

USTR NEWS



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FACT SHEET: Trade Enforcement – Leveling the Playing Field for U.S. Workers and Employers

A Top Priority

President Obama has made trade enforcement a top priority for U.S. trade policy. The Administration has worked to hold trading partners to account for trade agreement obligations and has vigorously enforced the rules-based trading system to stand up for American workers, families, farmers and businesses.

The Record

- **18 WTO Complaints** since 2009. Of those, the U.S. prevailed **in 6 disputes through litigation** and **settled 1 case** favorably (11 are pending).
- **Nearly Doubled the Rate of Cases Against China.** In a time of scarce resources, in the first term alone the Administration nearly doubled the rate of cases brought against China, winning all of those decided to date: *Export Restraints on Raw Materials*; *Antidumping (AD) and Countervailing Duties (CVD) on Grain Oriented Electrical Steel (GOES)*; *Electronic Payment Services*; *AD/CVD on Broiler Products (Poultry)*; *AD/CVD on Autos*; plus settling one successfully: *Wind Power Prohibited Subsidies*.
- **First-ever Labor Case.** The Obama Administration filed the first ever labor rights case against Guatemala under CAFTA.
- **Cases Involve Large, Strategic Markets to U.S. Exporters.** Since 2009, the Obama Administration has focused on key, strategic markets: China (9 complaints); India and Indonesia (3 disputes each); and the EU; Argentina; and the Philippines (1 dispute each).
- **Billions of Dollars of Opportunity for U.S. exporters.** The Administration's enforcement efforts seek to open/preserve major export markets - India solar (\$1 billion), China poultry (\$1 billion, industry est.) and Russian poultry market (\$300 million), or end unfair trade practices, such as billions of dollars in subsidies to U.S. competitors (\$18 billion (Airbus), \$1 billion (auto export bases)) and unfair import restrictions (India AI (\$300 million annual exports, industry est.), Indonesia beef (\$30 million) and horticultural products (\$150 million annual exports affected).
- **Leveling the Playing Field in Key Sectors** – The cases that have been brought seek to level the playing field for key American economic sectors including aircraft, Rare Earths, wind, solar, green technologies, services, sanitary and phytosanitary (SPS) and agricultural barriers.
- The Obama Administration has focused heavily in areas important to **small and medium sized businesses**, including:

- China auto parts case;
 - Setting up ITEC to perform case research, development, and support;
 - Tackling SPS and technical barriers to trade (TBT), often especially hard for small businesses to surmount, with the SPS and TBT reports and targeted negotiations and litigation over matters such as discriminatory medical device regulations in China, avian influenza ban on poultry products in India, import licensing restrictions in Argentina and Indonesia, and other matters.
- **First-ever WTO victory defending a U.S. safeguard** upholding President Obama’s decision to impose tariffs on Chinese tires under section 421.
 - **Settling for More.** The U.S. resolved a Russian poultry matter worth more than \$300 million each year.
 - The U.S. has **leveraged** resources by collaborating in a substantial number of cases with co-complainants such as the EU (China-Raw Materials, China-Rare Earths, Argentina-Import Licensing), Japan (China-Rare Earths, Argentina-Import Licensing), and New Zealand (Indonesia-Import Licensing).
 - **Lumber.** The U.S. has also ensured implementation of 2 lumber cases under the U.S.-Canada Softwood Lumber Agreement and pursued a third on British Columbia’s pricing practices.

18 Offensive Complaints, by Name:

<i>9 China Complaints</i>	<i>9 Other Complaints (including compliance)</i>
China – GOES AD/CVD compliance (2014)	Indonesia – Import Licensing III (2014)
China – Export Bases for Automobile and Automobile Parts (2012)	India – Solar Local Content II (2014)
China – Autos AD / CVD Determinations (2012)	Indonesia – Import Licensing II (2013)
China – Export Restraints on Raw Materials II (“Rare Earths”) (2012)	India – Solar Local Content (2013)
China – Broiler Products AD / CVD Determinations (2011)	Indonesia – Import Licensing I (2013)
China – Wind Power Equipment Prohibited Subsidies (2010)	Argentina – Import Licensing (2012)
China – GOES AD / CVD Determinations (2010)	India – Poultry SPS (Avian Influenza) (2012)
China – Electronic Payment Services (2010)	EU – Large Civil Aircraft (“Airbus”) compliance (2011)
China – Export Restraints on Raw Materials (2009)	Philippines – Taxes on Distilled Spirits (2010)