

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

**Geneva, February 26, 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.157)
    - The United States provided a status report in this dispute on February 15, 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.132)

- The United States provided a status report in this dispute on February 15, 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.95)

- 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’s measures affecting the approval and marketing of biotech products remain of substantial concern to the United States.
- Delays in the consideration of biotech products, as well as current and impending EU Member state bans on products supposedly approved by the EU, represent serious obstacles to trade in agricultural products.
- Unfortunately, we are unaware of any recent positive developments in relation to the EU’s measures.
- Indeed, even the EU official responsible for reviewing EU administrative actions recently confirmed that the Commission has failed to take biotech approval decisions within a reasonable time.
- And with regard to the problem of EU Member state bans, the situation appears to be growing worse, not better. At least nineteen Member States or sub-regions have declared their intention to “opt-out” of certain biotech approvals without providing any scientific basis.
- The United States urges the EU to ensure that its biotech approval measures are consistent with its obligations under the SPS Agreement.

1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB

D. UNITED STATES – ANTI-DUMPING MEASURES ON CERTAIN SHRIMP FROM VIET NAM (WT/DS404/11/ADD.43)

- The United States provided a status report in this dispute on February 15, 2016, in accordance with Article 21.6 of the DSU.
- As we have noted at past DSB meetings, in February 2012 the U.S. Department of Commerce modified its procedures in a manner that addresses certain findings in this dispute.
- The United States will continue to consult with interested parties as it works to address the other recommendations and rulings of the DSB.

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E. UNITED STATES – COUNTERVAILING MEASURES ON CERTAIN HOT ROLLED CARBON STEEL FLAT PRODUCTS FROM INDIA: STATUS REPORT BY THE UNITED STATES (WT/DS436/14/ADD.3)

- The United States provided a status report in this dispute on February 15, 2016, in accordance with Article 21.6 of the DSU.
- The United States recalls that the findings in this dispute involve determinations by the U.S. Department of Commerce and the U.S. International Trade Commission (USITC).
- On October 5, 2015, the U.S. Trade Representative requested the U.S. Department of Commerce to issue a determination in the underlying proceeding that is not inconsistent with the findings of the panel and the Appellate Body in this dispute.
- On November 6, 2015, the U.S. Trade Representative requested that the USITC issue a determination in the underlying proceeding that is not inconsistent with the findings of the panel and the Appellate Body in this dispute.
- The United States will continue to work to address the recommendations and rulings of the DSB and to consult with interested parties.

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 eight years ago.
- We therefore do not understand the purpose for which the EU and Japan have inscribed this item today.
- 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 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 United States continues to have serious concerns that China has failed to bring its measures into conformity with its WTO obligations.
- As the United States has noted at past meetings of the DSB, China continues to impose its ban on foreign suppliers of electronic payment services (“EPS”) by requiring a license, while at the same time failing to issue all specific measures or procedures for obtaining that license.
- The United States previously has taken note of an April 2015 State Council decision, which indicates China’s intent to open up its EPS market following issuance of implementing regulations by the People’s Bank of China and the China Banking Regulatory Commission.
- To date, however, China has not issued these regulations.
- As required under its WTO obligations, however, China must adopt the implementing regulations necessary for allowing the operation of foreign EPS suppliers in China.
- Furthermore, once adopted, any regulations must be implemented in a consistent and fair way.
- We continue to look forward to the prompt issuance and implementation of all measures necessary to permit foreign EPS suppliers to do business in China.

6. ELECTION OF CHAIRPERSON

- The United States would like to take this opportunity to congratulate Ambassador Carim 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 Neple for his many contributions to the work of the DSB during this past year.

## OTHER BUSINESS

### A. STATEMENT BY CUBA ON UNITED STATES – SECTION 211 OMNIBUS APPROPRIATIONS ACT OF 1998

- The United States queries whether the Members speaking under this item considered the rules they adopted in the DSB before preparing those interventions.
- Rule 25 of the DSB Rules of Procedure states (quote): “[r]epresentatives should avoid unduly long debates under ‘Other Business’. Discussions on substantive issues under ‘Other Business’ shall be avoided, and the General Council shall limit itself to taking note of the announcement by the *sponsoring delegation, as well as any reactions to such an* announcement by other delegations directly concerned.”<sup>1</sup>
- The United States would refer Members to its statement made at the DSB meeting on January 25, 2016, noting significant positive developments in this matter and the more cooperative approach agreed by the disputing parties.

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<sup>1</sup> WT/L/161, WT/DSB/9, Rule 25 (emphasis added).