

**Statements by the United States at the Meeting of the WTO Dispute Settlement Body**

**Geneva, December 16, 2016**

**1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB**

**A. UNITED STATES – ANTI-DUMPING MEASURES ON CERTAIN HOT-ROLLED STEEL PRODUCTS FROM JAPAN: STATUS REPORT BY THE UNITED STATES (WT/DS184/15/ADD.167)**

- The United States provided a status report in this dispute on December 5, 2016, in accordance with Article 21.6 of the DSU.
- The United States has addressed the DSB’s recommendations and rulings with respect to the calculation of anti-dumping margins in the hot-rolled steel anti-dumping duty investigation at issue.
- With respect to the recommendations and rulings of the DSB that have yet to be addressed, the U.S. Administration will work with the U.S. Congress with respect to appropriate statutory measures that would resolve this matter.

1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB
  - B. UNITED STATES – SECTION 110(5) OF THE US COPYRIGHT ACT: STATUS REPORT BY THE UNITED STATES (WT/DS160/24/ADD.142)
    - The United States provided a status report in this dispute on December 5, 2016, in accordance with Article 21.6 of the DSU.
    - The U.S. Administration will continue to confer with the European Union, and to work closely with the U.S. Congress, in order to reach a mutually satisfactory resolution of this matter.

1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB

C. EUROPEAN COMMUNITIES - MEASURES AFFECTING THE APPROVAL AND MARKETING OF BIOTECH PRODUCTS: STATUS REPORT BY THE EUROPEAN UNION (WT/DS291/37/ADD.105)

- The United States thanks the European Union (“EU”) for its status report and its statement today.
- As the United States has noted at past meetings of the DSB, the EU measures affecting the approval and marketing of biotech products are characterized by lengthy, unpredictable, and unexplained delays in approvals. This remains a substantial concern to the United States.
- As the EU is aware, the United States is concerned that the EU’s scientific review process seems to have slowed in recent years. Many corn and soy products have now been under consideration by the EU’s scientific authority for several years.
- Further, even after products have received positive scientific evaluations, they continue to languish without approval by the relevant EU bodies.
- The delays in approvals cause adverse effects on trade, particularly with respect to soybeans and corn.
- The United States encourages the EU to ensure that products in the biotech approval pipeline move forward in a timely manner, as required by EU regulations and WTO rules.

2. UNITED STATES – CONTINUED DUMPING AND SUBSIDY OFFSET ACT OF 2000: IMPLEMENTATION OF THE RECOMMENDATIONS ADOPTED BY THE DSB

A. STATEMENTS BY THE EUROPEAN UNION AND JAPAN

- As the United States has noted at previous DSB meetings, the Deficit Reduction Act – which includes a provision repealing the Continued Dumping and Subsidy Offset Act of 2000 – was enacted into law in February 2006. Accordingly, the United States has taken all actions necessary to implement the DSB’s recommendations and rulings in these disputes.
- We recall, furthermore, that the EU, Japan, and other Members have acknowledged that the Deficit Reduction Act does not permit the distribution of duties collected on goods entered after October 1, 2007, over nine years ago.
- In light of this, we are pleased to note Japan’s statement today that it will not continue to inscribe this item on the DSB agenda while reserving its rights. The United States views this as a positive development, illustrative of the close and cooperative relationship we share with Japan.
- With respect to comments regarding continued status reports in this matter, as we have already explained at previous DSB meetings, the United States fails to see what purpose would be served by further submission of status reports which would repeat, again, that the United States has taken all actions necessary to implement the DSB’s recommendations and rulings in these disputes.
- Indeed, as these very WTO Members have demonstrated repeatedly when they have been a responding party in a dispute, there is no obligation under the DSU to provide further status reports once a Member announces that it has implemented those DSB recommendations and rulings, regardless of whether the complaining party disagrees about compliance.

3. CHINA – CERTAIN MEASURES AFFECTING ELECTRONIC PAYMENT SERVICES

A. STATEMENT BY THE UNITED STATES

- The DSB adopted its recommendations in this dispute more than four years ago, and the reasonable period of time has long since expired.
- China issued a regulation several months ago that purports to set out a licensing application process for foreign EPS suppliers.
- However, the only entity authorized to provide electronic payment services (EPS) in China remains a business set up by the People’s Bank of China and other Chinese Government-related entities.
- The United States urges China to ensure that foreign EPS suppliers may apply for and receive permission to operate in China, in accordance with China’s WTO obligations.

6. CHINA – DOMESTIC SUPPORT FOR AGRICULTURAL PRODUCERS

A. REQUEST FOR THE ESTABLISHMENT OF A PANEL BY THE UNITED STATES (WT/DS511/8)

- The United States recalls that all WTO Members, including China, have undertaken to limit the trade- or production-distorting government support they provide to agricultural producers. For each WTO Member, non-exempt domestic support, as defined by the *Agreement on Agriculture*, may not exceed the level agreed to by that Member as reflected in its WTO Schedule.
- Unfortunately, it appears that China maintains domestic support at levels well in excess of its scheduled commitments, including with respect to wheat, Indica rice, Japonica rice, and corn.
- When China joined the WTO, it committed not to provide support in favor of domestic producers, expressed in terms of China's Current Total Aggregate Measurement of Support (Current Total AMS), in excess of its final bound commitment level of "nil".
- China further agreed that its *de minimis* exemption for product-specific support would be equivalent to 8.5 percent of the total value of production of a basic agricultural product during the relevant year.
- For the years 2012, 2013, 2014, and 2015, however, it appears that China has exceeded its final bound commitment level on the basis of China's market price support (MPS) programs for wheat, Indica rice, Japonica rice, and corn alone. That is, China's support for these products exceeded 8.5 percent of the total value of production for each product.
- Prior to initiating this dispute, the United States attempted to resolve these issues with China, both bilaterally and in the Committee on Agriculture. However, China has continued to provide domestic support at levels well in excess of its WTO commitments.
- In September, the United States and China held formal WTO consultations, but these efforts also unfortunately failed to resolve U.S. concerns.
- Accordingly, the United States is requesting that the DSB establish a panel to examine the matter set out in our panel request with standard terms of reference.