public Sector Procurement of Telecommunications Products and Services (November 1, 1994)
- Measures Related to Japanese Public Sector Procurement of Medical Technology Products and Services (November 1, 1994)
- Measures Regarding Financial Services (February 13, 1995)
- Policies and Measures Regarding Inward Direct Investment and Buyer-Supplier Relationships (June 20, 1995)
- Exchange of Letters on Financial Services (July 26 and 27, 1995)
- Interim Understanding for the Continuation of Japan–United States Insurance Talks (September 30, 1996)
- United States–Japan Insurance Agreement (December 24, 1996)
- Japan’s Recognition of United States-Grade marked Lumber (January 13, 1997)
- Resolution of WTO dispute with Japan on Sound Recordings (January 13, 1997)
- National Policy Agency Procurement of VHF Radio Communications System (March 31, 1997)
- United States–Japan Enhanced Initiative on Deregulation and Competition Policy (June 19, 1997)
- United States–Japan Agreement on Distilled Spirits (December 17, 1997)
- First Joint Status Report on Deregulation and Competition Policy (May 29, 1998)

- United States–Japan Joint Report on Investment (April 28, 1999)
- Second Joint Status Report on Deregulation and Competition Policy (May 3, 1999)
- United States–Japan Agreement on NTT Procurement Procedures (July 1, 1999)
- Third Joint Status Report on Deregulation and Competition Policy (July 19, 2000)
- Fourth Joint Status Report on Deregulation and Competition Policy (June 30, 2001)
- United States–Japan Economic Partnership for Growth (June 30, 2001)
- First Report to the Leaders on the United States–Japan Regulatory Reform and Competition Policy Initiative (June 25, 2002)
- Second Report to the Leaders on the United States–Japan Regulatory Reform and Competition Policy Initiative (May 23, 2003)
- Third Report to the Leaders on the United States–Japan Regulatory Reform and Competition Policy Initiative (June 8, 2004)
- Fourth Report to the Leaders on the United States–Japan Regulatory Reform and Competition Policy Initiative (November 2, 2005)
- Fifth Report to the Leaders on the United States–Japan Regulatory Reform and Competition Policy Initiative (June 29, 2006)
- Sixth Report to the Leaders on the United States–Japan Regulatory Reform and Competition Policy Initiative (June 6, 2007)
- Agreement on Mutual Recognition of Results of Conformity Assessment Procedures between the United States of America and Japan (United States–Japan Telecom MRA) (January 1, 2008)
- Seventh Report to the Leaders on the United States–Japan Regulatory Reform and Competition Policy Initiative (July 5, 2008)
- Eighth Report to the Leaders on the United States–Japan Regulatory Reform and Competition Policy Initiative (July 6, 2009)
- Memorandum Between the Relevant Authorities of the United States and the Ministry of Health, Labour and Welfare of Japan Concerning Enforcement of Japan’s Pesticide Maximum Residue Levels (July 28, 2009)
- Record of Discussion, United States–Japan Economic Harmonization Initiative (January 27, 2012)
- United States–Japan Exchange of Letters on certain distilled spirits and wine (February 4, 2016)
- United States–Japan Exchange of Letters on copyright term (April 13, 2018)
- Trade Agreement between the United States of America and Japan (January 1, 2020)
- United States–Japan Exchange of Letters regarding alcoholic beverages (January 1, 2020)
- United States–Japan Exchange of Letters regarding beef (January 1, 2020)

- United States–Japan Exchange of Letters regarding rice (January 1, 2020)
- United States–Japan Exchange of Letters regarding agricultural safeguard measures (January 1, 2020)
- United States–Japan Exchange of Letters regarding skimmed milk powder (January 1, 2020)
- United States–Japan Exchange of Letters regarding whey (January 1, 2020)
- Agreement between the United States of America and Japan concerning Digital Trade (January 1, 2020)
- United States–Japan Exchange of Letters regarding Interactive Computer Services (January 1, 2020)
- Protocol Amending the Trade Agreement between the United States of America and Japan (January 1, 2023)

### **Jordan**

- Agreement between the United States and Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area (December 17, 2001)
- Treaty Between the Government of the United States of America and the Hashemite Kingdom of Jordan Concerning the Encouragement and Reciprocal Protection of Investment (June 12, 2003)

### **Kazakhstan**

- Agreement on Bilateral Trade Relations (February 18, 1993)
- Treaty Between the United States of America and the Republic of Kazakhstan Concerning the Reciprocal Encouragement and Protection of Investment (January 12, 1994)

### **Korea**

- Record of Understanding on Intellectual Property Rights (August 28, 1986)
- Agreement on Access of U.S. Firms to Korea's Insurance Markets (August 28, 1986)
- Record of Understanding Concerning Market Access for Cigarettes (May 27, 1988; amended October 16, 1989)
- Agreement Concerning the Korean Capital Market Promotion Law (September 1, 1988)
- Agreement on the Importation and Distribution of Foreign Motion Pictures (December 30, 1988)
- Agreement on Market Access for Wine and Wine Products (January 18, 1989)
- Investment Agreement (May 19, 1989)
- Agreement on Liberalization of Agricultural Imports (May 25, 1989)
- Record of Understanding on Telecommunications (January 23, 1990)
- Record of Understanding on Telecommunications (February 15, 1990)



- Exchange of Letters Regarding the 1986 Intellectual Property Rights Agreement: Product Pipeline Protection (February 22, 1990)
- Record of Understanding on Beef (March 21, 1990)
- Exchange of Letters on Beef (April 26 and 27, 1990)
- Agreement on Wine Access (December 19, 1990)
- Record of Understanding on Telecommunications (February 7, 1991)
- Agreement on International Value-Added Services (June 20, 1991)
- Understanding on Telecommunications (February 17, 1992)
- Exchange of Letters Relating to Korea Telecom Company's Procurement of AT&T Switches (March 31, 1993)
- Beef Agreements (June 26, 1993; December 29, 1993)
- Record of Understanding on Agricultural Market Access in the Uruguay Round (December 13, 1993)
- Exchange of Letters on Telecommunications Issues Relating to Equipment Authorization and Korea Telecom Company's Procurement (March 29, 1995)
- Agreement on Steel (July 14, 1995)
- Shelf-Life Agreement (July 20, 1995)
- Revised Cigarette Agreement (August 25, 1995)
- Memorandum of Understanding to Increase Market Access for Foreign Passenger Vehicles in Korea (September 28, 1995)
- Exchange of Letters on Implementation of the 1992 Telecommunications Agreement (April 12, 1996)
- Korean Commitments on Trade in Telecommunications Goods and Services (July 23, 1997)
- Agreement on Korean Motor Vehicle Market (October 20, 1998)
- Exchange of Letters Regarding Tobacco Sector Related Issues (June 14, 2001)
- Exchange of Letters on Data Protection (March 12, 2002)
- Record of Understanding between the Governments of the United States and the Republic of Korea Regarding the Extension of Special Treatment for Rice (February 2005)
- Agreement to Implement Phase I of the Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (May 10, 2005)
- Agreed Minutes on Fuel Economy and Greenhouse Gas Emissions Regulations (February 10, 2011)
- Agreed Minutes on Visa Validity Period (February 10, 2011)

- Exchange of Letters between the United States and Korea related to the United States-Korea Free Trade Agreement (February 10, 2011)
- United States–Korea Free Trade Agreement (March 15, 2012)
- Agreed Minutes on Korea Certification Mark and Korea’s Motor Vehicle Fuel Economy and Greenhouse Gas Emissions Regulations (September 24, 2018)
- Interpretation by the Joint Committee of the Free Trade Agreement between the United States of America and the Republic of Korea Regarding the June 30, 2007 Exchange of Letters (September 24, 2018)
- Exchange of Letters between the United States and Korea Regarding Entry Into Force of the Protocol between the Government of the United States of America and the Government of the Republic of Korea Amending the Free Trade Agreement between the United States of America and the Republic of Korea (September 24, 2018)
- Exchange of Letters between the United States and Korea Regarding the Confirmation of Customs Principles and the Establishment of the Rules of Origin Verification Working Group under the Free Trade Agreement between the United States of America and the Republic of Korea (September 24, 2018)
- Exchange of Letters between the United States and Korea Regarding Amendments to Korea’s Premium Pricing Policy for Global Innovative New Drugs (September 24, 2018)
- Exchange of Letters between the United States and Korea Regarding Korea’s Request to Modify the Rules of Origin under the Free Trade Agreement between the United States of America and the Republic of Korea (September 24, 2018)
- Protocol between the Government of the United States of America and the Government of the Republic of Korea Amending the February 10, 2011 Exchange of Letters (January 1, 2019)
- Protocol between the Government of the United States of America and the Government of the Republic of Korea Amending the Free Trade Agreement between the United States of America and the Republic of Korea (January 1, 2019)
- Exchange of Letters concerning Korea’s World Trade Organization tariff-rate quota for rice and the country-specific quota for the United States established within that tariff-rate quota (December 30, 2019).

### **Kyrgyzstan**

- Agreement on Bilateral Trade Relations (May 8, 1992)
- Treaty Between the United States of America and the Republic of Kyrgyzstan Concerning the Encouragement and Reciprocal Protection of Investment (January 12, 1994)

### **Latvia**

- Agreement on Bilateral Trade Relations (August 21, 1992)

- Treaty Between the Government of the United States of America and the Government of the Republic of Latvia Concerning the Encouragement and Reciprocal Protection of Investment (November 26, 1996; amended May 1, 2004)
- Agreement on Trade & Intellectual Property Rights Protection (January 20, 1995)

### **Lithuania**

- Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania Concerning the Encouragement and Reciprocal Protection of Investment (November 22, 2001; amended May 1, 2004)

### **Laos**

- Bilateral Trade Agreement (February 4, 2005)

### **Macao**

- Memorandum of Understanding with Macao Concerning Cooperation in Trade in Textile and Apparel Goods (August 8, 2005)

### **Marshall Islands**

- Compact of Free Association Agreement Between the United States of America and the Marshall Islands (June 25, 1983)

### **Mexico**

- Agreement with Mexico on Tire Certification (March 8, 1996)
- Memorandum of Understanding between the United States and Mexico Regarding Areas of Food and Agriculture Trade (April 4, 2002)
- United States–Mexico Exchange of Letters Regarding Mexico’s NAFTA Safeguard on Certain Poultry Products (July 24-25, 2003)
- Understanding Regarding the Implementation of the WTO Decision on Mexico’s Telecommunications Services (June 1, 2004)
- Agreement between the U.S. Trade Representative and Secretaria de Economia of the United Mexican State on Trade in Tequila (January 17, 2006)
- Agreement between the U.S. Trade Representative and Secretaria de Economia of the United Mexican State on Trade in Cement (April 3, 2006)
- United States–Mexico Exchange of Letters Regarding Trade in Sweetener Goods (July 27, 2006)
- Bilateral Agreement on Customs Cooperation regarding Claims of Origin Under FTA Cumulation Provisions (January 26, 2007)
- Customs Cooperation Agreement with Mexico relating to Textiles Matters (August 15, 2008)
- Mutual Recognition Agreement between the Government of the United States of America and the Government of the United Mexican States for Conformity Assessment of Telecommunications Equipment (June 10, 2011)

- United States–Mexico Exchange of Letters on Measures Taken Under Section 232 of the Trade Expansion Act of 1962 (November 30, 2018)
- United States–Mexico Exchange of Letters on Trade in Automotive Goods (November 30, 2018)
- United States–Mexico Exchange of Letters on Dispute Settlement Regarding Trade in Automotive Goods Exchange (November 30, 2018)
- United States–Mexico Exchange of Letters on the Ramsar Convention (December 10, 2019)
- United States–Mexico Exchange of Letters on Safety Standards in the Automotive Sector (July 1, 2020)
- United States–Mexico Exchange of Letters on Prior Users (July 1, 2020)
- United States–Mexico Exchange of Letters on Distilled Spirits (July 1, 2020)
- United States–Mexico Exchange of Letters on Cheeses (July 1, 2020)

### **Micronesia**

- Compact of Free Association with the Federated States of Micronesia (November 3, 1986)

### **Moldova**

- Agreement on Bilateral Trade Relations (July 2, 1992)
- Treaty Between the United States of America and the Republic of Moldova Concerning the Encouragement and Reciprocal Protection of Investment (November 25, 1994)

### **Mongolia**

- Agreement on Bilateral Trade Relations (January 23, 1991)
- Treaty Between the United States of America and Mongolia Concerning the Encouragement and Reciprocal Protection of Investment (January 1, 1997)
- Agreement on Transparency in Matters Related to International Trade and Investment between the United States of America and Mongolia (March 20, 2017)

### **Morocco**

- Treaty Between the United States of America and the Kingdom of Morocco Concerning the Encouragement and Reciprocal Protection of Investments (May 29, 1991)
- United States–Morocco Free Trade Agreement (January 1, 2006)
- Agreement between the Government of the United States of America and the Government of the Kingdom of Morocco Concerning Customs Administration and Trade Facilitation (November 21, 2013)

### **Mozambique**

- Treaty Between the Government of the United States of America and the Government of Mozambique Concerning the Encouragement and Reciprocal Protection of Investment (March 2, 2005)

## **Nicaragua**

- Bilateral Intellectual Property Rights Agreement with Nicaragua (December 22, 1997)
- Exchange of Letters on Trade in Textile and Apparel Goods (March 24, 2006)

## **Norway**

- Agreement on Procurement of Toll Equipment (April 26, 1990)

## **Oman**

- Agreement between the Government of the United States of America and the Government of the Sultanate of Oman on the Establishment of a Free Trade Area (January 1, 2009)

## **Palau**

- Compact of Free Association with the Republic of Palau (October 1, 1994)

## **Panama**

- Treaty Between the United States of America and the Republic of Panama Concerning the Treatment and Protection of Investments (May 30, 1991)
- Agreement on Bilateral Trade Relations (1994)
- Agreement on Cooperation in Agricultural Trade (December 20, 2006)
- Agreement regarding Certain Sanitary and Phyto-sanitary Measures and Technical Standards Affecting Agricultural Products (December 20, 2006)
- Exchange of Letters Regarding Autos (June 28, 2007)
- Confirmation Letter Regarding Ship Repairs (June 28, 2007)
- Confirmation Letter Regarding Panama Joining the ITA (June 28, 2007)
- Exchange of Letters Regarding Free Trade Zones (June 28, 2007)
- Exchange of Letters Regarding Article 9.15 (June 28, 2007)
- Exchange of Letters Regarding Investment in Specified Sectors (June 28, 2007)
- Exchange of Letters Regarding Retail Sales (June 28, 2007)
- Exchange of Letters Regarding Cross Border Financial Service (June 28, 2007)
- Exchange of Letters Regarding Insurance (June 28, 2007)
- Exchange of Letters Regarding Pensions (June 28, 2007)
- Exchange of Letters Regarding Traditional Knowledge (June 28, 2007)
- Exchange of Letters Regarding Taxation (June 28, 2007)
- United States–Panama Trade Promotion Agreement (October 31, 2012)

- i. Decision of the Free Trade Commission Regarding Article 3.20 and Article 6.3 (March 19, 2013)
  - ii. Decision No. 2 of the Free Trade Commission Establishing a Code of Conduct (May 28, 2014)
  - iii. Decision No. 3 of the Free Trade Commission to Establish the Remuneration of Panelists, Assistants, and Experts, and the Payment of Expenses in Dispute Settlement Proceedings under Chapter 20 (Dispute Settlement) (May 28, 2014)
  - iv. Decision No. 4 of the Free Trade Commission Establishing Model Rules of Procedure (May 28, 2014)
  - v. Decision No. 5 of the Free Trade Commission to Amend Annex 4.1 (December 6, 2016)
- Exchange of Letters Regarding Multiple Services Businesses (October 31, 2012)
  - Exchange of Letters Regarding Beef and Beef Product Imports (March 27, 2013)
  - Exchange of Letters on Free Trade Zones (October 2, 2013)
  - Exchange of Letters Regarding Pet Food Containing Animal Origin Ingredients Imports (June 24, 2014)
  - Agreement Establishing a Secretariat for Environmental Enforcement Matters Under the United States – Panama Trade Promotion Agreement (December 21, 2015)

## **Peru**

- Memorandum of Understanding on Intellectual Property Rights (May 23, 1997)
- Exchange of Letters on Sanitary and Phyto-sanitary Measures and Technical Barriers to Trade Issues (January 5, 2006)
- Additional Letter Exchange on Sanitary and Phyto-sanitary Measures and Technical Barriers to Trade Issues (April 10, 2006)
- United States–Peru Trade Promotion Agreement (February 1, 2009)
- Understanding for Implementing Article 18.8 of the United States–Peru Trade Promotion Agreement (March 20, 2016)
- Memorandum of Understanding (MOU) between the Government of the United States of America, the Government of the Republic of Peru, and the General Secretariat of the Organization of American States regarding a Secretariat for Submissions on Environmental Enforcement Matters under the United States–Peru Trade Promotion Agreement (March 23, 2016)

## **Philippines**

- Protection and Enforcement of Intellectual Property Rights (April 6, 1993)
- Agreement regarding Pork and Poultry Meat (February 13, 1998)
- Memorandum of Understanding with the Philippines Concerning Cooperation in Trade in Textile and Apparel Goods (August 23, 2006)
- Exchange of Letters on Special Treatment for Rice and Related Agricultural Concessions (June 5, 2014)

## **Poland**

- Treaty Between the United States of America and the Republic of Poland Concerning Business and Economic Relations (August 6, 1994; amended May 1, 2004)

## **Romania**

- Agreement on Bilateral Trade Relations (April 3, 1992)
- Treaty Between the Government of the United States of America and the Government of Romania Concerning the Reciprocal Encouragement and Protection of Investment (January 15, 1994; amended January 1, 2007)

## **Russia**

- Trade Agreement Concerning Most Favored Nation and Nondiscriminatory Treatment (June 17, 1992)
- Joint Memorandum of Understanding on Market Access for Aircraft (January 30, 1996)
- Agreed Minutes regarding exports of poultry products from the United States to Russia (March 15, March 25, and March 29, 1996)
- Agreement on Russian Firearms & Ammunition (April 3, 1996; amended 2003)
- Protocol of the Negotiations between the Experts of Russia and the United States of America on the Issue of U.S. Poultry Meat Imports into the Russian Federation (March 31, 2002)
- Agreement between the Government of the United States of America and the Government of the Russian Federation on Trade in Certain Types of Poultry, Beef and Pork (June 15, 2005; amended December 29, 2008)
- Agreement between the Government of the United States of America and the Government of the Russian Federation on Protection and Enforcement of Intellectual Property Rights (November 19, 2006)
- Agreement between the Government of the United States of America and the Government of the Russian Federation on Market Access for Beef and Beef By-Products (November 19, 2006)
- Agreement between the Government of the United States of America and the Government of the Russian Federation on Importation of Pork and Pork By-Products into the Russian Federation (November 19, 2006)
- Agreement between the Government of the United States of America and the Government of the Russian Federation on Inspection of Facilities for Exporting Pork and Poultry to the Russian Federation (November 19, 2006)
- Agreement between the Government of the United States of America and the Government of the Russian Federation on Agricultural Biotechnology (November 19, 2006)
- Agreement between the Government of the United States of America and the Government of the Russian Federation on Establishment of Import licensing Procedures for Imports of Goods Containing Encryption Technology (November 19, 2006)

- Exchange of Letters between the Government of the United States of America and the Government of the Russian Federation on Tariff Treatment of Certain Aircraft Imported Under Operational Lease (November 19, 2006)
- Exchange of Letters between the Ministry of Economic Development and Trade of the Russian Federation and the Office of the United States Trade Representative on Tariff Treatment of Certain Combine Harvester-Threshers and Self-Propelled Forage Harvesters (November 19, 2006)
- Letter on Market Access between the United States and the Russian Federation for Service Suppliers in Certain Energy Related Sectors (November 19, 2006)
- Letter on Market Access between the United States and the Russian Federation for Certain Insurance Firms (November 19, 2006)
- Bilateral Agreement on Verification of Pathogen Reduction Treatments and Resumption of Trade in Poultry (July 14, 2010)
- Bilateral Agreement on Pre-Notification Requirements Applied to Certain Imports of Meat Products from the United States (applied provisionally as of December 14, 2011)
- Agreement between the Government of the United States of America and the Government of the Russian Federation on Trade in Parts and Components of Motor Vehicles between the United States of America and the Russian Federation (July 12, 2013)

#### **Rwanda**

- Treaty Between the Government of the United States and the Government of the Republic of Rwanda Concerning the Encouragement and Reciprocal Protection of Investment (January 1, 2012)

#### **Senegal**

- Treaty Between the United States of America and the Republic of Senegal Concerning the Reciprocal Encouragement and Protection of Investment (October 25, 1990)

#### **Singapore**

- Agreement on Intellectual Property Rights Protection (April 27, 1987)
- Agreement to Implement Phase I and Phase II of the Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (October 8, 2003)
- United States–Singapore Free Trade Agreement (January 1, 2004)

#### **Slovakia**

- Treaty Between the United States of America and the Czech and Slovak Federal Republic Concerning the Reciprocal Encouragement and Protection of Investment (December 19, 1992; amended May 1, 2004)

#### **Sri Lanka**

- Agreement on the Protection and Enforcement of Intellectual Property Rights (September 20, 1991)



- Treaty Between the United States of America and the Democratic Socialist Republic of Sri Lanka Concerning the Encouragement and Reciprocal Protection of Investment (May 1, 1993)

### **Suriname**

- Agreement on Bilateral Trade Relations (1993)

### **Switzerland**

- Exchange of Letters on Financial Services (November 9 and 27, 1995)

### **Taiwan**

- Agreement on Customs Valuation (August 22, 1986)
- Agreement on Export Performance Requirements (August 1986)
- Agreement Concerning Beer, Wine, and Cigarettes (1987)
- Agreement on Turkeys and Turkey Parts (March 16, 1989)
- Agreement on Beef (June 18, 1990)
- Agreement on Intellectual Property Protection (June 5, 1992)
- Agreement on Intellectual Property Protection (Trademark) (April 1993)
- Agreement on Intellectual Property Protection (Copyright) (July 16, 1993)
- Agreement on Market Access (April 27, 1994)
- Telecommunications Liberalization by Taiwan (July 19, 1996)
- United States–Taiwan Medical Device Issue: List of Principles (September 30, 1996)
- Agreement on Market Access (February 20, 1998)
- Agreement to Implement Phase I of the Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (March 16, 1999)
- Understanding on Government Procurement (August 23, 2001)
- Protocol of Bovine Spongiform Encephalopathy (BSE)-Related Measures for the Importation of Beef and Beef Products for Human Consumption from the Territory of the Authorities Represented by the American Institute in Taiwan (November 2, 2009)

### **Tajikistan**

- Agreement on Bilateral Trade Relations (November 24, 1993)

### **Thailand**

- Agreement on Cigarette Imports (November 23, 1990)
- Agreement on Intellectual Property Protection and Enforcement (December 19, 1991)

## **Trinidad and Tobago**

- Agreement on Intellectual Property Protection and Enforcement (September 26, 1994)
- Treaty Between the United States of America and the Government of the Republic of Trinidad and Tobago Concerning the Encouragement and Reciprocal Protection of Investment (December 26, 1996)

## **Tunisia**

- Treaty Between the United States of America and the Republic of Tunisia Concerning Reciprocal Encouragement and Protection of Investment (February 7, 1993)

## **Turkey**

- Treaty Between the United States of America and the Republic of Turkey Concerning the Reciprocal Encouragement and Protection of Investments (May 18, 1990)
- WTO Settlement Concerning Taxation of Foreign Film Revenues (July 14, 1997)

## **Turkmenistan**

- Agreement on Bilateral Trade Relations (October 25, 1993)

## **Ukraine**

- Agreement on Bilateral Trade Relations (June 23, 1992)
- Treaty Between the United States of America and Ukraine Concerning the Encouragement and Reciprocal Protection of Investment (November 16, 1996)
- Agreement between the Government of the United States of America and the Government of the Republic of Ukraine on Sanitary and Phyto-sanitary Measures (February 21, 2007)
- Agreement between the United States and the Ukraine on Export Duties on Ferrous and Non-Ferrous Scrap Metal (February 22, 2007)

## **United Kingdom**

- Agreement on Trade in Wine (December 31, 2020)
- Agreement on Mutual Recognition of Certain Distilled Spirits/Spirits Drinks (December 31, 2020)
- Agreement on Mutual Recognition (including sectoral annexes on Telecommunications Equipment, Electromagnetic Compatibility, and Pharmaceutical Good Manufacturing Practices) (December 31, 2020)
- Agreement on the Mutual Recognition of Certificates of Conformity for Marine Equipment (December 31, 2020)
- Bilateral Agreement on Prudential Measures Regarding Insurance and Reinsurance (December 31, 2020)

**Uruguay**

- Treaty Between the United States of America and the Oriental Republic of Uruguay Concerning the Encouragement and Reciprocal Protection of Investment (November 1, 2006)

**Uzbekistan**

- Agreement on Bilateral Trade Relations (January 13, 1994)

**Vietnam**

- Agreement between the United States and Vietnam on Trade Relations (December 10, 2001)
- Copyright Agreement (June 27, 1997)
- Exchange of Letters on Equivalence of Food Safety Inspection Systems (May 31, 2006)
- Exchange of Letters on Beef (May 31, 2006)
- Exchange of Letters on Biotechnology (May 31, 2006)
- Exchange of Letters on Energy Services (May 31, 2006)
- Exchange of Letters on Elimination of Prohibited Subsidies to Textile and Garment Sector (May 31, 2006)
- Bilateral Agreement on Export Duties on Ferrous and Nonferrous Scrap Metals (May 31, 2006)
- Exchange of Letters on Shelf Life (May 31, 2006)
- Acceptance of U.S. Certificates for Exports of Poultry Meat and Meat Products (May 31, 2006)
- Agreement to Implement Phase I of the Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (June 19, 2008)
- Agreement between the Government of the Socialist Republic of Viet Nam and the Government of the United States of America on Illegal Logging and Timber Trade (October 1, 2021)

## **II. Agreements That Have Been Negotiated, But Have Not Yet Entered Into Force**

Following is a list of trade agreements concluded by the United States since 1984 that have not yet entered into force.

### **Multilateral and Plurilateral Agreements**

- OECD Agreement on Shipbuilding (December 21, 1994; interested parties evaluating implementing legislation)
- Anti-Counterfeiting Trade Agreement (signed by the United States on October 1, 2011)
- The Dominican Republic–Central America–United States Free Trade Agreement Decision Regarding the Specific Rules of Origin of Annex 4.1 (signed by the United States on July 6, 2017)

### **Bilateral Agreements**

#### **Belarus**

- Treaty Between the United States of America and the Republic of Belarus Concerning the Encouragement and Reciprocal Protection of Investment (signed January 15, 1994)

#### **El Salvador**

- Treaty Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Encouragement and Reciprocal Protection of Investment In (signed March 10, 1999)

#### **European Union**

- Agreement between the European Union and the United States of America Pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 Relating to the Modifications of Concessions on All the Tariff-Rate Quotas Included in the EU Schedule CLXXV as a Consequence of the United Kingdom's Withdrawal from the European Union (signed January 17, 2023)

#### **Estonia**

- Trade and Intellectual Property Rights Agreement (April 19, 1994; requires approval by Estonian legislature)

#### **Israel**

- Decision of the Joint Committee of the Agreement on the Establishment of a Free Trade Area Between the Government of Israel and the Government of the United States of America on Annex III (Rules of Origin) (2020)

**Kazakhstan**

- Exchange of Letters on Sanitary and Phyto-sanitary Measures of Kazakhstan (signed July 2, 2015)

**Lithuania**

- Trade and Intellectual Property Rights Agreement (April 26, 1994; requires approval by Lithuanian legislature)

**Nicaragua**

- Treaty Between the Government of the United States of America and the Government of the Republic of Nicaragua Concerning the Encouragement and Reciprocal Protection of Investment (signed July 1, 1995)

**Russia**

- Treaty Between the United States of America and the Russian Federation Concerning the Encouragement and Reciprocal Protection of Investment (signed June 17, 1992)

**Switzerland**

- Memorandum of Understanding on Good Manufacturing Practice for Pharmaceuticals (signed January 12, 2023)

**Uzbekistan**

- Treaty Between the Government of the United States of America and the Government of the Republic of Uzbekistan Concerning the Encouragement and Reciprocal Protection of Investment (signed December 16, 1994)

### **III. Other Trade-Related Agreements, Understandings and Declarations**

Following is a list of other trade-related agreements, understandings and declarations negotiated by the Office of the United States Trade Representative from January 1993. These documents provide the framework for negotiations leading to future trade agreements or establish mechanisms for structured dialogue in order to develop specific steps and strategies for addressing and resolving trade, investment, intellectual property, and other issues among the signatories.

#### **Multilateral Agreements and Declarations**

- Second Ministerial of the World Trade Organization, Ministerial Declaration on Global Electronic Commerce (May 20, 1998)
- WTO Guidelines for the Negotiation of Mutual Recognition Agreements on Accountancy (May 29, 1997)
- Asia Pacific Economic Cooperation
  - 1st Joint Ministerial Statement (November 6-7, 1989)
  - 2nd Joint Ministerial Statement (July 29-31, 1990)
  - 3rd Joint Ministerial Statement (November 12-14, 1991)
  - 4th Joint Ministerial Statement (September 10-11, 1992)
  - 5th Joint Ministerial Statement (November 17-19, 1993)
  - Leaders' Economic Vision Statement (November 20, 1993)
  - Ministers Responsible for Trade Statement (October 6, 1994)
  - 6th Joint Ministerial Statement (November 11-12, 1994)
  - Leaders' Declaration of Common Resolve (November 15, 1994)
  - 7th Joint Ministerial Statement (November 16-17, 1995)
  - Leaders' Declaration for Action (November 19, 1995)
  - Ministers Responsible for Trade Statement (July 15-16, 1996)
  - 8th Joint Ministerial Statement (November 22-23, 1996)
  - Leaders' Declaration: From Vision to Action (November 25, 1996)
  - Ministers Responsible for Trade Statement (May 8-10, 1997)
  - 9th Joint Ministerial Statement (November 21-22, 1997)

- Leaders' Declaration on Connecting the APEC Community (November 25, 1997)
- Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Agreement (June 5, 1998)
- Ministers Responsible for Trade Statement (June 22-23, 1998)
- 10th Joint Ministerial Statement (November 14-15, 1998)
- Leaders' Declaration on Strengthening the Foundations for Growth (November 18, 1998)
- Ministers Responsible for Trade Statement (June 29-30, 1999)
- 11th Joint Ministerial Statement (September 9-10, 1999)
- Leaders' Declaration: The Auckland Challenge (September 13, 1999)
- Ministers Responsible for Trade Statement (June 6-7, 2000)
- 12th Joint Ministerial Statement (November 12-13, 2000)
- Leaders' Declaration: Delivering to the Community (November 16, 2000)
- Ministers Responsible for Trade Statement (June 6-7, 2001)
- 13th Joint Ministerial Statement (October 17-18, 2001)
- Leaders' Declaration: Meeting New Challenges in the New Century (October 21, 2001)
- Ministers Responsible for Trade Statement (May 29-30, 2002)
- 14th Joint Ministerial Statement (October 23-24, 2002)
- Leaders' Declaration: Expanding the Benefits of Cooperation for Economic Growth and Development-Implementing the Vision (October 27, 2002)
- Ministers Responsible for Trade Statement (June 2-3, 2003)
- 15th Joint Ministerial Statement (October 17-18, 2003)
- Declaration: A World of Differences-Partnership for the Future (October 21, 2003)
- Ministers Responsible for Trade Statement (June 4-5, 2004)
- 16th Joint Ministerial Statement (November 17-18, 2004)
- Leaders' Declaration: One Community, Our Future (November 20-21, 2004)
- Ministers Responsible for Trade Statement (June 2-3, 2005)
- 17th Joint Ministerial Statement (November 15-16, 2005)

- Leaders' Declaration: Towards One Community: Meet the Challenge, Make the Change (November 18-19, 2005)
- Ministers Responsible for Trade Statement (June 1-2, 2006)
- 18th Joint Ministerial Statement (November 15-16, 2006)
- Leaders' Declaration: Towards a Dynamic Community for Sustainable Development and Prosperity (November 18-19, 2006)
- Ministers Responsible for Trade Statement (July 5-6, 2007)
- 19th Joint Ministerial Statement (September 5-6, 2007)
- Leaders' Declaration: Strengthening our Community, Building a Sustainable Future (September 9, 2007)
- Ministers Responsible for Trade Statement (May 31-June 1, 2008)
- 20th Joint Ministerial Statement (November 19-20, 2008)
- Leaders' Declaration: A New Commitment to Asia-Pacific Development (November 22-23, 2008)
- Ministers Responsible for Trade Statement (July 21-22, 2009)
- 21st Joint Ministerial Statement (November 11-12, 2009)
- Leaders' Declaration: Sustaining Growth, Connecting The Region (November 14-15, 2009)
- Ministers Responsible for Trade Statement (June 5-6, 2010)
- 22nd Joint Ministerial Statement (November 10-11, 2010)
- Leaders' Declaration: The Yokohama Vision-Bogor and Beyond (November 13-14, 2010)
- Ministers' Responsible for Trade Statement (May 19-20, 2011)
- 23rd Joint Ministerial Statement (November 11, 2011)
- Leaders' Declaration: Toward a Seamless Regional Economy (November 12-13, 2011)
- Ministers' Responsible for Trade Statement (June 4-5, 2012)
- 24th Joint Ministerial Statement (September 5-6, 2012)
- Leaders' Declaration: Integrate to Grow, Innovate to Prosper (September 8-9, 2012)
- Ministers' Responsible for Trade Statement (April 20-21, 2013)
- 25th Joint Ministerial Statement (October 5, 2013)



- Leaders' Declaration: Resilient Asia-Pacific, Engine of Global Growth (October 8, 2013)
- Cooperation Agreement Among the Partner States of the East African Community and the United States of America on Trade Facilitation, Sanitary and Phyto-sanitary Measures, and Technical Barriers to Trade (February 26, 2015)
- Organization of American States (OAS), Inter-American Telecommunications Commission (CITEL) Mutual Recognition Agreement for Conformity Assessment of Telecommunications Equipment (October 29, 1999)
- United States–Association of Southeast Asian Nations Trade and Investment Framework Arrangement (August 25, 2006)
- World Wine Trade Group Memorandum of Understanding on Certification Requirements (October 20, 2011)
- Understanding Between the United States, Mexico, and Canada regarding Article 23.6 of the Agreement Between the United States of America, the United Mexican States, and Canada, done at Mexico City, on November 30, 2018 (December 10, 2019)

## **Bilateral Agreements and Declarations**

### **Afghanistan**

- Agreement Between the Government of the United States of America and the Government of the Transitional Islamic State of Afghanistan Concerning the Development of Trade and Investment Relations (September 21, 2004)
- Memorandum of Understanding on Joint Efforts to Enable the Economic Empowerment of Women and to Promote Women's Entrepreneurship (June 16, 2013)

### **Algeria**

- Agreement Between the Government of the United States of America and the Government of the People's Democratic Republic of Algeria Concerning the Development of Trade and Investment Relations (July 13, 2001)

### **Angola**

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of Angola (May 19, 2009)

### **Argentina**

- Bilateral Council on Trade and Investment (February 2002)
- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Argentine Republic (March 23, 2016)

## **Armenia**

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of Armenia (November 13, 2015)

## **Association of Southeast Asian Nations (ASEAN)**

- Trade and Investment Framework Agreement Between the United States of America and the Association of Southeast Asian Nations (August 25, 2006)

## **Bangladesh**

- Agreement Between the Government of the United States of America and the Government of the People's Republic of Bangladesh on a Trade and Investment Cooperation Forum (signed November 25, 2013)

## **Bolivia**

- Agreement between the Government of the United States of America and the Government of the Republic of Bolivia concerning a United States–Bolivia Council on Trade and Investment (May 8, 1990)

## **Brazil**

- Agreement on Trade and Economic Cooperation Between the Government of the United States of America and the Government of the Federative Republic of Brazil (March 19, 2011)

## **Brunei Darussalam**

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of Brunei Darussalam (December 16, 2002)

## **Burma**

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of the Union of Myanmar (May 13, 2013)

## **Cambodia**

- Trade and Investment Framework Agreement Between the United States of America and the Royal Government of Cambodia (July 14, 2006)

## **Canada**

- The Canada–United States Organic Equivalency Arrangement (June 17, 2009)

## **Caribbean Community (CARICOM)**

- United States–CARICOM Trade and Investment Framework Agreement (2013)

## **Central Asian Economies**

- Framework Agreement Between the Government of the United States of America, the Government of the Republic of Kazakhstan, the Government of the Kyrgyz Republic, the Government of the Republic of Tajikistan, the Government Turkmenistan, and the Government of the Republic of Uzbekistan Concerning the Development of Trade and Investment Relations (June 1, 2004)

## **China**

- United States-China Joint Commission on Commerce and Trade Agreements (April 21, 2004)
- United States–China Joint Commission on Commerce and Trade Agreements (July 11, 2005)
- Memorandum of Understanding on Combating Illegal Logging and Associated Trade (May 5, 2008)

## **Common Market for Eastern and Southern Africa (COMESA)**

- Agreement Between the Government of the United States of America and the Common Market for Eastern and Southern Africa Concerning the Development of Trade and Investment Relations (October 29, 2001)

## **East African Community**

- Trade and Investment Framework Agreement Between the East African Community and the Government of the United States of America (July 16, 2008)
- Cooperation Agreement Among the Partner States of the East African Community and the United States of America on Trade Facilitation, Sanitary and Phyto-sanitary Measures, and Technical Barriers to Trade (February 26, 2015)

## **Economic Community of West African States (ECOWAS)**

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Economic Community of West African States (March 9, 2015)

## **Egypt**

- Agreement Between the Government of the United States of America and the Arab Republic of Egypt Concerning the Development of Trade and Investment Relations (July 1, 1999)

## **European Union**

- United States–EU Transatlantic Economic Partnership (May 18, 1998)
- United States–EU Joint Action Plan for the Transatlantic Economic Partnership (November 9, 1998)
- Decision to Establish the United States–EU High Level Working Group on Jobs and Growth, Joint Statement of the United States-EU Summit (November 28, 2010)
- United States–EU Organic Equivalency Arrangement (February 15, 2012)

## **Fiji**

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of Fiji (October 15, 2020)

## **Georgia**

- Trade and Investment Framework Agreement Between the United States of America and Georgia (June 20, 2007)
- United States–Georgia Trade Principles for Information and Communication Technology Services (October 30, 2015)

## **Ghana**

- Agreement Between the Government of the United States of America and the Government of the Republic of Ghana Concerning the Development of Trade and Investment Relations (February 26, 1999)

## **Gulf Cooperation Council (GCC)**

- Framework Agreement for Trade, Economic, Investment and Technical Cooperation Between the Cooperation Council for the Arab States of the Gulf and the Government of the United States of America (signed September 25, 2012)

## **Iceland**

- Agreement Between the Government of the United States of America and the Government of Iceland on Trade and Investment Cooperation (January 15, 2009)

## **India**

- United States–India Trade Policy Forum, Framework for Cooperation on Trade and Investment (March 17, 2010)

## **Indonesia**

- Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Indonesia Concerning the Establishment of the Council on Trade and Investment (July 16, 1996)
- Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Indonesia on Combating Illegal Logging and Associated Trade (November 16, 2006)
- Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Indonesia to resolve certain outstanding issues in order to enhance the Parties' bilateral trade relationship (October 3, 2014)

## **Israel**

- Understanding regarding Israel's intellectual property regime for pharmaceutical products (February 18, 2010)

## **Iraq**

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of Iraq Concerning the Development of Trade and Investment Relations (July 11, 2005)

## **Japan**

- United States–Japan Joint Statement on the Bilateral Steel Dialogue (September 24, 1999)
- Exchange of Letters between the United States and Japan—Letters Regarding Electro-Magnetic Compatibility (EMC) Testing of Unintentional Radiators and Industrial Scientific and Medical (ISM) Equipment (February 26, 2007)
- Requirements for Beef and Beef Products to be Exported to Japan from the United States of America (January 25, 2013)
- United States–Japan Organic Equivalency Arrangement (September 26, 2013)
- United States–Japan Organic Equivalency Arrangement Appendix 1, for organic livestock products and organic processed food products containing livestock ingredients (July 16, 2020)

## **Korea**

- United States–Korea Organic Equivalency Arrangement (June 30, 2014)

## **Kuwait**

- Agreement Between the Government of the United States of America and the Government of the State of Kuwait Concerning the Development of Trade and Investment Relations (February 6, 2004)

## **Laos**

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Lao People's Democratic Republic (February 17, 2016)

## **Lebanon**

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of Lebanon Concerning the Development of Trade and Investment Relations (November 30, 2006)

## **Liberia**

- Trade and Investment Framework Agreement Between the United States of America and the Republic of Liberia (February 15, 2007)

## **Libya**

- Trade and Investment Framework Agreement Between the Government of the State of Libya and the Government of the United States of America (November 5, 2019)

## **Malaysia**

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of Malaysia (May 10, 2004)
- Agreement to Implement Phase I of the Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (June 28, 2016)

## **Maldives**

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Maldives (October 17, 2009)

## **Mauritius**

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of Mauritius (September 18, 2006)
- United States–Mauritius Trade Principles for Information and Communication Technology Services (June 18, 2012)

## **Mongolia**

- Agreement Between the Government of the United States of America and the Government of Mongolia Concerning the Development of Trade and Investment Relations (July 15, 2004)

## **Morocco**

- Kingdom of Morocco–United States Trade Principles for Information and Communication Technology Services (December 5, 2012)
- Statement of Principles for International Investment (December 5, 2012)

## **Mozambique**

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of Mozambique Concerning the Development of Trade and Investment Relations (June 21, 2005)

## **Nepal**

- Trade and Investment Framework Agreement Between the Government of United States of America and the Government of Nepal (April 15, 2011)

## **New Zealand**

- Agreement Between the Government of the United States of America and the Government of New Zealand Concerning a Framework of Principles and Procedures for Consultations Regarding Trade and Investment Relations (October 2, 1992)

## **Nigeria**

- Agreement Between the Government of the United States of America and the Government of the Federal Public of Nigeria Concerning the Development of Trade and Investment Relations (February 16, 2000)

## **Oman**

- Agreement Between the Government of the United States of America and the Government of the Sultanate of Oman Concerning the Development of Trade and Investment Relations (July 7, 2004)

## **Pakistan**

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Islamic Republic of Pakistan Concerning the Development of Trade and Investment Relations (June 25, 2003)

## **Paraguay**

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of Paraguay (January 13, 2017)

## **Philippines**

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of the Philippines (November 9, 1989)
- Protocol to the 1989 Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of the Philippines Concerning Customs Administration and Trade Facilitation (November 13, 2011)

## **Qatar**

- Agreement Between the Government of the United States of America and the Government of the State of Qatar Concerning the Development of Trade and Investment Relations (March 19, 2004)

## **Rwanda**

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of Rwanda Concerning the Development of Trade and Investment Relations (June 7, 2006)

## **Saudi Arabia**

- Agreement Between the Government of the United States of America and the Government of the Kingdom of Saudi Arabia Concerning the Development of Trade and Investment Relations (July 31, 2003)

## **South Africa**

- Agreement Concerning the Development of Trade and Investment Between the Government of the Republic of South Africa and the Government of the United States of America (June 18, 2012)

## **Southern Africa Customs Union**

- Cooperative Agreement Between the United States Of America and the Southern African Customs Union to Foster Trade, Investment and Development (July 16, 2008)

## **Sri Lanka**

- Trade and Investment Framework Agreement Between the United States of America and the Democratic Socialist Republic of Sri Lanka (July 25, 2002)

## **Switzerland**

- Agreement between the Government of the United States of America and the Government of the Swiss Confederation Establishing a Trade and Investment Cooperation Forum (May 25, 2006)
- United States–Switzerland Organic Equivalency Arrangement (July 10, 2015)

## **Taiwan**

- Agreement Between the American Institute in Taiwan and the Coordination Council for North American Affairs Concerning a Framework of Principles and Procedures for Consultations Regarding Trade and Investment (September 19, 1994)
- United States–Taiwan Organic Equivalency Arrangement (May 30, 2020)

## **Thailand**

- Trade and Investment Framework Agreement Between the United States of America and the Kingdom of Thailand (October 23, 2002)

## **Tunisia**

- Agreement Between the Government of the United States of America and the Government of Tunisia Concerning the Development of Trade and Investment Relations (October 2, 2002)



## **Turkey**

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of Turkey (September 29, 1999)

## **Ukraine**

- Trade and Investment Cooperation Agreement Between the Government of Ukraine and the Government of the United States of America (March 28, 2008)

## **United Arab Emirates (UAE)**

- Agreement Between the Government of the United States of America and the Government of the United Arab Emirates Concerning the Development of Trade and Investment Relations (March 15, 2004)

## **United Kingdom**

- United States–United Kingdom Organic Equivalency Arrangement (January 1, 2021)
- Memorandum of Understanding in the form of an Exchange of Letters between the Government of the United States and the Government of the United Kingdom with respect to the Obligations of the United Kingdom concerning Tariff Rate Quotas (TRQs) under Article XXVII of the GATT 1994 (signed June 30-July 1, 2021)

## **Uruguay**

- United States–Uruguay Bilateral and Commercial Trade Review (May 20, 1999)
- Joint Commission on Trade and Investment (January 25, 2007)
- Trade and Investment Framework Agreement Between the United States of America and the Oriental Republic of Uruguay (January 25, 2007)
  - i. Protocol to the 2007 Trade and Investment Framework Agreement Between the United States of America and the Oriental Republic of Uruguay Concerning Trade and Environment Public Participation (October 2, 2008)
  - ii. Protocol to the 2007 Trade and Investment Framework Agreement Between the United States of America and the Oriental Republic of Uruguay Concerning Trade Facilitation (October 2, 2008)

## **Vietnam**

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Socialist Republic of Vietnam (June 21, 2007)

## **West African Economic and Monetary Union**

- Agreement Between the Government of the United States of America and the West African Economic and Monetary Union Concerning the Development of Trade and Investment Framework Relations (April 24, 2002)

## **Yemen**

- Agreement Between the Government of the United States of America and the Government of the Republic of Yemen Concerning the Development of Trade and Investment Relations (February 6, 2004)



# ANNEX III



# **BACKGROUND INFORMATION ON THE WTO**



## MEMBERSHIP OF THE WORLD TRADE ORGANIZATION

As of December 31, 2022 (164 Members)

Government	Entry into Force	Government	Entry into Force
Afghanistan	July 29, 2016	Latvia	February 10, 1999
Albania	September 8, 2000	Lesotho	May 31, 1995
Angola	November 23, 1996	Liberia	July 14, 2016
Antigua and Barbuda	January 1, 1995	Luxembourg	January 1, 1995
Argentina	January 1, 1995	Macao, China	January 1, 1995
Armenia	February 5, 2003	Republic of Macedonia	April 4, 2003
Australia	January 1, 1995	Madagascar	November 17, 1995
Austria	January 1, 1995	Malawi	May 31, 1995
Bahrain	January 1, 1995	Malaysia	January 1, 1995
Bangladesh	January 1, 1995	Maldives	May 31, 1995
Barbados	January 1, 1995	Mali	May 31, 1995
Belgium	January 1, 1995	Malta	January 1, 1995
Belize	January 1, 1995	Mauritania	May 31, 1995
Benin	February 22, 1996	Mauritius	January 1, 1995
Bolivia	September 12, 1995	Mexico	January 1, 1995
Botswana	May 31, 1995	Moldova	July 26, 2001
Brazil	January 1, 1995	Mongolia	January 29, 1997
Brunei Darussalam	January 1, 1995	Montenegro	April 29, 2012
Bulgaria	December 1, 1996	Morocco	January 1, 1995
Burkina Faso	June 3, 1995	Mozambique	August 26, 1995
Burundi	July 23, 1995	Myanmar	January 1, 1995



Cambodia	October 12, 2004	Namibia	January 1, 1995
Cameroon	December 13, 1995	Nepal	April 23, 2004
Canada	January 1, 1995	The Netherlands	January 1, 1995
Cape Verde	July 23, 2008	New Zealand	January 1, 1995
Central African Republic	May 31, 1995	Nicaragua	September 3, 1995
Chad	October 19, 1996	Niger	December 13, 1996
Chile	January 1, 1995	Nigeria	January 1, 1995
China	December 11, 2001	Norway	January 1, 1995
Colombia	April 30, 1995	Oman	November 9, 2000
Democratic Republic of the Congo	January 1, 1997	Pakistan	January 1, 1995
Republic of the Congo	March 27, 1997	Panama	September 6, 1997
Costa Rica	January 1, 1995	Papua New Guinea	June 9, 1996
Côte d'Ivoire	January 1, 1995	Paraguay	January 1, 1995
Croatia	November 30, 2000	Peru	January 1, 1995
Cuba	April 20, 1995	Philippines	January 1, 1995
Cyprus	July 30, 1995	Poland	July 1, 1995
Czech Republic	January 1, 1995	Portugal	January 1, 1995
Denmark	January 1, 1995	Qatar	January 13, 1996
Djibouti	May 31, 1995	Romania	January 1, 1995
Dominica	January 1, 1995	Russia	August 22, 2012
Dominican Republic	March 9, 1995	Rwanda	May 22, 1996
Ecuador	January 21, 1996	Saint Kitts and Nevis	February 21, 1996
Egypt	June 30, 1995	Saint Lucia	January 1, 1995

El Salvador	May 7, 1995	Saint Vincent and the Grenadines	January 1, 1995
Estonia	November 13, 1999	Samoa	May 10, 2012
Eswatini	January 1, 1995	Saudi Arabia	December 11, 2005
European Union	January 1, 1995	Senegal	January 1, 1995
Fiji	January 14, 1996	Seychelles	April 26, 2015
Finland	January 1, 1995	Sierra Leone	July 23, 1995
France	January 1, 1995	Singapore	January 1, 1995
Gabon	January 1, 1995	Slovak Republic	January 1, 1995
The Gambia	October 23, 1996	Slovenia	July 30, 1995
Georgia	June 14, 2000	Solomon Islands	July 26, 1996
Germany	January 1, 1995	South Africa	January 1, 1995
Ghana	January 1, 1995	Spain	January 1, 1995
Greece	January 1, 1995	Sri Lanka	January 1, 1995
Grenada	February 22, 1996	Suriname	January 1, 1995
Guatemala	July 21, 1995	Sweden	January 1, 1995
Guinea	October 25, 1995	Switzerland	July 1, 1995
Guinea Bissau	May 31, 1995	Taiwan (referred to in the WTO as Chinese Taipei)	January 1, 2002
Guyana	January 1, 1995	Tajikistan	March 2, 2013
Haiti	January 30, 1996	Tanzania	January 1, 1995
Honduras	January 1, 1995	Thailand	January 1, 1995
Hong Kong, China	January 1, 1995	Togo	May 31, 1995
Hungary	January 1, 1995	Tonga	July 27, 2007
Iceland	January 1, 1995	Trinidad and Tobago	March 1, 1995
India	January 1, 1995	Tunisia	March 29, 1995

Indonesia	January 1, 1995	Turkey	March 26, 1995
Ireland	January 1, 1995	Uganda	January 1, 1995
Israel	April 21, 1995	Ukraine	May 16, 2008
Italy	January 1, 1995	United Arab Emirates	April 10, 1996
Jamaica	March 9, 1995	United Kingdom	January 1, 1995
Japan	January 1, 1995	United States of America	January 1, 1995
Jordan	April 11, 2000	Uruguay	January 1, 1995
Kazakhstan	November 30, 2015	Vanuatu	August 24, 2012
Kenya	January 1, 1995	Venezuela	January 1, 1995
Republic of Korea	January 1, 1995	Vietnam	January 11, 2007
Kuwait	January 1, 1995	Yemen	June 26, 2014
Kyrgyz Republic	December 20, 1998	Zambia	January 1, 1995
Laos	February 2, 2013	Zimbabwe	March 5, 1995

**2023 Budget for the WTO Secretariat**  
(in thousand Swiss francs)

Part	Section	Budget Line	2022 Budget	
A Staffing Resources	1. Staff Expenditure	i) Staff Remuneration	88,520	
		ii) Staff Pension & Post-Employment Benefits	23,480	
		iii) Staff Health & Invalidation Insurance	6,894	
		iv) Staff Family & International Benefits	10,871	
		v) Other Staff Expenditure	1,800	
	2. Temporary Assistance	i) Short-Term Staff	9,850	
		ii) Consulting	6,724	
		iii) Panelists	1,000	
	<b>A Staffing Resources Total</b>			<b>149,140</b>
	B Other Resources	3. General Services	i) Telecommunication & Post	541
ii) Contractual Services & Maintenance			11,613	
iii) Energy & Supplies			1,966	
iv) Documentation & Publication			1,458	
v) Other / Miscellaneous			48	
4. Travel & Hospitality		i) Travel	7,393	
		ii) Hospitality	214	
5. Implementing Partners		i) Implementing Partners	213	
6. Capital Expenditure		i) Procurement of Fixed Assets	2,555	
		ii) Rental & Leasing of Equipment	540	
7. Financial Expenditure		i) Bank & Interest Charges	880	
		ii) Building Loan Reimbursement	1,200	
<b>B Other Resources Total</b>			<b>28,621</b>	
C Operating Funds and ITC	8. Contributions to ITC & Special Reserves	i) Contribution to ITC	18,243	
		ii) Appellate Body Operating Fund	0	
		iii) Ministerial Conference Operating Fund	600	
		iv) Building Renovation Fund	600	
<b>C Operating Funds and ITC Total</b>			<b>19,443</b>	
<b>Grand Total</b>			<b>197,204</b>	

## Scale of Contributions for 2023

(in Swiss francs and with a minimum contribution of 0.015 percent)

Member	2023 Contribution CHF	2023 Contribution %
Afghanistan	37,145	0.019%
Albania	44,965	0.023%
Angola	240,465	0.123%
Antigua and Barbuda	29,325	0.015%
Argentina	637,330	0.326%
Armenia	44,965	0.023%
Australia	2,531,725	1.295%
Austria	1,943,270	0.994%
Bahrain, Kingdom of	224,825	0.115%
Bangladesh	420,325	0.215%
Barbados	29,325	0.015%
Belgium	3,626,525	1.855%
Belize	29,325	0.015%
Benin	33,235	0.017%
Bolivia, Plurinational State of	87,975	0.045%
Botswana	60,605	0.031%
Brazil	2,111,400	1.080%
Brunei Darussalam	52,785	0.027%
Bulgaria	340,170	0.174%
Burkina Faso	39,100	0.020%
Burundi	29,325	0.015%
Cabo Verde	29,325	0.015%
Cambodia	168,130	0.086%
Cameroon	62,560	0.032%
Canada	4,658,765	2.383%
Central African Republic	29,325	0.015%
Chad	31,280	0.016%
Chile	662,745	0.339%
China	21,031,890	10.758%
Colombia	459,425	0.235%
Congo	64,515	0.033%
Costa Rica	172,040	0.088%
Côte d'Ivoire	109,480	0.056%
Croatia	244,375	0.125%
Cuba	101,660	0.052%
Cyprus	154,445	0.079%
Czech Republic	1,460,385	0.747%
Democratic Republic of the Congo	125,120	0.064%
Denmark	1,554,225	0.795%
Djibouti	33,235	0.017%
Dominica	29,325	0.015%
Dominican Republic	173,995	0.089%
Ecuador	199,410	0.102%
Egypt	502,435	0.257%
El Salvador	80,155	0.041%
Estonia	181,815	0.093%

Member	2023 Contribution CHF	2023 Contribution %
Eswatini	29,325	0.015%
European Union <sup>18</sup>	0	0.000%
Fiji	29,325	0.015%
Finland	854,335	0.437%
France	7,387,945	3.779%
Gabon	46,920	0.024%
The Gambia	29,325	0.015%
Georgia	74,290	0.038%
Germany	14,058,405	7.191%
Ghana	189,635	0.097%
Greece	629,510	0.322%
Grenada	29,325	0.015%
Guatemala	142,715	0.073%
Guinea	43,010	0.022%
Guinea-Bissau	29,325	0.015%
Guyana	29,325	0.015%
Haiti	29,325	0.015%
Honduras	76,245	0.039%
Hong Kong, China	5,501,370	2.814%
Hungary	1,057,655	0.541%
Iceland	86,020	0.044%
India	4,576,655	2.341%
Indonesia	1,626,560	0.832%
Ireland	3,669,535	1.877%
Israel	907,120	0.464%
Italy	4,940,285	2.527%
Jamaica	50,830	0.026%
Japan	7,411,405	3.791%
Jordan	152,490	0.078%
Kazakhstan	432,055	0.221%
Kenya	123,165	0.063%
Korea, Republic of	5,350,835	2.737%
Kuwait, the State of	512,210	0.262%
Kyrgyz Republic	33,235	0.017%
Lao People's Democratic Republic	56,695	0.029%
Latvia	170,085	0.087%
Lesotho	29,325	0.015%
Liberia	29,325	0.015%
Liechtenstein	66,470	0.034%
Lithuania	318,665	0.163%
Luxembourg	1,059,610	0.542%
Macao, China	230,690	0.118%
Madagascar	33,235	0.017%
Malawi	29,325	0.015%
Malaysia	1,837,700	0.940%
Maldives	29,325	0.015%
Mali	41,055	0.021%
Malta	158,355	0.081%
Mauritania	29,325	0.015%

<sup>18</sup> The European Union is not subject to contributions. However, its 27 members are assessed individually. The total share of members of the European Union represents 31.05% of the total assessed contributions for 2023.

Member	2023 Contribution CHF	2023 Contribution %
Mauritius	50,830	0.026%
Mexico	3,935,415	2.013%
Moldova, Republic of	39,100	0.020%
Mongolia	64,515	0.033%
Montenegro	29,325	0.015%
Morocco	381,225	0.195%
Mozambique	60,605	0.031%
Myanmar	136,850	0.070%
Namibia	43,010	0.022%
Nepal	62,560	0.032%
Netherlands	5,778,980	2.956%
New Zealand	465,290	0.238%
Nicaragua	52,785	0.027%
Niger	29,325	0.015%
Nigeria	523,940	0.268%
North Macedonia	66,470	0.034%
Norway	1,178,865	0.603%
Oman	304,980	0.156%
Pakistan	373,405	0.191%
Panama	220,915	0.113%
Papua New Guinea	60,605	0.031%
Paraguay	109,480	0.056%
Peru	422,280	0.216%
Philippines	871,930	0.446%
Poland	2,537,590	1.298%
Portugal	817,190	0.418%
Qatar	633,420	0.324%
Romania	834,785	0.427%
Russian Federation	3,210,110	1.642%
Rwanda	29,325	0.015%
Saint Kitts and Nevis	29,325	0.015%
Saint Lucia	29,325	0.015%
Saint Vincent and the Grenadines	29,325	0.015%
Samoa	29,325	0.015%
Saudi Arabia, Kingdom of	1,839,655	0.941%
Senegal	48,875	0.025%
Seychelles	29,325	0.015%
Sierra Leone	29,325	0.015%
Singapore	4,885,545	2.499%
Slovak Republic	795,685	0.407%
Slovenia	342,125	0.175%
Solomon Islands	29,325	0.015%
South Africa	856,290	0.438%
Spain	3,753,600	1.920%
Sri Lanka	179,860	0.092%
Suriname	29,325	0.015%
Sweden	2,023,425	1.035%
Switzerland	3,763,375	1.925%
Chinese Taipei	3,014,610	1.542%
Tajikistan	29,325	0.015%
Tanzania	80,155	0.041%
Thailand	2,387,055	1.221%

Member	2023 Contribution CHF	2023 Contribution %
Togo	29,325	0.015%
Tonga	29,325	0.015%
Trinidad and Tobago	78,200	0.040%
Tunisia	172,040	0.088%
Türkiye	1,978,460	1.012%
Uganda	60,605	0.031%
Ukraine	523,940	0.268%
United Arab Emirates	2,963,780	1.516%
United Kingdom	7,274,555	3.721%
United States of America	22,808,985	11.667%
Uruguay	125,120	0.064%
Vanuatu	29,325	0.015%
Venezuela, Bolivarian Republic of	404,685	0.207%
Viet Nam	2,107,490	1.078%
Yemen	62,560	0.032%
Zambia	72,335	0.037%
Zimbabwe	46,920	0.024%
<b>TOTAL</b>	<b>195,500,000</b>	<b>100.000%</b>



**WTO Professional Staff Members by Nationality  
(Excluding Linguistic Staff)**

(as per information available on January 1, 2022)

	Member	Total Number	%
1	France	165	25.9%
2	United Kingdom	46	7.2%
3	Spain	43	6.8%
4	United States of America	28	5.0%
5	Italy	23	3.6%
6	Germany	22	3.5%
7	Canada	19	3.1%
8	Switzerland	18	2.9%
9	China	16	2.6%
10	Philippines	14	2.3%
11	India	13	2.1%
12	Brazil	12	1.9%
13	Ireland	12	1.9%
14	Australia	11	1.8%
15	Colombia	8	1.3%
16	Argentina	7	1.1%
17	Mexico	7	1.1%
18	Belgium	6	1.0%
19	Bulgaria	6	1.0%
20	Netherlands	6	1.0%
21	Russian Federation	6	1.0%
22	Finland	5	0.8%
23	Greece	5	0.8%
24	Austria	4	0.6%
25	Democratic Republic of the Congo	4	0.6%
26	Egypt	4	0.6%

	Member	Total Number	%
27	Hungary	4	0.6%
28	Japan	4	0.6%
29	Korea, Republic of	4	0.6%
30	Morocco	4	0.6%
31	Portugal	4	0.6%
32	Tunisia	4	0.6%
33	Türkiye	4	0.6%
34	Pakistan	3	0.5%
35	Poland	3	0.5%
36	Sweden	3	0.5%
37	Uruguay	3	0.5%
38	Venezuela, Bolivarian Republic of	3	0.5%
39	Benin	2	0.3%
40	Bolivia	2	0.3%
41	Costa Rica	2	0.3%
42	Denmark	2	0.3%
43	Ecuador	2	0.3%
44	Guatemala	2	0.3%
45	Honduras	2	0.3%
46	Jamaica	2	0.3%
47	Kenya	2	0.3%
48	Malaysia	2	0.3%
49	Mauritius	2	0.3%
50	New Zealand	2	0.3%
51	Norway	2	0.3%
52	Peru	2	0.3%
53	Romania	2	0.3%
54	Sri Lanka	2	0.3%
55	Tanzania	2	0.3%

	Member	Total Number	%
56	The Gambia	2	0.3%
57	Trinidad and Tobago	2	0.3%
58	Uganda	2	0.3%
59	Zimbabwe	2	0.3%
60	Bangladesh	1	0.2%
61	Barbados	1	0.2%
62	Botswana	1	0.2%
63	Cameroon	1	0.2%
64	Chile	1	0.2%
65	Croatia	1	0.2%
66	Czech Republic	1	0.2%
67	Estonia	1	0.2%
68	Guinea	1	0.2%
69	Jordan	1	0.2%
70	Lithuania	1	0.2%
71	Malawi	1	0.2%
72	Nepal	1	0.2%
73	Nigeria	1	0.2%
74	Paraguay	1	0.2%
75	Rwanda	1	0.2%
76	Senegal	1	0.2%
77	South Africa	1	0.2%
78	Ukraine	1	0.2%
79	Zambia	1	0.2%
	Total	619	100.0%

**WAIVERS CURRENTLY IN FORCE**  
(as of December 31, 2021)

WAIVER	DECISION	DATE of ADOPTION of DECISION	GRANTED UNTIL	REPORT in 2022 <sup>19</sup>
Introduction of Harmonized System 2002 Changes into WTO Schedules of Tariff Concessions <sup>20</sup>	WT/L/1160	20 December 2022	31 December 2023	-
Introduction of Harmonized System 2007 Changes into WTO Schedules of Tariff Concessions <sup>21</sup>	WT/L/1161	20 December 2022	31 December 2023	-
Introduction of Harmonized System 2012 Changes into WTO Schedules of Tariff Concessions <sup>22</sup>	WT/L/1162	20 December 2022	31 December 2023	-
Introduction of Harmonized System 2017 Changes into WTO Schedules of Tariff Concessions <sup>23</sup>	WT/L/1163	20 December 2022	31 December 2023	-
Introduction of Harmonized System 2022 Changes into WTO Schedules of Tariff Concessions <sup>24</sup>	WT/L/1164 WT/L/1164/Add.1	20 December 2022	31 December 2023	-
Cuba – Article XV:6 – Extension of waiver	WT/L/1128	24 November 2021	31 December 2026	-
Preferential Tariff Treatment for Least- Developed Countries – Decision on Extension of waiver	WT/L/1069	16 October 2019	30 June 2029	-
United States – Caribbean Basin Economic Recovery Act	WT/L/1070	16 October 2019	30 September 2025	WT/L/1154
Kimberly Process Certification Scheme for Rough Diamonds - Extension of Waiver <sup>25</sup>	WT/L/1039	26 July 2018	31 December 2024	-
United States – Former Trust Territory of the Pacific Islands	WT/L/1000	7 December 2016	31 December 2026	WT/L/1155
United States – Trade Preferences granted to Nepal	WT/L/1001	7 December 2016	31 December 2025	WT/L/1156

<sup>19</sup> Applicable if so stipulated in the corresponding waiver Decision.

<sup>20</sup> The Member which has requested to be covered under this waiver is: China.

<sup>21</sup> The Members which have requested to be covered under this waiver are: Argentina; Brazil; China; Dominican Republic; European Union; and Malaysia.

<sup>22</sup> The Members which have requested to be covered under this waiver are: Argentina; Australia; Brazil; China; Colombia; Costa Rica; Dominican Republic; Ecuador; European Union; Guatemala; India; Kazakhstan; Republic of Korea; Malaysia; Mexico; Philippines; Russian Federation; Singapore; Switzerland; Thailand; and United States.

<sup>23</sup> The Members which have requested to be covered under this waiver are: Argentina; Australia; Brazil; Canada; China; Colombia; Costa Rica; Dominican Republic; Ecuador; El Salvador; European Union; Guatemala; Hong Kong, China; India; Kazakhstan; Republic of Korea; Macao, China; Montenegro; New Zealand; Norway; Pakistan; Paraguay; Philippines; Russian Federation; Switzerland; The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Thailand; United States; and Uruguay.

<sup>24</sup> The Members which have requested to be covered under this waiver are: Australia; Canada; China; Colombia; Costa Rica; Dominican Republic; Ecuador; El Salvador; European Union; Hong Kong, China; India; Republic of Korea; Macao, China; Norway; Paraguay; Philippines; Russian Federation; Switzerland; The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Thailand; and United States.

<sup>25</sup> Annex: Australia; Botswana; Brazil; Cambodia; Canada; European Union; Guyana; India; Japan; Kazakhstan; Republic of Korea; Malaysia; Mauritius; Montenegro; Namibia; Norway; Panama; Russian Federation; Sierra Leone; Singapore; South Africa; Sri Lanka; Switzerland; The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Thailand; Türkiye; Ukraine; and United States.

WAIVER	DECISION	DATE of ADOPTION of DECISION	GRANTED UNTIL	REPORT in 2022 <sup>19</sup>
European Union – Application of Autonomous Preferential Treatment to the Western Balkans	WT/L/1114	28 July 2021	31 December 2026	WT/L/1147
Implementation of Preferential Treatment in favour of Services and Service Suppliers of LDCs and Increasing LDC Participation in Services Trade <sup>26</sup>	WT/L/982 WT/MIN(15)/48	19 December 2015	31 December 2030 <sup>27</sup>	-
United States – African Growth and Opportunity Act	WT/L/970	30 November 2015	30 September 2025	WT/L/1153
Least-Developed Country Members – Obligations under Article 70.8 and Article 70.9 of the TRIPS Agreement with respect to Pharmaceutical Products	WT/L/971	30 November 2015	1 January 2033	-
Canada - CARIBCAN	WT/L/958	28 July 2015	31 December 2023	WT/L/1146
Operationalization of the Waiver concerning Preferential Treatment to Services and Service Suppliers of Least-Developed Countries <sup>28</sup>	WT/MIN(13)/43 WT/L/918	7 December 2013	-	-
Preferential Treatment to Services and Service Suppliers of Least-developed countries <sup>29</sup>	WT/L/847	17 December 2011	15 years from the date of its adoption <sup>30</sup>	-
Preferential Tariff Treatment for Least-Developed Countries – Decision on Extension of waiver	WT/L/759	27 May 2009	30 June 2019	-
Implementation of Para. 6 of the Doha Declaration on the TRIPS Agreement and Public Health <sup>31</sup>	WT/L/540 and WT/L/540/Corr.1	30 August 2003	See WT/L/540 and WT/L/540/Corr.1	IP/C/94

<sup>26</sup> This Ministerial Decision was adopted in furtherance of the waiver on Preferential Treatment to Services and Service Suppliers of Least-Developed Countries adopted in 2011 ([WT/L/847](#)) and of the subsequently operationalized in the Decision on the Operationalization of the Waiver Concerning Preferential Treatment to Services and Service Suppliers of Least-Developed Countries ([WT/MIN\(13\)/43](#) - [WT/L/918](#)).

<sup>27</sup> At the Nairobi Ministerial Conference ([WT/MIN\(15\)/48](#) – [WT/L/982](#)), Ministers decided to extend the 2011 waiver on Preferential Treatment to Services and Service Suppliers of Least-Developed Countries ([WT/L/847](#)).

<sup>28</sup> This Ministerial Decision was adopted in furtherance of the waiver on Preferential Treatment to Services and Service Suppliers of Least-Developed Countries adopted in 2011 ([WT/L/847](#)). It does not represent a new waiver.

<sup>29</sup> Two decisions were subsequently adopted at the Bali and Nairobi Ministerial Conferences in furtherance of this waiver: in 2013 ([WT/MIN\(13\)/43](#) – [WT/L/918](#)) and in 2015 ([WT/MIN\(15\)/48](#) – [WT/L/982](#)).

<sup>30</sup> At the Nairobi Ministerial Conference, Ministers decided to extend the waiver until 31 December 2030 ([WT/MIN\(15\)/48](#) – [WT/L/982](#)).

<sup>31</sup> Pursuant to the General Council Decision of 30 August 2003 ([WT/L/540](#) and [Corr.1](#)), a Protocol Amending the TRIPS Agreement was adopted by the General Council on 6 December 2005 ([WT/L/641](#)) and submitted to Members for acceptance. In accordance with Article X:3 of the WTO Agreement, the Protocol entered into force on 23 January 2017. Since then, the amended TRIPS Agreement applies to those Members who have accepted it. For each other Member, the Protocol will take effect upon acceptance by it. In the meantime, the 2003 Decision continues to apply to those Members. For the purposes of the 2003 Decision, the Annual Review of the Special Compulsory Licensing System is deemed to fulfil the review requirements of Article IX:4 of the WTO Agreement.

**WT/DSB/44/Rev.59**

10 November 2022

**INDICATIVE LIST OF GOVERNMENTAL AND  
NON-GOVERNMENTAL PANELISTS**

*Revision*

1. To assist in the selection of panelists, the DSU provides in Article 8.4 that the Secretariat shall maintain an indicative list of governmental and non-governmental individuals.
2. The attached is a revised consolidated list of governmental and non-governmental panelists.<sup>32</sup> The list is based on the previous Indicative List issued on 7 September 2022 (WT/DSB/44/Rev.58). It includes an additional name approved by the DSB at its meeting on 26 October 2022<sup>33</sup>. Any future modifications or additions to this list submitted by Members will be circulated in periodic revisions of this list.
3. For practical purposes, the proposals for the administration of the indicative list approved by the DSB on 31 May 1995 are reproduced as an Annex to this document.

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<sup>32</sup> Curricula Vitae containing more detailed information are available to WTO Members upon request from the Secretariat (Council & TNC Division).

<sup>33</sup> See document [WT/DSB/W/708](#).

<b>MEMBER</b>	<b>NAME</b>	<b>SECTORAL EXPERIENCE</b>
<b>ARGENTINA</b>	BARDONESCHI, Mr. Rodrigo C.	Trade in Goods and Services; TRIPS
	BÉRAUD, Mr. Alan Claudio	Trade in Goods
	BERTONI, Mr. Ramiro	Trade in Goods
	CHIARADIA, Mr. Alfredo Vicente	Trade in Goods; TRIPS
	CIMA, Mr. Marcelo	Trade in Goods and Services
	CURI, Mr. Alfredo Esteban	Trade in Goods
	DUMONT, Mr. Alberto Juan	Trade in Goods
	FORADORI, Mr. Carlos M.	Trade in Goods
	LAVOPA, Mr. Federico	Trade in Goods and Services
	LUNAZZI, Mr. Gustavo Nerio	Trade in Goods
	MAKUC, Mr. Adrián Jorge	Trade in Goods
	MALVAREZ, Mr. Martín	Trade in Goods
	MÉNDEZ, Mr. Gustavo Héctor	Trade in Goods and Services
	MONNER SANS, Mr. Alejo	Trade in Goods
	NEGUELOAETCHEVERRY, Mr. Pedro	Trade in Goods
	NISCOVOLOS, Mr. Luis Pablo	Trade in Goods and Services
	RAITERI, Ms. María Valeria	Trade in Goods
	SERRA, Mr. Adrián	Trade in Goods and Services
	TABOADA, Mr. Gabriel Gaspar	Trade in Goods
	TEMPONE, Mr. Eduardo	Trade in Goods; TRIPS
	VICIEN-MILBURN, Ms. Rosa María	Trade in Goods and Services; TRIPS
<b>AUSTRALIA</b>	BENNETT, Ms. Annabelle	Trade in Goods and Services
	CHURCHE, Mr. Milton	Trade in Goods
	FARBENBLOOM, Mr. Simon	Trade in Goods and Services
	GALLAGHER, Mr. Peter	Trade in Goods; TRIPS
	GOSPER, Mr. Bruce	Trade in Goods
	HOLMES, Ms. Patricia Ann	Trade in Goods
	JENNINGS, Mr. Mark	Trade in Goods; TRIPS
	MITCHELL, Mr. Andrew	Trade in Goods and Services; TRIPS

<b>MEMBER</b>	<b>NAME</b>	<b>SECTORAL EXPERIENCE</b>
<b>AUSTRALIA (cont'd)</b>	MORETTA, Mr. Remo	Trade in Goods and Services
	MULGREW, Mr. Michael	Trade in Goods
	MYLER, Mr. Paul	Trade in Goods and Services
	O'CONNOR, Mr. Paul Richard	Trade in Goods
	RAPER, Ms. Cathy	Trade in Goods and Services
	SIN FAR LEE, Ms. Stephanie	Trade in Goods
	STOLER, Mr. Andrew	Trade in Goods and Services
	VOON, Ms. Tania Su Lien	Trade in Goods and Services; TRIPS
	WITBREUK, Ms. Trudy	Trade in Goods and Services
	YOUNG, Ms. Elizabeth	Trade in Goods
<b>BOLIVIA, PLURINATIONAL STATE OF</b>	ZELADA CASTEDO, Mr. Alberto	Trade in Goods
<b>BRAZIL</b>	AMARAL DE ANDRADE JUNQUEIRA, Ms. Carla	Trade in Goods
	BARRAL, Mr. Welber Oliveira	Trade in Goods
	BASSO, Ms. Maristela	Trade in Goods; TRIPS
	BENTES, Mr. Pablo M.	Trade in Goods and Services; TRIPS
	BERENHOLC, Mr. Mauro	Trade in Goods
	CAETANO DE MARINIS, Ms. Ana Teresa	Trade in Goods
	CASTAÑON PENHA VALLE, Ms. Marflia	Trade in Goods
	CELLI JUNIOR, Mr. Umberto	Trade in Goods and Services
	DE CAMARGO VIDIGAL NETO, Mr. Geraldo	Trade in Goods
	DO AMARAL JÚNIOR, Mr. Alberto	Trade in Goods and Services; TRIPS
	KANAS GRITZ, Ms. Vera	Trade in Goods
	KANITZ, Mr. Roberto H.	Trade in Goods
	KRAMER, Ms. Cynthia	Trade in Goods; TRIPS
	MANZANO SAYEG, Ms. Fernanda	Trade in Goods and Services
	MEDRADO, Mr. Renê Guilherme S.	Trade in Goods
	NASSER, Mr. Rabih	Trade in Goods



<b>MEMBER</b>	<b>NAME</b>	<b>SECTORAL EXPERIENCE</b>
<b>BRAZIL (cont'd)</b>	PUPO, Mr. Rodrigo Luís	Trade in Goods
	SALDANHA-URES, Ms. Carolina	Trade in Goods
	SETTI DIAZ, Mr. José	Trade in Goods
	THORSTENSEN, Ms. Vera Helena	Trade in Goods
<b>CAMEROON</b>	NGANGJOH HODU, Mr. Yenkong	Trade in Goods and Services; TRIPS
<b>CANADA</b>	BERNIER, Mr. Ivan	Trade in Goods and Services
	BRADFORD, Mr. Meriel V. M.	Trade in Goods and Services
	BROWN, Ms. Catherine Anne	Trade in Goods and Services; TRIPS
	CLARK, Mr. Peter James	Trade in Goods and Services
	CLOSE, Ms. Patricia Margaret	Trade in Goods
	DE MESTRAL, Mr. Armand	Trade in Goods
	EYTON, Mr. Anthony T.	Trade in Goods
	GHERSON, Mr. Randolph	Trade in Goods
	GOODWIN, Ms. Kirsten M.	Trade in Goods and Services; TRIPS
	HALLIDAY, Mr. Anthony L.	Trade in Goods and Services
	HERMAN, Mr. Lawrence L.	Trade in Goods
	HINES, Mr. Wilfred Roy	Trade in Goods
	MacMILLAN, Ms. Kathleen E.	Trade in Goods
	McRAE, Mr. Donald Malcolm	Trade in Goods
	OSTRY, Ms. Sylvia	Trade in Goods
	RITCHIE, Mr. Gordon	Trade in Goods
	THOMAS, Mr. Christopher	Trade in Goods and Services
	WINHAM, Mr. Gilbert R.	Trade in Goods
<b>CHILE</b>	BIGGS, Mr. Gonzalo	Trade in Goods
	ERNST, Mr. Felipe	Trade in Goods and Services
	ESCUDERO, Mr. Sergio	TRIPS
	ESPINOZA, Mr. Alvaro	Trade in Goods

<b>MEMBER</b>	<b>NAME</b>	<b>SECTORAL EXPERIENCE</b>
<b>CHILE (cont'd)</b>	JANA, Mr. Álvaro	Trade in Goods
	MATUS, Mr. Mario	Trade in Goods
	MLADINIC, Mr. Carlos	Trade in Goods
	PEÑA, Ms. Gloria	Trade in Goods
	SAEZ, Mr. Sebastián	Trade in Goods and Services
	SATELER, Mr. Ricardo	TRIPS
	SOSA, Ms. Luz	Trade in Goods and Services
	TIRONI, Mr. Ernesto	Trade in Goods
<b>CHINA</b>	CHEN, Mr. Yusong	Trade in Goods and Services; TRIPS
	DONG, Mr. Shizhong	Trade in Goods and Services; TRIPS
	E, Mr. Defeng	Trade in Goods
	GONG, Mr. Baihua	Trade in Goods and Services; TRIPS
	HAN, Mr. Liyu	Trade in Goods; TRIPS
	HONG, Mr. Xiaodong	Trade in Services
	HUANG, Mr. Dongli	Trade in Goods; TRIPS
	LI, Mr. Enheng	Trade in Goods and Services
	LI, Ms. Yongjie	Trade in Goods and Services
	LI, Mr. Zhongzhou	Trade in Goods
	SHI, Ms. Xiaoli	Trade in Goods
	SUO, Mr. Bicheng	Trade in Goods
	YANG, Mr. Guohua	Trade in Goods; TRIPS
	ZHANG, Ms. Liping	Trade in Goods and Services
	ZHANG, Mr. Naigen	TRIPS
	ZHANG, Mr. Xiangchen	Trade in Goods and Services; TRIPS
	ZHANG, Mr. Yuqing	Trade in Goods and Services; TRIPS
	ZHU, Ms. Lanye	Trade in Services; TRIPS
<b>COLOMBIA</b>	IBARRA PARDO, Mr. Gabriel	Trade in Goods
	JARAMILLO, Mr. Felipe	Trade in Goods and Services

<b>MEMBER</b>	<b>NAME</b>	<b>SECTORAL EXPERIENCE</b>
<b>COLOMBIA (cont'd)</b>	LOZANO FERRO, Ms. Olga Lucia	Trade in Goods; TRIPS
	OROZCO GOMEZ, Ms. Angela María	Trade in Goods
	OROZCO, Ms. Claudia	Trade in Goods
	PRIETO, Mr. Diego	Trade in Goods and Services
	ROJAS ARROYO, Mr. Santiago	Trade in Goods; TRIPS
	TANGARIFE, Mr. Marcel	Trade in Goods; TRIPS
<b>CÔTE D'IVOIRE</b>	GOSSET, Ms. Marie	Trade in Goods; TRIPS
<b>CUBA</b>	VÁZQUEZ De ALVARÉ, Ms. Dánice	TRIPS
<b>DJIBOUTI</b>	PIQUEMAL, Mr. Alain	Trade in Goods and Services; TRIPS
<b>DOMINICAN REPUBLIC</b>	DE LOS SANTOS DE PIANTINI, Ms. Roxana	Trade in Goods; TRIPS
	NAUT, Ms. Katrina	Trade in Goods and Services; TRIPS
<b>ECUADOR</b>	BETANCOURT, Mr. Roberto	Trade in Goods and Services
	CAICEDO, Mr. Diego	Trade in Goods and Services
	CASTRILLÓN, Mr. Juan Carlos	Trade in Goods and Services
	ESPINOSA CAÑIZARES, Mr. Cristian	Trade in Goods and Services; TRIPS
	MONTAÑO HUERTA, Mr. César	Trade in Goods and Services; TRIPS
	MUÑOZ, Ms. Mireya	Trade in Goods and Services
	VAYAS, Mr. Luis	TRIPS
<b>EGYPT</b>	EL-SEGINY, Mr. Ibrahim	Trade in Goods
	FARAHAT, Mr. Magdi Ahmed	Trade in Goods
	FAWZY, Mr. Abdelrahman	Trade in Goods and Services
	GAWAD ALLAM, Mr. Mohamed. A.	Trade in Goods and Services
	HATEM, Mr. Samy Affify	Trade in Goods

<b>MEMBER</b>	<b>NAME</b>	<b>SECTORAL EXPERIENCE</b>
<b>EGYPT (cont'd)</b>	RIAD, Mr. Tarek Fouad	Trade in Goods and Services; TRIPS
	SHAHIN, Ms. Magda	Trade in Goods and Services; TRIPS
	SHARAF ELDIN, Mr. Ahmed	Trade in Goods; TRIPS
	ZAHRAN, Mr. Mohamed Mounir	Trade in Goods and Services; TRIPS
<b>EUROPEAN UNION</b>		
<b>AUSTRIA</b>	BENEDEK, Mr. Wolfgang	Trade in Goods
	REITERER, Mr. Michael G. K.	Trade in Goods and Services; TRIPS
	ZEHETNER, Mr. Franz	Trade in Goods
<b>BELGIUM</b>	DIDIER, Mr. Pierre	Trade in Goods
	PAUWELYN, Mr. Joost	Trade in Goods and Services; TRIPS
	VAN CALSTER, Mr. Geert	Trade in Goods
	VAN DER BORGHT, Mr. Kim	Trade in Goods
	VANDER SCHUEREN, Ms. Paulette	Trade in Goods and Services
	WOUTERS, Mr. Jan	Trade in Goods and Services
	ZONNEKEYN, Mr. Geert A.	Trade in Goods
<b>CZECH REPUBLIC</b>	PALEČKA, Mr. Peter	Trade in Goods and Services
<b>DENMARK</b>	NIELSEN, Ms. Laura	Trade in Goods and Services
	OLSEN, Ms. Birgitte Egelund	Trade in Goods
	SMIDT, Mr. Steffen	Trade in Goods and Services
	WEGENER, Mr. Christian	Trade in Goods and Services; TRIPS
<b>EUROPEAN UNION</b>	BRAKELAND, Mr. Jean-François	Trade in Goods and Services
	CARL, Mr. Mogens Peter	Trade in Goods and Services; TRIPS
	KUIJPER, Mr. Pieter Jan	Trade in Goods and Services; TRIPS
	WHITE, Mr. Eric	Trade in Goods and Services; TRIPS

<b>MEMBER</b>	<b>NAME</b>	<b>SECTORAL EXPERIENCE</b>
<b>FINLAND</b>	HIMANEN, Mr. Vesa	Trade in Goods
	LUOTONEN, Mr. Yrjö Kim David	Trade in Goods
	PYYSALO, Mr. Tapio	Trade in Goods
<b>FRANCE</b>	ARMAIGNAC, Ms. Marie-Christine	Trade in Services; TRIPS
	BOISSON DE CHAZOURNES, Mrs. Laurence	Trade in Goods and Services
	JENNY, Mr. Frédéric Yves	Trade in Goods and Services; TRIPS
	METZGER, Mr. Jean-Marie	Trade in Goods
	MONNIER, Mr. Pierre	Trade in Goods and Services; TRIPS
	RIEGERT, Mr. François	Trade in Goods
	RUIZ-FABRI, Ms. Hélène	Trade in Goods and Services
	STERN, Ms. Brigitte	Trade in Goods
<b>GERMANY</b>	DELBRÜCK, Mr. Kilian	Trade in Goods
	HERRMANN, Mr. Christoph Walter	Trade in Goods; TRIPS
	HILF, Mr. Meinhard	Trade in Goods and Services
	MENG, Mr. Werner	Trade in Goods, TRIPS
	PETERSMANN, Mr. Ernst-Ulrich	Trade in Goods and Services; TRIPS
	STEINBACH, Mr. Armin	Trade in Goods and Services
	TANGERMANN, Mr. Stefan	Trade in Goods
<b>GREECE</b>	STANGOS, Mr. Petros N.	Trade in Goods and Services; TRIPS
<b>HUNGARY</b>	HALGAND DANI, Ms. Virág	Trade in Goods and Services; TRIPS
	LAKATOS, Mr. Andrés	Trade in Goods and Services
<b>IRELAND</b>	MATTHEWS, Mr. Alan Henry	Trade in Goods
<b>ITALY</b>	GIARDINA, Mr. Andrea	Trade in Goods and Services
	MALAGUTI, Ms. Maria Chiara	Trade in Goods and Services; TRIPS

<b>MEMBER</b>	<b>NAME</b>	<b>SECTORAL EXPERIENCE</b>
<b>ITALY (cont'd)</b>	MENSI, Mr. Maurizio	Trade in Goods
<b>LITHUANIA</b>	ALISAUSKAS, Mr. Raimondas	Trade in Goods and Services
<b>MALTA</b>	BONELLO, Mr. Michael C.	Trade in Services
<b>NETHERLANDS</b>	BRONCKERS, Mr. Marco	Trade in Goods and Services; TRIPS
	GENEE, Mr. Otto	Trade in Goods; TRIPS
	HOEKMAN, Mr. Bernard Marco	Trade in Goods and Services; TRIPS
<b>POLAND</b>	PIETRAS, Mr. Jaroslaw	Trade in Services
<b>PORTUGAL</b>	CALHEIROS DA GAMA, Mr. José Sérgio	TRIPS
<b>ROMANIA</b>	BERINDE, Mr. Mihai	Trade in Goods
	CAMPEANU, Ms. Victoria	Trade in Goods
	FRATITA, Ms. Carmen Florina	Trade in Goods
<b>SPAIN</b>	LÓPEZ DE SILANES MARTÍNEZ, Mr. Juan Pablo	Trade in Goods and Services
	PÉREZ SANCHEZ, Mr. José Luis	Trade in Goods and Services; TRIPS
	RIGO, Mr. Andrés	Trade in Services
<b>SWEDEN</b>	AHNLID, Mr. Anders Gustav Ragnar	Trade in Goods and Services; TRIPS
	JOHANSSON, Ms. Lena	Trade in Goods and Services
	REITER, Mr. Joakim H.	Trade in Goods and Services
	STELLINGER, Ms. Anna	Trade in Goods and Services; TRIPS
	WALDER, Ms. Eva	Trade in Goods and Services
<b>GHANA</b>	NIMAKO-BOATENG, Ms. Gertrude	Trade in Goods and Services
	OPOKU AWUKU, Mr. Emmanuel	Trade in Goods and Services; TRIPS

<b>MEMBER</b>	<b>NAME</b>	<b>SECTORAL EXPERIENCE</b>
<b>HONG KONG, CHINA</b>	CARTLAND, Mr. Michael David	Trade in Goods and Services
	CHEUNG, Mr. Peter Kam Fai	TRIPS
	LEUNG, Ms. Ada Ka Lai	TRIPS
	LITTLE, Mr. David	Trade in Goods and Services
	MILLER, Mr. Tony J.A.	Trade in Goods and Services
<b>ICELAND</b>	BJÖRGVINSSON, Mr. David Thór	Trade in Goods and Services
	JÓHANNSSON, Mr. Einar M.	Trade in Goods
	SANDHOLT, Mr. Brynjolfur	Trade in Goods
<b>INDIA</b>	AGARWAL, Mr. Vinod Kumar	Trade in Goods; TRIPS
	AGRAWAL, Mr. Rameshwar Pal	Trade in Goods and Services; TRIPS
	BHANSALI, Mr. Sharad	Trade in Goods
	BHATNAGAR, Mr. Mukesh	Trade in Goods
	BHATTACHARYA, Mr. G. C.	Trade in Goods
	CHANDRASEKHAR, Mr. Kesava Menon	Trade in Goods and Services; TRIPS
	CHAUDHURI, Mr. Sumanta	Trade in Goods and Services; TRIPS
	DAS, Mr. Abhijit	Trade in Goods
	DAS, Mr. Bhagirath Lal	Trade in Goods
	DASGUPTA, Mr. Jayant	Trade in Goods
	GOPALAN, Mr. Rajarangamani	Trade in Goods
	GOYAL, Mr. Arun	Trade in Services
	KAUSHIK, Mr. Atul	Trade in Goods; TRIPS
	KHER, Mr. Rajeev	Trade in Goods and Services; TRIPS
	KHULLAR, Mr. Rahul	Trade in Goods and Services; TRIPS
	KUMAR, Mr. Mohan	Trade in Goods and Services
	MOHANTY, Mr. Prasant Kumar	Trade in Goods
	MUKERJI, Mr. Asoke Kumar	Trade in Goods and Services; TRIPS
	NARAYANAN, Mr. Srinivasan	Trade in Goods; TRIPS

<b>MEMBER</b>	<b>NAME</b>	<b>SECTORAL EXPERIENCE</b>
<b>INDIA (cont'd)</b>	PARTHASARATHY, Mr. R.	Trade in Goods; TRIPS
	PRABHU, Mr. Pandurang Palimar	Trade in Goods; TRIPS
	PRASAD, Ms. Anjali	Trade in Goods and Services; TRIPS
	RAMAKRISHNAN, Mr. N.	Trade in Goods
	RAO, Mr. Pemmaraju Sreenivasa	Trade in Goods
	REGE, Mr. Narayan Vinod	Trade in Goods
	SABHARWAL, Mr. Narendra	TRIPS
	SAJJANHAR, Mr. Ashok	Trade in Goods
	SESHADRI, Mr. V.S.	Trade in Goods
	SHARMA, Mr. Lalit	Trade in Goods and Services; TRIPS
	VENUGOPAL, Mr. Krishnan	Trade in Goods; TRIPS
	YADAV, Mr. Amit	Trade in Services
	ZUTSHI, Mr. B. K.	Trade in Goods and Services; TRIPS
<b>INDONESIA</b>	KOESNAIDI, Mr. Joseph Wira	Trade in Goods
	LIMENTA, Ms. Michelle Engel	Trade in Goods; TRIPS
	WINANTI, Ms. Poppy Sulistyning	Trade in Services; TRIPS
<b>ISRAEL</b>	ALTUVIA, Mr. Magen	Trade in Goods
	BROUDE, Mr. Tomer	Trade in Goods and Services; TRIPS
	FRID DE VRIES, Ms. Rachel	Trade in Goods and Services; TRIPS
	GABAY, Mr. Mayer	TRIPS
	HARAN, Mr. Ephraim F.	Trade in Services
	HARPAZ, Mr. Guy	Trade in Goods and Services; TRIPS
	HOROVITZ, Mr. Dan	Trade in Goods and Services
	POLINER, Mr. Howard Zvi	TRIPS
	REICH, Mr. Arie	Trade in Goods and Services; TRIPS
	RIVAS, Mr. Rodolfo C.	Trade in Goods; TRIPS
	SEMADAR, Mr. Moshe	Trade in Goods
	SHATON, Mr. Michael Marcel	Trade in Goods and Services



<b>MEMBER</b>	<b>NAME</b>	<b>SECTORAL EXPERIENCE</b>
<b>ISRAEL (cont'd)</b>	TALBAR, Mr. Michael Adin	Trade in Goods
	WEILER, Mr. Joseph H.H.	Trade in Goods
<b>JAMAICA</b>	ROBINSON, Mr. Patrick L.	Trade in Goods and Services; TRIPS
<b>JAPAN</b>	ARAKI, Mr. Ichiro	Trade in Goods and Services; TRIPS
	ASAKAI, Mr. Kazuo	Trade in Goods
	ASAKURA, Mr. Hironori	Trade in Goods
	HASEBE, Mr. Masamichi	Trade in Goods and Services
	ISHIGE, Mr. Hiroyuki	Trade in Goods
	ISHIGURO, Mr. Kazunori	Trade in Goods and Services; TRIPS
	IWASAWA, Mr. Yuji	Trade in Goods
	KANDA, Mr. Hideki	Trade in Services
	KAZEKI, Mr. Jun	Trade in Goods and Services
	KEMMOCHI, Mr. Nobuaki	Trade in Goods and Services
	KOMETANI, Mr. Kazumochi	Trade in Goods and Services; TRIPS
	OHARA, Mr. Yoshio	Trade in Goods; TRIPS
	OSHIMA, Mr. Shotaro	Trade in Goods and Services; TRIPS
	SAITO, Mr. Koji	Trade in Goods
	SANO, Mr. Tadakatsu	Trade in Goods
	SHIMIZU, Mr. Akio	Trade in Goods
	SUZUKI, Mr. Masabumi	Trade in Goods; TRIPS
	TAKAHASHI, Ms. Misako	Trade in Services
	TSURUOKA, Mr. Koji	Trade in Services
	YAMANE, Ms. Hiroko	Trade in Goods; TRIPS
<b>KAZAKHSTAN</b>	KASSABEKOVA, Ms. Aray	Trade in Goods
<b>KENYA</b>	GATHII, Mr. James T.	Trade in Goods and Services; TRIPS
	MCHARO, Ms. Pauline W.	Trade in Goods and Services; TRIPS

<b>MEMBER</b>	<b>NAME</b>	<b>SECTORAL EXPERIENCE</b>
<b>KENYA (cont'd)</b>	NDERITU, Mr. Wilfred N.	Trade in Goods and Services
	WARUHIU, Mr. Andrew	Trade in Goods; TRIPS
<b>KOREA</b>	AHN, Mr. Dukgeun	Trade in Goods
	AHN, Mr. Ho-Young	Trade in Goods
	BARK, Mr. Taeho	Trade in Goods
	CHO, Mr. Tae-Yul	Trade in Goods
	CHOI, Mr. Byung-il	Trade in Services
	CHOI, Mr. Seung-Hwan	Trade in Goods
	CHOI, Mr. Won-Mog	Trade in Goods and Services; TRIPS
	CHUNG, Mr. Chan-Mo	Trade in Goods
	KIM, Mr. Jong Bum	Trade in Goods
	KANG, Mr. Junha	Trade in Goods
	KIM, Mr. Doo-Sik	Trade in Goods
	KIM, Mr. Youngjae	Trade in Goods
	LEE, Mr. Jaehyoung	Trade in Goods
	LEE, Mr. Jaemin	Trade in Goods
	WANG, Mr. Sanghan	Trade in Goods
<b>KYRGYZ REPUBLIC</b>	DJUMALIEV, Mr. Muktar	Trade in Goods and Services
<b>LIECHTENSTEIN</b>	ZIEGLER, Mr. Andreas R.	Trade in Services; TRIPS
<b>MADAGASCAR</b>	ANDRIANARIVONY, Mr. Minoarison	Trade in Goods and Services; TRIPS
<b>MALAYSIA</b>	HARUN, Mrs. Hiswani	Trade in Goods
	KASIMIR, Mr. Merlyn	Trade in Goods and Services
	YACOB, Mr. Muhammad Noor	Trade in Goods
<b>MAURITIUS</b>	BEEKARRY, Mr. Navin	Trade in Goods and Services

<b>MEMBER</b>	<b>NAME</b>	<b>SECTORAL EXPERIENCE</b>
<b>MAURITIUS (cont'd)</b>	BHUGLAH, Mr. Achad	Trade in Goods and Services
<b>MEXICO</b>	DE LA PEÑA, Mr. Alejandro	Trade in Goods and Services; TRIPS
	DE MATEO VENTURINI, Mr. Fernando	Trade in Goods and Services; TRIPS
	DE ROSENZWEIG, Mr. Francisco	Trade in Goods and Services; TRIPS
	FERRARI, Mr. Bruno	Trade in Goods and Services; TRIPS
	JASSO TORRES, Mr. Humberto	Trade in Goods
	LEYCEGUI, Ms. Beatriz	Trade in Goods and Services; TRIPS
	MALPICA SOTO, Mr. Guillermo	Trade in Services
	PEREZCANO DÍAZ, Mr. Hugo Manuel	Trade in Goods and Services; TRIPS
	PÉREZ GÁRATE, Mr. Orlando	Trade in Goods and Services; TRIPS
	POBLANO, Mr. José F.	Trade in Services; TRIPS
	REYES, Ms. Luz Elena	Trade in Goods
	TRASLOSHEROS HERNÁNDEZ, Mr. José Gerardo	Trade in Goods and Services; TRIPS
	VÉJAR, Mr. Carlos	Trade in Goods and Services; TRIPS
	ZABLUDOVSKY KUPER, Mr. Jaime	Trade in Goods and Services; TRIPS
<b>MOLDOVA, REP. OF</b>	FOLTEA, Ms. Marina	Trade in Goods; TRIPS
<b>MONTENEGRO</b>	SCEPANOVIC, Mr. Goran	Trade in Goods
	VUJANOVIC, Ms. Snezana	Trade in Goods
<b>NEPAL</b>	PANDEY, Mr. Posh Raj	Trade in Goods and Services
	SUBEDI, Mr. Surya P.	Trade in Goods and Services; TRIPS
<b>NEW ZEALAND</b>	CARSON, Mr. Christopher Barr	Trade in Goods
	EVANS, Mr. David	Trade in Goods
	GALLACHER, Mr. Scott	Trade in Goods and Services; TRIPS
	GARCIA, Mr. Martin	Trade in Goods
	GROSER, Mr. Tim	Trade in Goods

<b>MEMBER</b>	<b>NAME</b>	<b>SECTORAL EXPERIENCE</b>
<b>NEW ZEALAND (cont'd)</b>	HALLUM, Ms. Victoria	Trade in Services
	HARVEY, Mr. Martin Wilfred	Trade in Goods
	HIGGIE, Ms. Dell Clark	Trade in Goods
	HONEY, Ms. Stephanie	Trade in Goods
	KELLY, Ms. Clare	Trade in Goods and Services
	MACEY, Mr. Adrian	Trade in Goods; TRIPS
	McPHAIL, Mr. Alexander Hugh	Trade in Goods
	NOTTAGE, Mr. Hunter	Trade in Goods and Services; TRIPS
	PATERSON, Ms. Sarah	Trade in Goods
	SANDFORD, Mr. Iain	Trade in Goods and Services; TRIPS
	SLADE, Ms. Michelle	Trade in Goods and Services; TRIPS
	TRAINOR, Mr. Mark Julian	Trade in Goods; TRIPS
	WALKER, Mr. David John	Trade in Goods and Services
	VITALIS, Mr. Vangelis	Trade in Goods and Services
<b>NIGER</b>	TANKOANO, Mr. Amadou	Trade in Goods and Services; TRIPS
<b>NIGERIA</b>	AGAH, Mr. Yonov Frederick	Trade in Goods and Services; TRIPS
	NNONA, Mr. George C.	Trade in Goods and Services; TRIPS
<b>NORWAY</b>	ANDREASSEN, Mr. Harald	Trade in Goods and Services; TRIPS
	BLOM, Ms. Camilla	Trade in Goods and Services
	EDVARTSEN, Ms. Linn	Trade in Goods
	FLEISCHER, Ms. Benedicte	Trade in Goods and Services
	HANSEN, Ms. Kristin	Trade in Goods and Services
	HOLTEN, Ms. Inger	Trade in Goods; TRIPS
	LILLERUD, Mr. Kjell	Trade in Goods and Services
	MIDTBØ STADSHAUG, Ms. Kaja	TRIPS
	NEPLE, Mr. Harald	Trade in Goods and Services
	SANDVIK, Mr. Jostein	TRIPS

<b>MEMBER</b>	<b>NAME</b>	<b>SECTORAL EXPERIENCE</b>
<b>NORWAY (cont'd)</b>	SELAND, Mr. Helge A.	Trade in Goods and Services; TRIPS
	SKEI, Mr. Jonas	Trade in Goods
	VEDERHUS, Mr. Alf	Trade in Goods
<b>PAKISTAN</b>		
	ARIF, Mr. Muhammad Ikram	Trade in Goods
	BASHIR, Mr. Shahid	Trade in Goods
	HAMID ALI, Mr. Muhammad	Trade in Goods; TRIPS
	HAYAT, Mr. Khizar	Trade in Goods
	HUSAIN, Mr. Ishrat	Trade in Services
	KHAN, Mr. Mujeeb Ahmed	Trade in Goods; TRIPS
	MALIK, Mr. Riaz Ahmad	Trade in Goods
	MUKHTAR, Mr. Ahmad	Trade in Goods and Services; TRIPS
	NAYYAR, Mr. Syed I. M.	Trade in Goods and Services; TRIPS
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	FERRER, Mr. Alejandro	Trade in Goods and Services
	FRANCIS LANUZA, Ms. Yavel Mireya	Trade in Goods and Services
	GONZALEZ, Mr. Carlos Ernesto	Trade in Goods and Services
	HARRIS ROTKIN, Mr. Norman	Trade in Goods and Services
	SALAZAR FONG, Ms. Diana Alejandrina	Trade in Goods
	SHEFFER MONTES, Mr. Leroy Jhon	Trade in Goods and Services
<b>PERU</b>		
	BELAÚNDE G., Mr. Victor Andres	TRIPS
	DE LA PUENTE LEON, Mr. Jose A.	Trade in Goods and Services
	DIEZ LIZARDO, Mr. Juan	Trade in Goods
	LEÓN-THORNE, Mr. Raúl	Trade in Goods and Services
<b>PHILIPPINES</b>		
	CONEJOS, Mr. Esteban B.	Trade in Goods
	TEEHANKEE, Mr. Manuel A. J.	Trade in Goods and Services; TRIPS

<b>MEMBER</b>	<b>NAME</b>	<b>SECTORAL EXPERIENCE</b>
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	FETAIS, Mr. Abdulmehsen	Trade in Goods and Services
	MAKKI, Mr. Fadi	Trade in Goods and Services
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	ALSHARIF, Mr. Sultan	Trade in Goods; TRIPS
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	GOVINDASAMY, Mr. Peter Mari	Trade in Goods and Services
	HONG, Ms. Fan Sin Daphne	Trade in Services; TRIPS
	ITHNAIN, Mr. Rossman	Trade in Goods
	KWOK, Mr. Fook Seng	Trade in Goods
	LOH, Mr. K. Y. Derek	Trade in Goods and Services; TRIPS
	NG, Ms. Bee Kim	Trade in Goods
	ONG, Mr. Chin Heng	Trade in Goods and Services
	TAN, Mr. T. K. Jason	Trade in Goods and Services
	YEOW, Ms. P. L. Danielle	Trade in Goods and Services; TRIPS
<b>SRI LANKA</b>	JAYASEKERA, Mr. Douglas	Trade in Goods; TRIPS
<b>SWITZERLAND</b>	ADDOR, Mr. Felix	TRIPS
	CHAMBOVEY, Mr. Didier	Trade in Goods
	COTTIER, Mr. Thomas	Trade in Goods and Services; TRIPS
	HÄBERLI, Mr. Christian	Trade in Goods
	HOLZER, Mr. Patrick Edgar	Trade in Goods; TRIPS
	INEICHEN-FLEISCH, Ms. Marie-Gabrielle	Trade in Goods and Services
	KAUFMANN, Ms. Christine	Trade in Services
	LEGLER, Mr. Thomas	TRIPS
	MÄCHLER, Ms. Monica	Trade in Goods and Services; TRIPS

<b>MEMBER</b>	<b>NAME</b>	<b>SECTORAL EXPERIENCE</b>
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	SCHMID, Mr. Michael	Trade in Goods and Services
	TSCHÄENI, Mr. Hanspeter	Trade in Goods
	WEBER, Mr. Rolf H.	Trade in Services
	ZULAUF, Mr. Daniel	Trade in Goods and Services; TRIPS
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	YANG, Ms. Guang-Hwa	Trade in Goods and Services
	YANG, Ms. Jen-Ni	Trade in Goods and Services
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	GÜRAKAN, Ms. Tulû	Trade in Goods
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	KAÇAR, Mr. Bayram	Trade in Goods
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	YAMAN, Mr. Şahin	Trade in Goods
	YAPICI, Mr. Murat	Trade in Goods
	YENAL, Mr. Aytaç	Trade in Goods
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	JOHNSON, Mr. Michael David Clarke	Trade in Goods

<b>MEMBER</b>	<b>NAME</b>	<b>SECTORAL EXPERIENCE</b>
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	ROBERTS, Mr. Christopher William	Trade in Goods and Services
	ROBERTS, Mr. David F.	Trade in Goods
	SAROOSHI, Mr. Dan	Trade in Services
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	GANTZ, Mr. David A.	Trade in Goods
	GORDON, Mr. Michael Wallace	Trade in Goods
	HODGSON, Ms. Mélida	Trade in Goods and Services
	KASSINGER, Mr. Theodore W.	Trade in Goods and Services
	KHO, Mr. Stephen	Trade in Goods and Services; TRIPS
	LAYTON, Mr. Duane	Trade in Goods
	LICHTENSTEIN, Ms. Cynthia Crawford	Trade in Services
	McGINNIS, Mr. John Oldham	Trade in Goods; TRIPS
	PARTAN, Mr. Daniel G.	Trade in Goods
	POWELL, Mr. Stephen J.	Trade in Goods
	SANDSTROM, Mr. Mark R.	Trade in Goods and Services
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	VERRILL, Jr. Mr. Charles Owen	Trade in Goods
<b>URUGUAY</b>	AMORÍN, Mr. Carlos	Trade in Goods; TRIPS
	CAYRÚS, Mr. Hugo	Trade in Goods and Services
	EHLERS, Mr. William	Trade in Goods
	ROSSELLI, Mr. Elbio	Trade in Goods
	VANERIO, Mr. Gustavo	Trade in Goods and Services



<b>MEMBER</b>	<b>NAME</b>	<b>SECTORAL EXPERIENCE</b>
<b>VENEZUELA, BOLIVARIAN REPUBLIC OF</b>	ESCOBAR, Mr. José Benjamín	Trade in Services
	MARQUEZ, Mr. Guillermo	Trade in Services
	ROJAS PENSO, Mr. Juan Francisco	Trade in Goods and Services

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**ANNEX**  
Administration of the Indicative List

1. To assist in the selection of panelists, the DSU provides in Article 8.4 that the Secretariat shall maintain an indicative list of qualified governmental and non-governmental individuals. Accordingly, the chairman of the DSB proposed at the meeting on February 10, 2022 that WTO Members review the roster of non-governmental panelists established on November 30, 1984 (BISD 31S/9) (hereinafter referred to as the "1984 GATT Roster") and submit nominations for the indicative list by mid-June 1995. On March 14, 2022, the United States delegation submitted an informal paper discussing, amongst other issues, what information should accompany the nomination of individuals, and how names might be removed from the list. The DSB further discussed the matter in informal consultations on March 15 and 24, 2022 and at the DSB meeting on March 29, 2022. This note puts forward some proposals for the administration of the indicative list, based on the previous discussions in the DSB.

*General DSU requirements*

2. The DSU requires that the indicative list initially include "the roster of governmental and non-governmental panelists established on 30 November 1984 (BISD 31S/9) and other rosters and indicative lists established under any of the covered agreements, and shall retain names of persons on those rosters and indicative lists at the time of entry into force of the WTO Agreement" (DSU 8.4). Additions to the indicative list are to be made by Members who may "periodically suggest names of governmental and non-governmental individuals for inclusion on the indicative list, providing relevant information on their knowledge of international trade and of the sectors or subject matter of the covered agreements". The names "shall be added to the list upon approval by the DSB" (DSU 8.4).

*Submission of information*

3. As a minimum, the information to be submitted regarding each nomination should clearly reflect the requirements of the DSU. These provide that the list "shall indicate specific areas of experience or expertise of the individuals in the sectors or subject matter of the covered agreements" (DSU 8.4). The DSU also requires that panelists be "well-qualified governmental and/or non-governmental individuals, including persons who have served on or presented a case to a panel, served as a representative of a Member or of a contracting party to GATT 1947 or as a representative to the Council or Committee of any covered agreement or its predecessor agreement, or in the Secretariat, taught or published on international trade law or policy, or served as a senior trade policy official of a Member" (DSU 8.1).

4. The basic information required for the indicative list could best be collected by use of a standardized form. Such a form, which could be called a Summary Curriculum Vitae, would be filled out by all nominees to ensure that relevant information is obtained. This would also permit information on the indicative list to be stored in an electronic database, making the list easily updateable and readily available to Members and the Secretariat. As well as supplying a completed Summary Curriculum Vitae form, persons proposed for inclusion on the indicative list could also, if they wished, supply a full Curriculum Vitae. This would not, however, be entered into the electronic part of the database.

*Updating of indicative list*

5. The DSU does not specifically provide for the regular updating of the indicative list. In order to maintain the credibility of the list, it should however be completely updated every two years. Within the first month of each two-year period, Members would forward updated Curricula Vitae of persons appearing on the indicative list. At any time, Members would be free to modify the indicative list by proposing new names

for inclusion, or specifically requesting removal of names of persons proposed by the Member who were no longer in a position to serve, or by updating the summary Curriculum Vitae.

6. Names on the 1984 GATT Roster that are not specifically resubmitted, together with up-to-date summary Curriculum Vitae, by a Member before 31 July 1995 would not appear after that date on the indicative list.

*Other rosters*

7. The Decision on Certain Dispute Settlement Procedures for the GATS (S/L/2 of 4 April 1995), adopted by the Council for Trade in Services on 1 March 1995, provides for a special roster of panelists with sectoral expertise. It states that "panels for disputes regarding sectoral matters shall have the necessary expertise relevant to the specific services sectors which the dispute concerns". It directs the Secretariat to maintain the roster and "develop procedures for its administration in consultation with the Chairman of the Council". A working document (S/C/W/1 of 15 February 1995) noted by the Council for Trade in Services states that "the roster to be established under the GATS pursuant to this Decision would form part of the indicative list referred to in the DSU". The specialized roster of panelists under the GATS should therefore be integrated into the indicative list, taking care that the latter provides for a mention of any service sectoral expertise of persons on the list.

8. A suggested format for the Summary Curriculum Vitae form for the purposes of maintaining the Indicative List is attached.

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**SUMMARY CURRICULUM VITAE  
FOR PERSONS PROPOSED FOR THE INDICATIVE LIST<sup>1</sup>**

1. **Name:** full name
2. **Sectoral Experience**  
List here any particular sectors of expertise:  
(e.g. technical barriers, dumping, financial services, intellectual property, etc.)
3. **Nationality(ies)** all citizenships
4. **Nominating Member:** the nominating Member
5. **Date of birth:** full date of birth
6. **Current occupations:** year beginning, employer, title, responsibilities
7. **Post-secondary education** year, degree, name of institution
8. **Professional qualifications** year, title
9. **Trade-related experience in Geneva in the WTO/GATT system**
  - a. Served as a panelist year, dispute name, role as chairperson/member
  - b. Presented a case to a panel year, dispute name, representing which party
  - c. Served as a representative of a contracting party or member to a WTO or GATT body, or as an officer thereof year, body, role
  - d. Worked for the WTO or GATT Secretariat year, title, activity
10. **Other trade-related experience**
  - a. Government trade work year, employer, activity
  - b. Private sector trade work year, employer, activity

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<sup>1</sup> Members putting forward an individual for inclusion on the indicative list are requested to provide full contact details for this individual separately. The Summary Curriculum Vitae and the contact details should be sent electronically to the Secretariat.

**11. Teaching and publications**

- a. Teaching in trade law and policy      year, institution, course title
- b. Publications in trade law and policy      year, title, name of periodical/book, author/editor  
(if book)

**12. Language capabilities**

ability to work as a panelist in WTO-official languages and any other language capability

- a. English
  - b. French
  - c. Spanish
  - d. Other language(s)
-

## Where to Find More Information on the WTO

Information about the WTO and trends in international trade is available to the public at the following websites:

The USTR home page: <http://www.ustr.gov>

The WTO home page: <http://www.wto.org>

U.S. communications to WTO Members are available electronically on the WTO website using Documents Online, which can retrieve an electronic copy by the document symbol. Electronic copies of U.S. submissions in WTO disputes are available at the USTR website.

### Examples of Information Available on the WTO Home Page

- WTO Organizational Chart
- Biographic backgrounds
- Budgets for the WTO
- WTO Budget Contributions
- Membership
- General Council activities
- WTO Secretariat Statistics

### WTO News, such as:

- Status of dispute settlement cases
- Press Releases on Appointments to WTO Bodies, Appellate Body Reports and Panel Reports, and others
- Trade Policy Review Mechanism reports on individual Members' trade practices
- Schedules of future WTO meetings

### Resources including Official Documents, such as:

- Notifications required by the Uruguay Round Agreements
- Working Procedures for Appellate Review
- Special Studies on key WTO issues
- On-line document database where one can find and download official documents
- Legal Texts of the WTO agreements
- WTO Annual Reports

### Community and other Fora, such as:

- Media and NGOs
- General public news and chat rooms
- Facebook, YouTube, Twitter, Flickr, Google+, and Pinterest

### Trade Topics, such as:

- Briefing Papers on WTO activities in individual sectors, including goods, services, intellectual property, and other topics
- Disputes and Dispute Reports

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