



Office of the U.S. Trade Representative

*Office of Monitoring and Enforcement
Executive Office of the President*

www.ustr.gov | 202-395-3150

Monitoring and Enforcement Newsletter

Volume 14

RECENT EVENTS

Arbitrator Issues Reasonable Period of Time (RPT) Decision in COOL Dispute

On December 4, a WTO arbitrator decided on an RPT for the United States to bring its measures into compliance in the COOL (Country-of-Origin Labeling) dispute brought by Canada and Mexico on December 4, 2012. The United States will have until May 23, 2013, to bring the COOL requirements into compliance with its WTO obligations.

Reasonable Period of Time Agreed Upon in EPS Dispute with China

On November 22, 2012, the United States and China agreed on an RPT for China in the EPS (electronic payment systems) dispute brought by the United States. China has

Enforcement Update:

U.S. Wins Steel Dispute with China

November 16 - The World Trade Organization (WTO) adopted Panel and Appellate Body reports finding that China's imposition of anti-dumping duties (ADs) and countervailing duties (CVDs) on U.S. exports of grain oriented flat-rolled electrical steel (GOES) breached China's WTO obligations. United States Trade Representative Ron Kirk stated "**This is a broad and decisive victory for the United States and for American workers,**" and noted that the Administration will continue to fight to remove unfair barriers to U.S. exports because "**every dollar of U.S. exports supports jobs here at home.**"

The WTO established a panel in March 2011 after the United States alleged that China improperly initiated its AD/CVD investigations on GOES from the United States. According to the United States, China breached numerous WTO procedural obligations in conducting its investigations, greatly impairing the United States' ability to defend its interests. The WTO panel sided with the United States in a report circulated in June 2012, and on October 18, 2012, the WTO Appellate Body rejected China's appeal entirely. At the November 30 meeting of the WTO Dispute Settlement Body (DSB), China announced its intention to comply with the WTO's recommendations and rulings.

Panel Requested Against Argentina's Import Restrictions

December 6 - The United States requested that the

until July 31, 2013, to bring its EPS measures into compliance with its WTO obligations.

WTO establish a dispute settlement panel in order to examine import restrictions placed on all imported U.S. goods by Argentina. The United States is challenging Argentina's use of non-transparent and discretionary import licensing requirements and unfavorable trade balancing commitments. Similar requests were also made by the European Union and Japan. According to United States Trade Representative Ron Kirk, **"It is vital to American workers that our exporters obtain fair and equal access to foreign markets, as required by our trade agreements,"** emphasizing the Obama Administration's commitment to ensuring that U. S. exporters can compete on a level playing field.

Consultations between the United States and Argentina, held on September 20 - 21, failed to resolve the dispute. Following Argentina's decision to exercise its right at the December 17 Dispute Settlement Body meeting to block establishment of the WTO panel, the United States may make a second request to establish a panel in January, which according to WTO rules, would be automatically approved.

November 2012

				1	2	3
4	5	6	7	8	9	10
11	12 DSU Review Negotiations	13 DSU Review Negotiations	14 DSU Review Negotiations	15 DSU Review Negotiations	16 DSU Review Negotiations DSB Meeting	17
18	19	20	21	22	23	24
25	26	27	28	29	30 DSB Meeting	

Legend	Consultations	Panel	Appellate Body	Implementation	Other
--------	---------------	-------	----------------	----------------	-------

December 2012

						1
2	3	4 RPT Award of the Arbitrator circulated (COOL) Second panel meeting (China Broiler Products)	5	6	7	8
9	10	11	12	13	14	15
16	17 DSB Meeting	18	19	20 File and receive answers to second set of panel questions for China Broiler Products	21	22
23	24	25	26	27	28	29
30	31 China's RPT expires (China Raw Materials)					

Legend	Consultations	Panel	Appellate Body	Implementation	Other
--------	---------------	-------	----------------	----------------	-------