

1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB

A. UNITED STATES - SECTION 211 OMNIBUS APPROPRIATIONS ACT OF 1998: STATUS REPORT BY THE UNITED STATES (WT/DS176/11/ADD.123)

- The United States provided a status report in this dispute on February 14, 2013, in accordance with Article 21.6 of the DSU.
- Legislation has been introduced in the current Congress to implement the recommendations and rulings of the DSB.
- The U.S. Administration will continue to work on solutions to implement the DSB's recommendations and rulings.

1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB

B. UNITED STATES - ANTI-DUMPING MEASURES ON CERTAIN HOT-ROLLED STEEL PRODUCTS FROM JAPAN: STATUS REPORT BY THE UNITED STATES (WT/DS184/15/ADD.123)

- The United States provided a status report in this dispute on February 14, 2013, 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 antidumping margins in the hot-rolled steel antidumping duty investigation at issue in this dispute.
- 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

C. UNITED STATES - SECTION 110(5) OF THE US COPYRIGHT ACT:
STATUS REPORT BY THE UNITED STATES (WT/DS160/24/ADD.98)

- The United States provided a status report in this dispute on February 14, 2013, 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

D. EUROPEAN COMMUNITIES - MEASURES AFFECTING THE APPROVAL AND MARKETING OF BIOTECH PRODUCTS: STATUS REPORT BY THE EUROPEAN UNION (WT/DS291/37/ADD.61)

- The United States thanks the EU for its status report and its statement today.
- The United States continues to have serious concerns regarding EU measures affecting the approval of biotech products.
- For example, at the January meeting of the DSB, the United States noted concerns with the progress of applications for a new biotech soy variety and a new biotech corn variety. The EU's scientific authority (EFSA) published positive opinions for both products last year.
- The next step under the EU's process is the consideration of the applications by an EU regulatory committee.
- We understand that the EU regulatory committee recently met for the first time this year. Unfortunately, however, the committee did not take decisions on either product. As a result, there will be further delay in the consideration of these products.
- The EU measures affecting the approval of biotech products currently result in serious restrictions on trade in agricultural commodities. The United States urges the EU to take steps to address these matters.

1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB

E. UNITED STATES - ANTI-DUMPING ADMINISTRATIVE REVIEWS AND OTHER MEASURES RELATED TO IMPORTS OF CERTAIN ORANGE JUICE FROM BRAZIL: STATUS REPORT BY THE UNITED STATES (WT/DS382/11/ADD.14)

- The United States provided a status report in this dispute on February 14, 2013.
- The United States is pleased to report that the United States and Brazil have reached a mutually satisfactory solution in this dispute. That document has been circulated to the DSB as WT/DS382/12.
- As noted in that document, this solution with Brazil follows upon the action taken by the United States in February of last year to modify the methodology used in antidumping administrative reviews referred to as "zeroing."
- Members will recall that the United States has previously reached similar understandings with other Members to resolve disputes regarding this issue.
- The United States would like to thank Brazil for working constructively on this matter, and the United States welcomes the resolution of this dispute.

1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB

G. UNITED STATES - ANTI-DUMPING MEASURES ON CERTAIN SHRIMP FROM VIET NAM (WT/DS404/11/ADD.9)

- The United States provided a status report in this dispute on February 14, 2013, in accordance with Article 21.6 of the DSU.
- In February 2012, the U.S. Department of Commerce published a modification to its procedures in order to implement DSB recommendations and rulings regarding the use of “zeroing” in antidumping reviews. This modification addresses certain findings in this dispute.
- In June 2012, the United States Trade Representative requested pursuant to section 129 of the Uruguay Round Agreements Act that the Department of Commerce take action necessary to implement the DSB recommendations and rulings in this dispute.
- The United States will continue to consult with interested parties as it works to address the recommendations and rulings of the DSB.

1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB

H. UNITED STATES - MEASURES AFFECTING THE PRODUCTION AND SALE OF CLOVE CIGARETTES: STATUS REPORT BY THE UNITED STATES (WT/DS406/11/ADD.2)

- The United States provided a status report in this dispute on February 14, 2013, in accordance with Article 21.6 of the DSU.
- As noted in the status report, U.S. authorities are conferring with interested parties and working to implement the recommendations and rulings of the DSB in a manner that is appropriate from the perspective of the public health.

1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB

I. UNITED STATES - ANTI-DUMPING MEASURES ON CERTAIN SHRIMP AND DIAMOND SAWBLADES FROM CHINA: STATUS REPORT BY THE UNITED STATES (WT/DS422/8)

- The United States provided a status report in this dispute on February 14, 2013, in accordance with Article 21.6 of the DSU.
- The DSB adopted its recommendations and rulings in this dispute in July 2012. At that time, the United States informed the DSB of its intention to implement the DSB recommendations and rulings.
- The United States and China agreed that the reasonable period of time for the United States to implement the DSB recommendations would end on March 23, 2013, and jointly notified the DSB of this agreement.
- On September 5, 2012, the United States Trade Representative requested pursuant to section 129 of the Uruguay Round Agreements Act that the U.S. Department of Commerce take action necessary to implement the DSB recommendations and rulings in this dispute.
- The United States expects to complete implementation within the reasonable period of time notified to the DSB.

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 already explained at previous DSB meetings, the President signed the Deficit Reduction Act into law on February 8, 2006. That Act includes a provision repealing the Continued Dumping and Subsidy Offset Act of 2000. Thus, the United States has taken all actions necessary to implement the DSB's recommendations and rulings in these disputes.
- We recall, furthermore, that Members have acknowledged during previous DSB meetings that the 2006 Deficit Reduction Act does not permit the distribution of duties collected on goods entered after October 1, 2007.
- With respect to comments regarding further status reports, the United States fails to see what purpose would be served by further submission of status reports repeating the progress the United States made in the implementation of the DSB's recommendations and rulings.

3. UNITED STATES - MEASURES AFFECTING THE CROSS BORDER SUPPLY OF GAMBLING AND BETTING SERVICES

A. STATEMENT BY ANTIGUA AND BARBUDA REGARDING THE IMPLEMENTATION OF THE RECOMMENDATIONS AND RULINGS ADOPTED BY THE DSB

- The United States and Antigua remain in active discussions to resolve this matter, and in the interest of maintaining this constructive course, we will make just a few remarks today.
- First, the United States takes note that today, as in the past, Antigua has assured the DSB that if it decides to take the extraordinary, and indeed unprecedented step of suspending TRIPS obligations with respect to U.S. intellectual property (IP), it will notify the DSB and provide specific details about how it would implement this suspension. As the arbitrator cautioned in its December 2007 decision, it is critical that Antigua act absolutely transparently if it decides to pursue this course.
- Antigua is authorized in a very limited way to refrain from applying IP obligations with respect to the United States. This authorization does not permit rampant IP theft from Antiguan websites nor does it excuse violations of IP rights within the territory of any other Member. Every Member has an interest to ensure that, whatever action Antigua might pursue, such action does not undermine the efforts that every other Member makes to protect and enforce IP rights.
- The United States takes Antiguan representatives at their word that their government would not encourage or allow Antigua to become a haven for IP piracy. It is not in Antigua's interest to abandon the IP laws and norms respected throughout the world.
- Second, the United States would like to respond briefly to how Antigua has been characterizing the status of this dispute in recent months. Antigua repeatedly states that the United States has been unwilling to negotiate in good faith toward a fair settlement. This is not the case.
- As a rule, the United States does not speak publicly about sensitive settlement negotiations and will continue to follow that practice. However, in the interest of responding to Antigua's specific characterizations, we would make some general comments.
- The United States has been following the established, multilateral WTO process for responding to the DSB findings that the U.S. services schedule extends to gambling services. In 2007, the United States began the process of modifying the U.S. Schedule of

Specific Commitments under the GATS in order to bring U.S. services commitments in line with longstanding U.S. policy. As part of that process, the United States offered substantial compensatory adjustments in other services areas.

- Every Member except Antigua has agreed to the U.S. compensation package. Unfortunately, the Antiguan government has responded that no service, except gambling, is of interest. In other words, Antigua is not working within the framework of the GATS to find new services commitments to counterbalance a modification of the U.S. Schedule with respect to gambling.
- In response, and although not required under WTO procedures, the United States has sought to offer Antigua elements other than new services concessions. These elements include assistance designed to bring benefits to Antigua's broader economy. The United States has also offered to work creatively with Antigua to develop possibilities that might leverage Antigua's existing capacities to lead to growth in new areas.
- In closing, the United States remains open and ready to engage with Antigua and remains optimistic that our countries can work cooperatively to find a solution.

4. UNITED STATES - ANTI-DUMPING MEASURES ON CERTAIN SHRIMP FROM VIET NAM

A. REQUEST FOR THE ESTABLISHMENT OF A PANEL BY VIET NAM
(WT/DS429/2/REV.1 AND WT/DS429/REV.1/CORR.2)

- The United States has been engaged in an ongoing dialogue with Vietnam over the past months with the aim of reaching a mutually agreed solution to this dispute. The United States understood this dialog to be constructive, and that it appeared to be leading toward a practical resolution.
- Accordingly, the United States is disappointed that Vietnam has chosen to go forward with this second panel request. The United States seriously questions how, under any scenario, Vietnam expects to achieve the economic results that it seeks.
- Nevertheless, we understand that a panel will be established today, and the United States will vigorously defend its interests in the panel proceeding.

5. ELECTION OF CHAIRPERSON

- The United States would like to take this opportunity to congratulate Ambassador Fried on his election, and to extend our welcome to him as he assumes the chairmanship of the DSB. We very much look forward to working with him over the coming year.
- We also would like to thank Ambassador Bashir for his many contributions to the work of the DSB during this past year. It has been a pleasure, and we wish you success chairing the General Council.