

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.129)

- The United States provided a status report in this dispute on August 19, 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.129)

- The United States provided a status report in this dispute on August 19, 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.104)

- The United States provided a status report in this dispute on August 19, 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.67)

- The United States thanks the EU for its status report and its statement today.
- As the United States has explained at past meetings of the DSB, the United States has substantial concerns regarding EU measures affecting the approval of biotech products.
- At this meeting, the United States would recall the DSB findings that EU member State bans on biotech varieties approved at the EU-level are inconsistent with the EU's obligations under the SPS Agreement.<sup>1</sup> These findings include EU member State bans on the only variety of biotech corn, known as Mon810, that has been approved for cultivation in the EU.
- Despite the DSB findings that EU member State bans on Mon810 are in breach of the EU's WTO obligations, several EU member States continue to maintain bans on this biotech product.
- For example, as the United States noted at the April 2012 meeting of the DSB, France renewed a ban on Mon810 in March 2012. France took this action even though Mon810 has been approved by the EU, and has repeatedly received favorable safety assessments from the EU's own scientific authority.
- Earlier this month, a French court recognized that France's ban on Mon810 could not be justified.
- The United States urges the EU to take steps to ensure that France, as well other EU member States, act in accordance with the EU's own approval and the recent court decision by lifting all outstanding EU member State bans on Mon810.
- As a result of EU delays, the EU measures affecting approval of biotech products are causing substantial restrictions on trade. We urge the EU to take steps to address these problems.

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<sup>1</sup> Panel Report, *European Communities – Measures Affecting the Approval and Marketing of Biotech Products*, WT/DS291/R, adopted 21 November 2006, paras. 8.24, 8.28.

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F. UNITED STATES - ANTI-DUMPING MEASURES ON CERTAIN SHRIMP FROM VIET NAM (WT/DS404/11/ADD.15)

- The United States provided a status report in this dispute on August 19, 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.

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 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 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.

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 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. We recently received a new proposal from Antigua and Barbuda, which we are reviewing carefully, and look forward to further discussion in the near future.

4. UNITED STATES - MEASURES CONCERNING THE IMPORTATION,  
MARKETING AND SALE OF TUNA AND TUNA PRODUCTS

A. STATEMENT BY MEXICO

- As the United States informed the DSB at the July meeting, the United States has amended its dolphin-safe labeling requirements so as to bring those requirements into compliance with the recommendations and rulings of the DSB.
- The amended regulations enhance documentary requirements for certifying that no dolphins were killed or seriously injured when tuna were caught so that they also now cover tuna caught in oceans other than the eastern tropical Pacific Ocean (ETP).
- These changes ensure that consumers are not misled or deceived about whether the tuna in a product labeled “dolphin safe” was caught in a manner that caused harm to dolphins.
- In sum, this final rule brings the United States into compliance with the DSB’s recommendations and rulings within the reasonable period of time agreed to by Mexico and the United States. The rule demonstrates that the United States can prevent consumer deception and protect dolphins consistent with WTO rules.

7. UNITED STATES - CERTAIN COUNTRY OF ORIGIN LABELLING (COOL) REQUIREMENTS
- A. RECOURSE TO ARTICLE 21.5 OF THE DSU BY CANADA: REQUEST FOR THE ESTABLISHMENT OF A PANEL (WT/DS384/26)
- B. RECOURSE TO ARTICLE 21.5 OF THE DSU BY MEXICO: REQUEST FOR THE ESTABLISHMENT OF A PANEL (WT/DS386/25)
- The United States is disappointed that Canada and Mexico have requested the establishment of a panel on this matter.
  - The U.S. Department of Agriculture's May 2013 final rule ensures that U.S. consumers are provided with detailed and accurate origin information for muscle cuts of meats in order to allow consumers to make informed purchasing decisions.
  - 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.
  - This final rule brings the United States into compliance with the DSB's recommendations and rulings in this dispute within the period determined by the WTO arbitrator.
  - While the United States is fully prepared to defend the amended COOL measure in a compliance proceeding, we remain prepared to work in a constructive manner with Canada and Mexico outside the framework of litigation to address their respective concerns with the U.S. COOL program.
  - For these reasons, the United States is not in a position to agree to the establishment of a panel.