

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.127)

- The United States provided a status report in this dispute on June 13, 2013, in accordance with Article 21.6 of the DSU.
- As noted in the U.S. status report, at least five bills have been introduced in the current Congress in relation to the recommendations and rulings of the DSB. These include H.R. 214, H.R. 778, H.R. 872, H.R. 873, and S. 647.
- The U.S. Administration will continue to work on solutions to implement the DSB's recommendations and rulings.

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B. UNITED STATES - ANTI-DUMPING MEASURES ON CERTAIN HOT-ROLLED STEEL PRODUCTS FROM JAPAN: STATUS REPORT BY THE UNITED STATES (WT/DS184/15/ADD.127)

- The United States provided a status report in this dispute on June 13, 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 anti-dumping margins in the hot-rolled steel anti-dumping 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.

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C. UNITED STATES - SECTION 110(5) OF THE US COPYRIGHT ACT:
STATUS REPORT BY THE UNITED STATES (WT/DS160/24/ADD.102)

- The United States provided a status report in this dispute on May 13, 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.

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D. EUROPEAN COMMUNITIES - MEASURES AFFECTING THE APPROVAL AND MARKETING OF BIOTECH PRODUCTS: STATUS REPORT BY THE EUROPEAN UNION (WT/DS291/37/ADD.65)

- The United States thanks the EU for its status report and its statement today.
- The United States continues to have serious concerns regarding lack of progress in approvals of biotech products.
- As we have noted in prior meetings, the relevant EU regulatory committee has been skipping some of its monthly meetings, which contributes to delay.
- The committee did meet in June. It considered three applications for authorizations of biotech corn.
- The European Food Safety Authority (EFSA) had reviewed all three varieties, and found them to be as safe as conventionally developed corn varieties. For two of these products, the EFSA opinions were published in September 2010, meaning that close to three years elapsed between the opinion and the consideration of the application for authorization.
- Despite the favorable EFSA opinions, the regulatory committee was not able to reach the necessary qualified majority to adopt the approvals. We expect that the applications will be put to an EU appeals committee, and hope that approvals can be granted without further delay.
- As a result of EU delays, including those arising from the consistent failure of the regulatory committee to adopt approvals, the EU measures affecting approval of biotech products are causing serious restrictions on trade.
- As we have highlighted in the past, this situation arises in part from the EU's frequent failures to adhere to its own timelines for regulatory action under the relevant EU regulation.
- We urge the EU to take steps to address these problems with its measures affecting the approval of biotech products.

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F. UNITED STATES - ANTI-DUMPING MEASURES ON CERTAIN SHRIMP FROM VIET NAM (WT/DS404/11/ADD.14)

- The United States provided a status report in this dispute on June 13, 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 anti-dumping 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.

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G. UNITED STATES - MEASURES AFFECTING THE PRODUCTION AND SALE OF CLOVE CIGARETTES: STATUS REPORT BY THE UNITED STATES (WT/DS406/11/ADD.6)

- The United States provided a status report in this dispute on June 13, 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.
- As we approach the end of the reasonable period of time, we are accelerating our implementation efforts and expect to be in communication with Indonesia.

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H. UNITED STATES - MEASURES CONCERNING THE IMPORTATION, MARKETING AND SALE OF TUNA AND TUNA PRODUCTS: STATUS REPORT BY THE UNITED STATES (WT(DS381/18/ADD.2)

- The United States provided a status report in this dispute on June 13, 2013, in accordance with Article 21.6 of the DSU.
- As noted in our status report, on April 5, the United States published in the *Federal Register* a proposed rule related to the U.S. dolphin-safe labeling standards.¹
- The proposed changes would help ensure that consumers receive accurate information concerning whether the tuna in a product labeled "dolphin safe" was caught in a manner that caused harm to dolphins.
- The period for comment on the proposed rule closed on May 6.
- The United States continues to evaluate comments received concerning the proposed rule and will work to implement the recommendations and rulings of the DSB by the end of the RPT on July 13.

Second Intervention

- Thank you for those comments. We will work toward compliance by the end of the RPT on July 13, 2013.
- As noted, the United States has published a proposal to amend aspects of the U.S. dolphin-safe labeling regulations.
- The proposed rule would enhance documentary requirements for certifying that no dolphins were killed or seriously injured in the sets or other gear deployments in which the tuna were caught.
- The United States takes note of Mexico's statement and is willing to engage in further bilateral discussions. In the U.S. view, the proposed changes would bring the dolphin-safe labeling requirements into compliance with the DSB's recommendations and rulings.

¹ *Enhanced Document Requirements to Support Use of the Dolphin Safe Label on Tuna Products*, 78 Fed. Reg. 20604 (proposed Apr. 5, 2013) (to be codified at 50 CFR pt. 216).

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I. CHINA - CERTAIN MEASURES AFFECTING ELECTRONIC PAYMENT SERVICES: STATUS REPORT BY CHINA (WT/DS413/9)

- The United States thanks China for its status report and its statement today.
- China's measures affecting electronic payment services have been and continue to be of significant concern to the United States.
- Electronic payment services (EPS) allow consumers to purchase goods and services without cash. EPS enable, facilitate and manage the flow of information and the transfer of funds from cardholders' banks to merchants' banks. These services are vital to facilitating global commerce and essential to the operation of any modern economy.
- In this dispute, the DSB found that China instituted measures that discriminate against foreign EPS suppliers at every stage of a card-based electronic payment that takes place in China in China's domestic currency. China's discriminatory measures have ensured the market dominance of a Chinese entity, China UnionPay, Ltd. (CUP) and prevented foreign suppliers from providing this important service. In China, each year well over \$1 trillion worth of electronic payment card transactions are processed.
- The United States looks forward to China fully implementing the DSB's recommendations and rulings by the expiration of the RPT on July 31, 2013. In the meantime, the United States welcomes the opportunity to confer with China regarding actions it is taking in connection with this dispute.

3. 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 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. 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 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 repeating the progress the United States made in the implementation of the DSB's recommendations and rulings.

4. 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 remains committed to constructive dialogue with Antigua to resolve this matter. While Members are aware that we have invoked the GATS process to withdraw the gambling concession at issue, we remain of the view that a negotiated resolution is the best outcome here, and will continue with those efforts.
- It is U.S. policy not to comment publicly on ongoing negotiations, and consistent with that practice we will not address the specific remarks about the status of negotiations. We do note, however, that the United States is committed to working with Antigua and our focus on this effort continues unabated.

5. UNITED STATES – CERTAIN COUNTRY OF ORIGIN LABELLING (COOL) REQUIREMENTS (WT/DS384 AND WT/DS386)

A. STATEMENTS BY CANADA AND MEXICO

- As noted at the last meeting of the DSB, the U.S. Department of Agriculture issued a final rule on May 23, 2013, that makes certain changes to the country-of-origin (COOL) labeling requirements found by the DSB to be inconsistent with Article 2.1 of the TBT Agreement.
- Under the final rule, country of origin labels must include information about where each of the production steps (*i.e.*, born, raised, slaughtered) occurred for covered muscle cut commodities derived from animals slaughtered in the United States.
- The final rule ensures that U.S. customers are provided with more detailed and accurate origin information for muscle cut meats to allow them to make informed purchasing decisions.
- This final rule brings the United States into compliance with the DSB's recommendations and rulings in this dispute.

Second Intervention

- We have studied the DSB's recommendations and rulings closely and believe that the final rule brings us into compliance. If necessary, we are fully prepared to defend the final rule in further WTO proceedings. At the same time, we remain open to further discussions with Canada or Mexico in relation to any concerns that they may have.