



# Office of the U.S. Trade Representative

*Office of Monitoring and Enforcement  
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## **RECENT EVENTS**

### **Thomas Graham selected as new Appellate Body Member**

The Dispute Settlement Body of the WTO selected U.S. nominee Thomas Graham to join the Appellate Body for a term beginning December 11, 2011. Mr. Graham is senior counsel at King & Spalding. There, he has represented respondents in non-U.S. trade remedy cases, negotiated dispute settlement matters and assisted with WTO dispute-settlement proceedings. Mr. Graham has also served as Deputy General Counsel at the Office of the U.S. Trade Representative and a Legal Officer of the United Nations based in Geneva. He also brings academic experience to his new position, having taught at the Catholic University in Caracas, Venezuela and Georgetown University Law Center. Mr. Graham will be joined by Ambassador Ujal Singh Bhatia from India who was selected to fill the other open seat on the Appellate Body. Ambassador Bhatia previously served as India's ambassador to the WTO.

### **United States enters Consultations with China**

## **December Enforcement Update: United States argues before Appellate Body in China export restraints case**

In November the United States argued before the World Trade Organization (WTO) Appellate Body in a case challenging China's damaging export restraints policies regarding a number of important industrial raw materials. The United States argued that China has distorted the global marketplace through its policies including: export quotas that limit the volume of exportable material, duties that raise the export price of materials, and minimum export price requirements on industrial raw materials used in the production of steel, aluminum and assorted chemicals. The restricted international access to the raw materials drives up the price for U.S. manufacturers and increases Chinese producers' relative access to industrial raw materials at prices that are lower than they would be without the restraints.

Last summer, a WTO dispute settlement panel agreed with the United States that export restraints imposed by China on a variety of industrial raw materials violate China's WTO obligations. China appealed the findings and the United States filed a limited cross appeal. The Appellate Body is expected to issue a report in the first quarter of 2012.

The United States met with China for consultations in connection with the China - Broiler Products dispute. The U.S. is challenging China's imposition of antidumping and countervailing duties ("AD/CVD") on certain American chicken exports. As a result of these duties, the U.S. poultry industry stands to lose as much as \$1 billion in sales to China by the end of 2011, in a sector accounting for more than 300,000 jobs. The United States is concerned that China appears to have acted inconsistently with its WTO obligations in the underlying AD/CVD investigations that led to the imposition of the duties. The consultation period, which lasts for 60 days, expired this month.

### December 2011

				1 EC Airbus- 6 month implementation period expires	2	3
4	5	6 China GOES- Panel meeting	7 China GOES- Panel meeting	8	9	10
11	12	13 China EPS- Panel meeting	14 China EPS- Panel meeting	15	16	17
18	19 DSB Meeting	20	21	22 Philippines Spirits- AB report scheduled to be circulated	23	24
25	26	27	28	29	30	31

Legend	Consultations	Panel	Appellate Body	Implementation	Other
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Note: the calendar above is a projection of expected events and is subject to change.