



United States  
International Trade Commission

# The Year in Trade 2014

Operation of the Trade Agreements  
Program

66th Report

July 2015  
Publication Number: 4543

# United States International Trade Commission

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# Preface

This report is the 66th in a series of annual reports submitted to the U.S. Congress under section 163(c) of the Trade Act of 1974 (19 U.S.C. 2213(c)) and its predecessor legislation. Section 163(c) states that “the International Trade Commission shall submit to the Congress at least once a year, a factual report on the operation of the trade agreements program.”

This report is one of the principal means by which the U.S. International Trade Commission provides Congress with factual information on trade policy and its administration for calendar year 2014. The trade agreements program includes “all activities consisting of, or related to, the administration of international agreements which primarily concern trade and which are concluded pursuant to the authority vested in the President by the Constitution” and by congressional legislation.



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# Abbreviations and Acronyms

Acronyms	Term
AB	Appellate Body (WTO)
AGOA	African Growth and Opportunity Act
APEC	Asia-Pacific Economic Cooperation
APHIS	Animal and Plant Health Inspection Service (USDA)
ASEAN	Association of Southeast Asian Nations
ATPA	Andean Trade Preference Act
ATPDEA	Andean Trade Promotion and Drug Eradication Act
BEA	Bureau of Economic Analysis (USDOC)
BECC	Border Environment Cooperation Commission (NAFTA)
BIT	bilateral investment treaty
BLS	Bureau of Labor Statistics
BOP	balance of payments
CAFTA-DR	Dominican Republic-Central America-United States Free Trade Agreement
CARICOM	Caribbean Community and Common Market
CBERA	Caribbean Basin Economic Recovery Act
CBTPA	Caribbean Basin Trade Partnership Act
CEC	Commission for Environmental Cooperation (NAFTA)
CFDA	China Food and Drug Administration
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CLC	Commission for Labor Cooperation (NAFTA)
CNL	competitive need limitation
COMESA	Common Market for Eastern and Southern Africa
COOL	country of origin labeling
CRS	Congressional Research Service
CSQ	country-specific quota
CTI	Committee on Trade and Investment (APEC)
CTMO	Commission Tripartite pour la Mise en Œuvre de la loi Hope (HOPE Act)
DDA	Doha Development Agenda (WTO)
DFAT	Department of Foreign Affairs and Trade (Australia)
DSB	Dispute Settlement Body (WTO)
DSU	Dispute Settlement Understanding (WTO)
EAC	Environmental Affairs Council
EC	European Communities
ECOWAS	Economic Community of West African States
EDA	Economic Development Administration (USDOC)
EGA	Environmental Goods Agreement
EIAP	Earned Import Allowance Program
EIU	Economist Intelligence Unit
ETA	Employment and Training Administration (USDOL)

## Abbreviations and Acronyms

<b>Acronyms</b>	<b>Term</b>
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FAS	Foreign Agricultural Service (USDA)
Fed. Reg.	Federal Register
FMCSA	Federal Motor Carrier Safety Administration
FSIS	Food Safety and Inspection Service (USDA)
FSSA	Food Safety and Sanitation Act
FTA	free trade agreement
FTAAP	Free Trade Area of the Asia-Pacific
FTZ	foreign trade zone
FY	fiscal year
FYROM	Former Yugoslav Republic of Macedonia
G20	Group of 20
GATT	General Agreement on Tariffs and Trade
GC	General Council
GCC	Cooperation Council for the Arab States of the Gulf
GDP	gross domestic product
GE	genetically engineered
GI	geographic indicator
GPA	Agreement on Government Procurement (WTO)
GSP	Generalized System of Preferences
GTIS	Global Trade Information Services
GVC	global value chain
GW	gigawatt
HELP	Haiti Economic Lift Program
HLED	High Level Economic Dialogue (U.S.-Mexico)
HOPE	Haitian Hemispheric Opportunity through Partnership Encouragement Act
HS	Harmonized Commodity Description and Coding System (international)
HTS	Harmonized Tariff Schedule of the United States
ICTSD	International Center for Trade and Sustainable Development
ICT	information and communications technology
ILAB	Bureau of International Labor Affairs (U.S. Department of Labor)
IMF	International Monetary Fund
IMPS	U.S. Institutional Meat Purchase Specifications
IPEC	Office of the Intellectual Property Enforcement Coordinator
IP	intellectual property
IPO	initial public offering
IPR	intellectual property rights
IT	information technology
ITA	Information Technology Agreement (WTO)
ITA	International Trade Administration (USDOC)



<b>Acronyms</b>	<b>Term</b>
JCCT	Joint Commission on Commerce and Trade
JCEC	Joint Commission for Environmental Cooperation
JECFA	Joint FAO/WHO Expert Committee on Food Additives
JFP	Joint Forward Plan
JNNSM	Jawaharlal Nehru National Solar Mission (India)
JP	Japan Post
KORUS	U.S.-Korea Free Trade Agreement
LAC	Labor Affairs Council
LCIA	London Court of International Arbitration
LCR	local content requirements
LDBDC	least-developed beneficiary developing country
LDC	least-developed country
LTFV	less than fair value
MFAT	Ministry of Foreign Affairs and Trade
MFN	most-favored nation
MOFCOM	Ministry of Commerce (China)
MOU	memorandum of understanding
MRL	maximum residue limit
mt	metric tons
NAAEC	North American Agreement on Environmental Cooperation (NAFTA)
NAALC	North American Agreement on Labor Cooperation (NAFTA)
NADB	North American Development Bank (NAFTA)
NAFTA	North American Free Trade Agreement
NAO	National Administrative Office (NAFTA)
n.e.s.o.i.	not elsewhere specified or included
NGFA	National Grain and Feed Association (U.S.)
NTM	nontariff measure
NTR	normal trade relations
OCR	Out-of-Cycle Review
OECD	Organisation for Economic Co-operation and Development
OIE	World Organisation for Animal Health (Office International des Epizooties)
OTEXA	Office of Textiles and Apparel (USDOC)
OTLA	Office of Trade and Labor Affairs (NAFTA)
Pub. L.	Public Law
PV	photovoltaic (solar energy)
RCC	Regulatory Cooperation Council
RPS	Regulatory Partnership Statement
RTA	Regional Trade Agreement
S&ED	Strategic and Economic Dialogue (U.S.-China)
SBS	simultaneous buy-sell
SCM	Subsidies and Countervailing Measures (Agreement)

## Abbreviations and Acronyms

<b>Acronyms</b>	<b>Term</b>
SEM	Submissions on Environmental Measures (NAFTA)
SLA	Softwood Lumber Agreement
SMEs	small and medium-sized enterprises
SPS	sanitary and phytosanitary (standards)
SSA	sub-Saharan Africa
TAA	Trade Adjustment Assistance
TAD	Trade and Agriculture Directorate (OECD)
TAAF	TAA for Firms
TAAEA	Trade Adjustment Assistance Extension Act
TBT	technical barriers to trade
TC	Trade Committee (OECD)
TFA	Agreement on Trade Facilitation
TICFA	Trade and Investment Cooperation Forum Agreement
TIFA	Trade and Investment Framework Agreement
TISA	Trade in Services Agreement
TIVA	Trade in Value-Added
TNC	Trade Negotiations Committee
TPA	Trade Promotion Agreement
TPF	U.S.-India Trade Policy Forum
TPP	Trans-Pacific Partnership
TRAI	Telecom Regulatory Authority of India
TRIMs	Agreement on Trade-Related Investment Measures
TRIPS	Trade-Related Aspects of Intellectual Property Rights (WTO)
TRQ	tariff-rate quota
TTIP	Transatlantic Trade and Investment Partnership (EU)
UN	United Nations
U.S.C.	United States Code
USD	United States dollar
USDA	United States Department of Agriculture
USDHS	United States Department of Homeland Security
USDOC	United States Department of Commerce
USDOL	United States Department of Labor
USDOS	United States Department of State
USDOT	United States Department of Transportation
USITC	United States International Trade Commission
USTR	United States Trade Representative
WAEMU	West African Economic and Monetary Union
WHO	World Health Organization (UN)
WIPO	World Intellectual Property Organization
WSJ	<i>Wall Street Journal</i>
WTO	World Trade Organization

## Executive Summary

This report is the 66th in a series of annual reports on the operation of the United States' trade agreements program. Key trade developments involving the United States in 2014 are covered in this report, and a summary of them can be accessed using the links in the column on the right.

The U.S. trade deficit for goods and services increased from \$476.4 billion in 2013 to \$504.7 billion in 2014 on a balance-of-payments basis. The deficit on goods rose from \$701.7 billion in 2013 to \$735.8 billion in 2014, well below the \$835.7 billion record set in 2006. At the same time, the U.S. surplus on services rose from \$225.3 billion in 2013 to a new record of \$231.1 billion in 2014 (figure ES.1).

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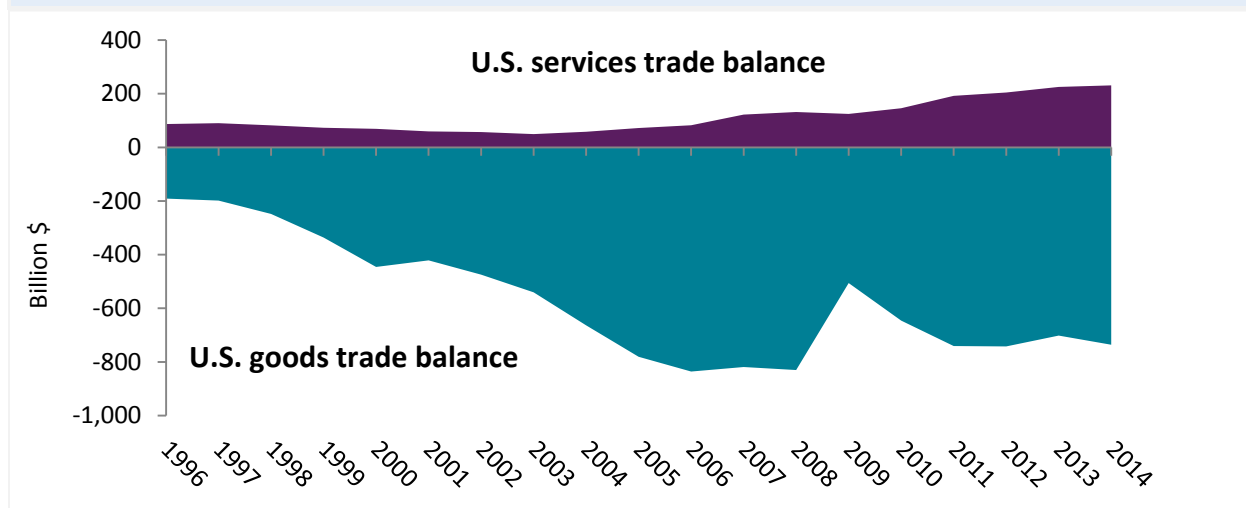
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Timeline of 2014 Trade Activities

**Figure ES.1:** U.S. trade balance in goods and services, 1996–2014



Source: USDOC, BEA, "U.S. International Transactions," various issues, 1996–2014.

Note: Merchandise trade data are on a balance-of-payments basis.

U.S. trade in goods and services grew at a significantly faster rate in 2014 than in 2013. Increased economic growth and recovering demand in major advanced economies led to an expansion in U.S. exports in 2014. Overall, U.S. imports, particularly of electronic goods and transportation equipment, also increased in 2014, despite a decline in imports of petroleum and petroleum-related products.

The U.S. economic recovery that began in the summer of 2009 continued as real gross domestic product (GDP) grew by 2.4 percent in 2014, a rate of growth that exceeded the 2.2 percent realized in 2013. The pace of global economic growth remained the same in 2014 as in 2013, at 3.3 percent.

The U.S. dollar appreciated 9.0 percent during 2014 against a broad trade-weighted index of foreign currencies. Most of this increase occurred in the latter part of the year as the dollar rose 8.1 percent against the broad dollar index from July to December in 2014. The dollar began to rise in mid-2014 following revised forecasts for the U.S. economy that reflected higher-than-expected economic growth. By yearend, the dollar had appreciated against a number of major currencies: 14.3 percent against the Japanese yen, 13.0 percent against the euro, 12.5 percent against the Mexican peso, 9.1 percent against the Canadian dollar, 5.5 percent against the U.K. pound, and 2.5 percent against the Chinese yuan.

## Key Trade Developments in 2014

### Administration of U.S. Trade Laws and Regulations

**Safeguard actions:** The U.S. International Trade Commission (the Commission) conducted no new safeguard investigations during 2014, and no U.S. safeguard measures under these provisions were in effect during any part of 2014.

**Section 301:** The U.S. Trade Representative (USTR) completed one section 301 investigation in 2014. This investigation concerned protection of intellectual property rights (IPR) in Ukraine. In February 2014, the USTR determined that in light of the political situation in Ukraine, no action under section 301 was appropriate.

**Special 301:** In the *2014 Special 301 Report*, USTR examined the adequacy and effectiveness of IPR protection in 82 countries. The *2014 Special 301 Report* identified 10 countries on the priority watch list (Algeria, Argentina, Chile, China, India, Indonesia, Pakistan, Russia, Thailand, and Venezuela) and 27 countries on the watch list. Italy, the Philippines, and Israel were removed from the watch list in 2014. An Out-of-Cycle Review of Kuwait was initiated in October 2014, and Kuwait was elevated to the priority watch list. In February 2014, USTR issued the

*2013 Out-of-Cycle Review of Notorious Markets* and identified over 60 online and physical marketplaces that engaged in or facilitated intellectual property infringement.

**Antidumping duty investigations:** The Commission instituted 16 new antidumping investigations and made 36 final determinations during calendar year 2014. The U.S. Department of Commerce (USDOC) issued 20 antidumping duty orders on seven products from 13 countries.

**Countervailing duty investigations:** The Commission instituted 16 new countervailing duty investigations and made 9 final determinations during calendar year 2014. The USDOC issued six countervailing duty orders on four products from four economies.

**Sunset reviews:** During calendar year 2014, the Commission instituted 40 sunset reviews of existing antidumping duty and countervailing duty orders and suspension agreements. The Commission completed 55 reviews, resulting in 50 antidumping duty and countervailing duty orders being continued for up to five additional years.

**Section 337 investigations:** During calendar year 2014, there were 110 active section 337 investigations and ancillary proceedings, 55 of which were instituted that year. Of these 55 new proceedings, 39 were new section 337 investigations and 16 were new ancillary proceedings relating to previously concluded investigations. The Commission completed a total of 64 investigations and ancillary proceedings in 2014, and issued 7 exclusion orders and 14 cease and desist orders. The main types of products at issue in proceedings active in 2014 were computer and telecommunications products; small consumer items; integrated circuits and memory products; automotive/manufacturing/transportation products; and pharmaceuticals and medical devices. At the close of 2014, 46 section 337 investigations and ancillary proceedings were pending at the Commission.

**Trade Adjustment Assistance:** In fiscal year (FY) 2014, the U.S. Department of Labor (USDOL) received 972 petitions for Trade Adjustment Assistance (TAA) for workers claiming harm from imports, down from 1,532 petitions received in FY 2013. USDOL certified 646 petitions covering 67,738 workers as eligible for TAA, and denied 331 petitions covering 26,162 workers. In FY 2014, USDOC received 110 petitions for TAA for firms claiming harm from imports, with 105 petitions certified as eligible for assistance and one denied or withdrawn during the year. Since January 1, 2014, service sector workers who are not party to a manufacturing worker group are no longer eligible for the TAA for Workers program; service sector firms also are no longer eligible for the TAA for Firms program.

## Trade Preference Programs

**Generalized System of Preferences (GSP):** The President's authority to provide duty-free treatment under the GSP program expired on July 31, 2013, and had not been renewed by yearend 2014. Imports claiming GSP preferences totaled \$18.7 billion in 2014, accounting for 7.2 percent of total U.S. imports from GSP beneficiary countries and 0.8 percent of total U.S. imports.<sup>1</sup> India was the leading country claiming GSP benefits in 2014, followed by Thailand and Brazil. On October 3, 2014, Russia lost its GSP beneficiary status as a result of having become sufficiently advanced in economic development and improved in trade competitiveness.

**African Growth and Opportunity Act (AGOA):** In 2014, 41 sub-Saharan African (SSA) countries were designated as eligible for AGOA benefits, and 30 SSA countries were designated eligible for AGOA textile and apparel benefits. Mali became eligible for AGOA benefits on January 1, 2014, and Madagascar became eligible on June 26, 2014. In December 2014, the President announced that three countries (The Gambia, South Sudan, and Swaziland) would lose their AGOA eligibility starting January 1, 2015, and one country—Guinea-Bissau—would be reinstated as AGOA eligible in 2015. Duty-free U.S. imports under AGOA were valued at \$14.2 billion in 2014, a 47.0 percent decrease from 2013. The decline in duty-free U.S. imports under AGOA was driven primarily by a decline in the value and quantity of U.S. imports of petroleum-related products, mainly crude petroleum, which made up 77.6 percent of the value of imports under AGOA in 2014. The decrease in the value of U.S. imports of passenger motor vehicles also contributed to the overall decline. Angola and Nigeria were the largest suppliers of U.S. imports under AGOA in 2014.

**Andean Trade Preference Act (ATPA):** The President's authority to provide preferential treatment under ATPA, including the Andean Trade Promotion and Drug Eradication Act (ATPDEA), expired on July 31, 2013, and had not been renewed by yearend 2014.

**Caribbean Basin Economic Recovery Act (CBERA):** At yearend 2014, 17 countries and dependent territories were eligible for CBERA preferences, and 8 of those countries were eligible for additional preferences under the Caribbean Basin Trade Partnership Act (CBTPA). U.S. imports under CBERA (including CBTPA) fell by 16.8 percent to \$2.0 billion in 2014, mainly reflecting a decline in the value and quantity of U.S. imports of methanol and crude petroleum, which are major imports from CBERA countries. Trinidad and Tobago continued to be the leading supplier of U.S. imports under CBERA in 2014, accounting for 62.6 percent of the total

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<sup>1</sup> Except for imports from AGOA countries, imports after July 31, 2013, did not actually enter duty-free, but importers still claimed GSP status (meaning they asserted that shipments met program rules) to facilitate receiving refunds in case GSP is renewed retroactively, as has been done in the past. GSP-eligible imports from AGOA-eligible countries continue to enter the United States free-of-duty.

value. Haiti and The Bahamas were also leading suppliers, accounting for 20.6 and 8.0 percent of the total, respectively.

**Haiti initiatives:** U.S. imports of apparel from Haiti rose 10 percent to \$843.1 million in 2014, accounting for 99.4 percent of U.S. imports of apparel under CBTPA. Virtually all U.S. imports of apparel from Haiti received duty-free treatment under trade preference programs established by the CBTPA, the Haitian Hemisphere Opportunity through Partnership Encouragement Acts of 2006 and of 2008 (the HOPE Acts), and the Haitian Economic Lift Program of 2010 (HELP Act).

## WTO

**World Trade Organization (WTO) developments:** During 2014, members of the WTO pursued the Doha Development Agenda and related mandates arising from the December 2013 Ninth Ministerial Conference. Differences among members slowed talks on the expansion of goods covered under the WTO Information Technology Agreement as well as the adoption of the WTO Agreement on Trade Facilitation (TFA). A special session of the General Council held in November helped break the stalemate on the TFA so that its implementation could move forward in 2015. The revised WTO Agreement on Government Procurement entered into force on April 6, 2014, after the necessary two-thirds majority of signatories formally accepted the agreement. In July 2014, the United States and 13 other WTO members opened negotiations on an agreement to eliminate tariffs on environmental goods, holding three rounds of discussions during the year aimed largely at nominating specific categories of environmental goods for negotiation.

**WTO dispute settlement:** During 2014, WTO members filed 14 requests for WTO dispute settlement consultations in new disputes, compared with 20 in 2013. The United States was the complainant in 1 of the 14 requests filed during 2014, and the named respondent in 2. The new request filed by the United States during 2014 concerned modifications made by Indonesia to its licensing restrictions on the importation of horticultural products, animals, and animal products.

The United States was the named respondent in 2 new disputes filed during 2014, 1 filed by the European Union and the other filed by the Republic of Korea (South Korea). Thirteen new dispute settlement panels were established during 2014. The United States was the complaining party in 1 of these panel proceedings, and the responding party in 2.

## OECD, APEC, TISA, and TIFAs

**Organisation for Economic Co-operation and Development (OECD) developments:** The 34 OECD members held their OECD ministerial council meeting in Paris, France, on May 6–7, 2014.

Ministers touched on a range of issues, including (1) how to promote resilient economies and inclusive societies, (2) new approaches to economic challenges, (3) environmentally sustainable growth, (4) how to strengthen the multilateral trade system, (5) promotion of a better business climate, (6) strengthening outreach to global economic partners, (7) economic development as empowerment, and (8) improvements in the efficiency and productivity of the OECD itself. In 2014, the OECD Trade Committee made progress on trade issues that support economic growth, in particular global value chains, and joint OECD-WTO work on the Trade in Value Added (TIVA) database. The Services Trade Restrictiveness Index, developed as part of committee work to help improve analysis of trade in services, was launched publicly at the ministerial meeting in May.

**Asia-Pacific Economic Cooperation (APEC) developments:** Under China's chairmanship of APEC in 2014, cooperation among APEC member economies focused on “regional economic integration; promoting innovative development, economic reform and growth; and strengthening comprehensive connectivity and infrastructure development.” In 2014, some progress was made in advancing APEC's objectives, including reducing applied tariffs on the 54 products in the 2012 APEC list of environmental goods; establishing a model E-Port network; agreeing to extend the validity period of the APEC Business Travel Card; and taking actions to facilitate trade in electric vehicles. APEC economies continued to make progress toward the Bogor Goals of creating a free and open trade and investment area in the Asia-Pacific, though actions for further improvement are still needed. In 2014, there was also progress made on the Free Trade Area of the Asia-Pacific (FTAAP), as APEC economies endorsed the Beijing Roadmap, which lists actions that must be taken to realize the FTAAP. In 2014, APEC economies continued initiatives to advance global value chain development and supply chain connectivity by developing an APEC strategic blueprint and carrying out related actions.

**Trade in Services Agreement (TISA):** During 2014, the 23 participants held five rounds of talks aimed at developing a new plurilateral agreement to promote international trade in services. Discussions in 2014 continued to focus on the six major topics agreed on in the previous year: domestic regulation and transparency; financial services; information and communications technology services, including electronic commerce; movement of natural persons (the temporary entry of business persons into countries); professional services, including computer services; and transportation services.

**Trade and Investment Framework Agreements (TIFAs):** As of yearend 2014, the United States had entered into 50 TIFAs. In 2014, the United States signed a TIFA with the Economic Community of West African States (ECOWAS). In addition, a number of TIFA Council meetings took place during the year, including those with Angola, Central Asia, Iraq, Nigeria, Pakistan, Philippines, Taiwan, and Tunisia.



## U.S. Free Trade Agreements

**U.S. FTAs in force in 2014:** The United States was a party to 14 FTAs with 20 countries as of December 31, 2014. These include the U.S.-Panama Trade Promotion Agreement (TPA) (entered into force in 2012); the U.S.-Colombia TPA (2012); the U.S.-Korea FTA (2012); the U.S.-Oman FTA (2009); the U.S.-Peru TPA (2009); the Central America-Dominican Republic FTA with the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua (entered into force 2006–07), and Costa Rica (2009); the U.S.-Bahrain FTA (2006); the U.S.-Morocco FTA (2006); the U.S.-Australia FTA (2005); the U.S.-Chile FTA (2004); the U.S.-Singapore FTA (2004); the U.S.-Jordan FTA (2001); the North American Free Trade Agreement (NAFTA) with Canada and Mexico (1994); and the U.S.-Israel FTA (1985).

**FTA negotiations:** In 2014, the United States continued to participate in Trans-Pacific Partnership (TPP) negotiations with 11 TPP partners and in Transatlantic Trade and Investment Partnership (TTIP) negotiations with the EU. Four ministerial meetings and numerous chief negotiator and working group meetings were held in 2014 to close remaining gaps on specific issues in the proposed TPP agreement. The United States and Japan engaged in numerous rounds of bilateral negotiations in parallel to the formal TPP negotiations to address issues related to market access (including for agricultural products), motor vehicles, insurance, investment, express delivery, government procurement, competition policy, and sanitary and phytosanitary (SPS) measures.

The United States and the EU concluded four formal rounds of TTIP negotiations in 2014. Discussions in the four rounds addressed a broad range of topics, including market access in goods, services, and public procurement; regulatory cooperation; and rules issues, such as environmental protection, customs and trade facilitation, sustainable development, labor rights, energy and raw materials, IPR, competition, opportunities for small and medium-sized enterprises (SMEs), and state-to-state dispute settlement. In the regulatory area, technical barriers to trade and SPS measures were discussed, as well as regulatory cooperation and regulatory compatibility in certain key industries (e.g., pharmaceuticals, cosmetics, medical devices, automotive, engineering, and chemicals). The negotiators also met with stakeholders during each round.

**FTA merchandise trade flows with FTA partners:** Two-way merchandise trade (exports and imports) between the United States and its 20 FTA partners amounted to \$1.6 trillion, or 40.1 percent of total U.S. merchandise trade in 2014. The NAFTA countries—Canada and Mexico—dominated U.S. trade with FTA partners in 2014, accounting for 74.9 percent of total U.S. merchandise trade with U.S. FTA partners, or \$1.2 trillion. Two-way trade with Canada and Mexico increased by 4.5 percent in 2014 from 2013, with exports expanding by 4.7 percent and

imports by 4.4 percent. The U.S. merchandise trade deficit with NAFTA partners increased by 2.8 percent to \$87.8 billion in 2014.

Total two-way trade with FTA partners other than the NAFTA countries amounted to \$399.4 billion in 2014, representing a decrease of 1.8 percent from 2013. U.S. imports from these FTA partners slipped by 0.1 percent to \$186.7 billion, while U.S. exports increased by 3.5 percent to \$212.8 billion. The United States registered a merchandise trade surplus of \$26.1 billion in 2014 with these partners.

**NAFTA developments:** All of NAFTA's provisions were implemented by the United States, Canada, and Mexico as of January 1, 2008, with the exception of the NAFTA cross-border trucking provisions, for which the Pilot Program of 2011–14 was created. (Developments relating to the trucking provisions in 2014 are described in the Mexico section below.) The NAFTA Free Trade Commission typically meets annually, but did not meet in 2013 or 2014. At the end of 2014, three complaints remained active under Articles 14 and 15 of the North American Agreement on Environmental Cooperation (NAAEC), none of which was submitted in 2014. Also under the NAAEC, the Border Environment Cooperation Commission and the North American Development Bank (NADB) are providing financial support to environmental infrastructure throughout the U.S.-Mexico border region. As of December 31, 2014, the NADB had contracted a cumulative total of approximately \$2.4 billion in loans and grants, of which a total of \$2.2 billion had already been disbursed.

**NAFTA dispute settlement:** In 2014, there were four active Chapter 11 (investor-state disputes) cases filed against the United States, three of them filed by Canadian investors and one filed by Mexican investors. Six were filed by U.S. investors against Canada, and one by U.S. investors against Mexico. At the end of 2014, the NAFTA Secretariat listed four binational panels active under Chapter 19 (Review and Dispute Settlement in Anti-dumping and Countervailing Duty Matters); these are reviews of final determinations made by national authorities in antidumping and countervailing duty cases. Two of the four active cases challenged the Mexican agency's determinations on products from the United States, and two challenged U.S. agencies' determinations on products from Mexico.

## Trade Activities with Major Trading Partners

### European Union

In 2014, the EU as a unit continued to be the United States' largest merchandise trading partner. Two-way U.S. merchandise trade (exports plus imports) with the EU was valued at \$694.5 billion, accounting for 17.5 percent of total U.S. merchandise trade. U.S. exports to the EU were \$276.7 billion, ranking the EU second to Canada, while U.S. merchandise imports from

the EU were \$417.8 billion, second to China. As a result, the U.S. merchandise trade deficit with the EU was \$141.1 billion in 2014. Leading U.S. exports to the EU included aircraft and parts, petroleum-related products, medicaments (medicines), medical instruments, passenger motor vehicles, and blood fractions (e.g., antiserum) and vaccines. Leading U.S. imports were passenger motor vehicles, medicaments, petroleum-related products, turbojets and parts, blood fractions and vaccines, and airplanes and parts. The EU was also the United States' largest trading partner in terms of services in 2014, accounting for 33.1 percent of total trade in private services. The United States registered a trade surplus in services with the EU of \$57.5 billion in 2014, up from \$50.5 billion in 2013.

A primary focus of the U.S.-EU trade relationship in 2014 was negotiations to conclude a comprehensive trade and investment agreement, the Transatlantic Trade and Investment Partnership. Substantial progress was also made on lifting U.S. restrictions on imports of beef from the EU.

## Canada

In 2014, Canada continued to be the United States' largest single-country two-way merchandise trading partner. Total two-way merchandise trade was valued at \$658.2 billion, accounting for 16.6 percent of U.S. trade with the world. U.S. exports to Canada amounted to \$312.1 billion in 2014, and U.S. imports from Canada totaled \$346.1 billion. As a result, the U.S. merchandise trade deficit with Canada was \$33.9 billion, about 10 percent greater than in 2013 (\$30.9 billion). Leading U.S. merchandise exports to Canada included motor vehicles and parts, energy products, control valve and data processing appliances, and aircraft/spacecraft and related parts. Major U.S. imports from Canada were raw material and energy products, as well as motor vehicle, aircraft, and related parts. Canada was also the United States' second-largest single-country partner for services in 2014 after the United Kingdom; two-way services trade was valued at \$92.8 billion, which accounted for 8.1 percent of U.S. trade in services with the world. The United States ran a services trade surplus with Canada of \$32.3 billion in 2014.

In February 2014, Canada and the United States agreed to harmonize terminology used to classify cuts of meat as a result of initiatives launched under the 2011 Joint Action Plan by the Canada-United States Regulatory Cooperation Council. In March 2014, an arbitral tribunal under the Canada-United States Softwood Lumber Agreement determined that Canada had no obligation past the agreement's original expiration date (October 12, 2013) to keep applying the compensatory adjustments awarded by the tribunal to the United States in January 2011. (In September 2013, the two parties to the agreement had submitted a joint request to the tribunal to clarify whether Canada must continue to collect these adjustments aimed at offsetting certain provincial subsidies for softwood lumber exports, following the parties' extension of the agreement to October 12, 2015.)

## China

In 2014, China remained the United States' second-largest single-country merchandise trading partner after Canada. Two-way U.S. merchandise trade with China was valued at \$590.7 billion, accounting for 14.9 percent of total U.S. merchandise trade. U.S. merchandise exports to China were \$124.0 billion, and U.S. merchandise imports from China were \$466.7 billion, resulting in a merchandise trade deficit of \$342.6 billion in 2014, higher than the U.S. deficit with any other trading partner. Leading U.S. exports were soybeans, aircraft and parts, motor vehicles, metal waste and scrap, processors or controllers, and grain sorghum. Leading U.S. imports were computers and computer parts, cellphones, telecommunications equipment, toys, video games, and electrical static converters. China was the United States' fourth-largest single-country partner for services trade. The United States ran a services trade surplus of \$26.5 billion with China in 2014.

China's compliance with its WTO commitments remained a focus of U.S.-China trade relations in 2014. Top bilateral trade issues included China's IPR enforcement, and market access for U.S. agricultural products, medical devices, and pharmaceuticals.

## Mexico

In 2014, Mexico was the United States' third-largest single-country merchandise trading partner. Two-way U.S. merchandise trade with Mexico was valued at \$534.5 billion, accounting for 13.5 percent of total U.S. merchandise trade. U.S. merchandise exports to Mexico were \$240.3 billion, and U.S. merchandise imports from Mexico were \$294.2 billion, for a merchandise trade deficit of \$53.8 billion in 2014. Leading U.S. exports to Mexico included processed petroleum products; electronic products, particularly computer parts; and transportation equipment, particularly automotive parts. Leading U.S. imports from Mexico included crude petroleum, passenger motor vehicles, trucks, and reception apparatus for televisions. The United States had a services trade surplus of \$9.2 billion with Mexico in 2014.

U.S.-Mexico trade relations in 2014 focused on NAFTA's cross-border trucking provisions and the sugar agreements suspending U.S. antidumping and countervailing duty investigations affecting U.S. sugar imports from Mexico. On October 14, 2014, the U.S. government authorized 13 Mexican carriers that had been participating in a trucking pilot program to continue long-haul operations in the United States.

## Japan

In 2014, Japan was the United States' fourth-largest single-country merchandise trading partner. Two-way U.S. merchandise trade with Japan was valued at \$200.9 billion, accounting for 5.1 percent of total U.S. merchandise trade. U.S. merchandise exports to Japan were

\$67.0 billion and U.S. merchandise imports from Japan were \$133.9 billion, resulting in a merchandise trade deficit of \$67.0 billion in 2014, an 8.7 percent decline from \$73.4 billion in 2013. Leading U.S. merchandise exports to Japan included aircraft and parts, corn, and certain medicaments. Leading U.S. imports from Japan included passenger motor vehicles, parts of airplanes and helicopters, gear boxes and parts for motor vehicles, and parts for printers and copying machines. Japan was the United States' third-largest single-country partner for services trade. The United States ran a services trade surplus of \$18.0 billion with Japan in 2014, down from \$18.4 billion in 2013.

Economic dialogue between the United States and Japan in 2014 centered on trying to make progress in the TPP negotiations, which Japan officially joined in July 2013. In particular, the two sides held bilateral negotiations in parallel to TPP negotiations on issues related to market access to the Japanese passenger motor vehicle market and its agricultural market.

## **Korea**

In 2014, the Republic of Korea (South Korea) was the United States' sixth-largest single-country merchandise trading partner. Two-way U.S. merchandise trade with South Korea was valued at \$114.2 billion, accounting for 2.9 percent of total U.S. merchandise trade. U.S. merchandise exports to South Korea were \$44.5 billion, and U.S. merchandise imports from South Korea were \$69.6 billion, resulting in a trade deficit of \$25.1 billion in 2014, a 21.2 percent increase from \$20.7 billion in 2013. Leading U.S. merchandise exports to South Korea included processors or controllers; machines for the production of semiconductor devices or electronic integrated circuits; aircraft, spacecraft, and parts; corn; and medicaments. Leading U.S. merchandise imports from South Korea included passenger motor vehicles, cell phones, petroleum oil and oils from bituminous minerals, and parts for automatic data processing machines. The United States ran a services trade surplus with South Korea of \$12.3 billion in 2014.

U.S.-South Korea trade relations in 2014 focused on the U.S.-Korea FTA (KORUS FTA), in particular issues related to the automobile and financial services sectors; South Korea's interest in joining TPP negotiations; and the newly signed Organic Labeling Agreement, which streamlines certification of organic processed products between the two countries.

## **Brazil**

In 2014, Brazil was the United States' ninth-largest single-country merchandise trading partner. Two-way merchandise trade with Brazil increased by 1.4 percent to \$72.8 billion, accounting for 1.8 percent of total U.S. merchandise trade with the world. U.S. exports to Brazil in 2014 were \$42.4 billion, while U.S. imports from Brazil were \$30.3 billion. As a result, the United States

recorded a \$12.1 billion merchandise trade surplus with Brazil in 2014. Leading U.S. exports to Brazil included aircraft and parts, refined petroleum oils, light oils and preparations, liquefied propane, medicaments, telecommunication equipment, coal, processors or controllers, and wheat and meslin. Leading U.S. imports from Brazil included crude petroleum, aircraft, semifinished iron or nonalloy steel products, coffee, refined petroleum, and chemical wood pulp, soda, or sulfate. In 2014, the U.S. trade surplus in services with Brazil reached \$19.1 billion.

On October 1, 2014, Brazil and the United States reached an agreement that ended the long-running WTO dispute over U.S. subsidies on upland cotton. Under the agreement, Brazil agreed to terminate the WTO dispute and the United States agreed to make a one-time final contribution of \$300 million to the Brazilian Cotton Institute.

## Taiwan

In 2014, Taiwan was the United States' 10th-largest single-economy merchandise trading partner. Two-way U.S. merchandise trade with Taiwan was valued at \$67.4 billion, accounting for 1.7 percent of total U.S. trade. U.S. merchandise exports to Taiwan were \$26.8 billion, and U.S. merchandise imports from Taiwan were \$40.6 billion, resulting in a merchandise trade deficit of \$13.7 billion in 2014, a 10.2 percent increase from \$12.5 billion in 2013. Leading U.S. exports were manufacturing-related semiconductor machines and instruments, aircraft and parts, memory chips, ferrous waste and scrap, soybeans, light oils, and electronic integrated circuits. Leading U.S. imports were cellphones, memory chips, computer parts and accessories, electronic integrated circuits, processors or controllers, and telecommunications equipment. The United States ran a services trade surplus with Taiwan in 2014, which amounted to \$4.5 billion, compared to \$4.2 billion the year before.

In 2014, U.S.-Taiwan trade relations focused on Taiwan's agricultural market access issues. These included Taiwan's slow process in establishing maximum residue limits (MRLs) for ractopamine, pesticides, and other agrochemicals; Taiwan's tariff-rate quota system for rice imports; and the tightening of Taiwan's agricultural biotechnology regulations.

## India

In 2014, India was the United States' 11th-largest single-country merchandise trading partner. Two-way U.S. merchandise trade with India was valued at \$66.9 billion, accounting for 1.7 percent of total U.S. merchandise trade. U.S. merchandise exports to India were \$21.6 billion, and U.S. merchandise imports from India were \$45.2 billion, resulting in a merchandise trade deficit of \$23.6 billion in 2014. Top U.S. exports to India included diamonds, aircraft and parts, airplanes, nonmonetary gold, coal, and almonds. Top U.S. imports from India

included nonindustrial diamonds, certain medicaments, light oils and preparations, petroleum, and frozen shrimp. India was the United States' ninth-largest single-country partner for services trade and continued to be the only top U.S. trading partner with which the United States had a services trade deficit in 2014. The U.S. services trade deficit with India grew 3.3 percent to reach \$6.0 billion in 2014.

In 2014, the United States and India continued an ongoing dialogue to improve trade relations, including through a meeting of the U.S.-India Trade Policy Forum and other bilateral meetings. This continued engagement contributed to the conclusion of negotiations for the WTO Trade Facilitation Agreement in 2014. The United States continues to be concerned about India's IPR protection, including patent and copyright protections, as well as Indian policies that impose local-content and testing requirements.

## Summary of 2014 trade agreement activities

### January

**6:** China circulates its fourth offer to accede to the plurilateral World Trade Organization (WTO) Agreement on Government Procurement (GPA).

**9:** The House of Representatives introduces the Bipartisan Congressional Trade Priorities Act of 2014, which includes Trade Promotion Authority.

**13:** The United States and South Korea discuss South Korea's interest in joining the Trans-Pacific Partnership (TPP) and other bilateral issues.

**14–21:** The U.S.-Afghanistan Trade and Investment Framework Agreement (TIFA) Council Meeting is held in Afghanistan. During the visit the two sides sign a bilateral market access agreement meant to move Afghanistan towards WTO accession.

**22:** The WTO Dispute Settlement Body (DSB) establishes a dispute settlement panel at the request of South Korea concerning U.S. antidumping and countervailing duty measures that the United States imposes on large residential washers from South Korea (DS464).

**24:** At the World Economic Forum in Davos, Switzerland, United States Trade Representative (USTR) Michael Froman announces an initiative by 14 WTO members to negotiate a plurilateral Environmental Goods Agreement (EGA),

aimed at eliminating tariffs on environmental goods such as solar water heaters, wind turbines, and catalytic converters.

**27:** The WTO DSB composes a compliance panel to consider Mexico's claim that the United States has not brought its dolphin-safe tuna labeling regime into compliance with the ruling by the DSB Appellate Body (AB) (DS381).

**27–28:** The inaugural meeting of the Labor Affairs Council of the United States-Panama Trade Promotion Agreement is held in Panama City, Panama.

### February

**11:** The White House launches the National Strategy for Combating Wildlife Trafficking, which is meant to be a core part of a final TPP agreement.

**12:** USTR announces the findings of the Special 301 *2013 Out-of-Cycle Review on Notorious Markets*, a report that identifies online and physical marketplaces worldwide that infringe U.S. intellectual property rights (IPR).

**13:** The United States requests establishment of a WTO compliance panel to consider China's actions concerning its antidumping and countervailing duty measures on imports of grain-oriented flat-rolled electrical steel from the United States (DS414).



## February—continued

**15:** USTR Froman meets with Japan’s Minister of State for Economic and Fiscal Policy Akira Amari in Washington, DC, to discuss outstanding issues between the two countries in the TPP negotiations.

**17–24:** The fifth round of the Trade in Services Agreement (TISA) negotiations is held in Geneva, Switzerland.

**19:** The ninth annual North American Leaders' Summit is held in Toluca, Mexico.

**19:** The President signs executive orders “Streamlining the Export/Import Process for America's Businesses,” which mandate the completion of an International Trade Data System by December 2016.

**22–25:** Following a meeting of chief TPP negotiators (February 17–21), a TPP ministerial meeting is held in Singapore.

**28:** USTR announces that it has removed Israel from the Special 301 watch list, which lists countries found to have particular problems with respect to IPR protection.

## March

**3:** USTR Froman meets with Guatemalan officials in Washington, DC, to discuss the implementation of the Labor Enforcement Plan signed by the two countries in 2013 under the Dominican Republic-Central America-United States Free Trade Agreement.

**4:** USTR suspends preliminary discussions on a bilateral investment treaty with Russia, and a scheduled discussion with Russian officials regarding Kazakhstan's accession to the WTO, in response to Russian military presence in Ukraine.

**4:** The United States ends restrictions related to bovine spongiform encephalopathy (BSE) on imports of beef from the European Union (EU), although EU member states' meat inspection systems must still be approved by USDA before U.S. imports can begin.

**4:** USTR submits the Administration's *2014 Trade Policy Agenda and the 2013 Annual Report* to Congress. In it the Administration announces its intent to negotiate mutual recognition agreements on telecommunications with selected countries, as well as develop a strategy to address the upcoming expiration of the U.S.-Canada Softwood Lumber Agreement in 2015.

**5:** The inaugural meeting of the United States-Iraq Council on Trade and Investment (TIFA Council) is held in Washington, DC.

**10:** President Obama meets with WTO Director-General Roberto Azevêdo regarding implementation of the WTO Agreement on Trade Facilitation (TFA).

**10–14:** The fourth round of TTIP negotiations is held in Brussels, Belgium.

## March—continued

**11:** The eighth meeting of the U.S.-Nigeria TIFA Council is held in Washington, DC.

**19–20:** During two days of TIFA meetings, the United States and the Philippines agree to a program of expanded engagement on bilateral, regional, and multilateral issues.

**21:** USTR notifies Congress of the Administration's intent to enter into negotiation with 13 other WTO members on a plurilateral EGA, aimed at eliminating tariffs on environmental goods.

**26:** During the U.S.-EU summit, leaders reconfirm their commitment to TTIP and address a variety of other trade, economic, political, and security issues.

**26:** The WTO DSB establishes a dispute settlement panel to consider a complaint by China concerning the use of certain methodologies applied by the United States in antidumping proceedings involving China (DS471).

**31:** USTR releases three reports on foreign trade measures: *2014 National Trade Estimate Report (NTE)*, the *2014 Report on Sanitary and Phytosanitary (SPS) Measures*, and *2014 Report on Technical Barriers to Trade (TBT)*.

## April

**1:** The second meeting of the U.S.-Angola TIFA Council is held. It focuses on the two countries' investment relationship, small and medium-sized enterprises (SMEs),

utilization preferences under the African Growth and Opportunity Act (AGOA), IPR protection, and other bilateral issues.

**4–6:** The eighth meeting of the CAFTA-DR Environmental Affairs Council occurs in New Orleans, LA.

**4:** USTR releases its *2014 Section 1377 Review*, which highlights barriers to U.S. telecommunication services and equipment exports.

**5:** The eighth meeting of the U.S.-Taiwan TIFA Council is held. It focuses on various Asia-Pacific Economic Cooperation (APEC) forum initiatives as well as efforts to adopt the WTO TFA, expand the WTO Agreement on Information Technology, and advance the TISA negotiations.

**6:** The revised WTO GPA enters into force, following its formal acceptance by two-thirds of the signatories (10 governments) to the agreement.

**11:** USTR Froman and U.S. Agency for International Development (USAID) Administrator Shah meet in Washington, DC, with foreign ministers, development banks, and other representatives to discuss implementation of the WTO TFA.

**18:** USTR Froman and Japan's Minister Akira Amari meet in Washington, DC, where they reported making progress in narrowing the gaps in outstanding issues in TPP negotiations.

**April–continued**

**27–28:** USTR and African trade ministers discuss AGOA at the African Union Ministerial Meeting in Addis Ababa, Ethiopia.

**28:** The United States announces a new round of sanctions on Russia, including visa bans and asset freezes on various individuals and companies.

**28–2:** The sixth round of TISA negotiations is held in Geneva, Switzerland.

**29:** The United States and Bangladesh hold the inaugural meeting of the U.S.-Bangladesh Forum on Trade and Investment under the Trade and Investment Cooperation Forum Agreement in Dhaka, Bangladesh. The two sides outline barriers to increasing bilateral trade and investment.

**30:** USTR releases its *2014 Special 301 Report*, which examines IPR protection and enforcement among U.S. trading partners. The report removes Italy and the Philippines from the Special 301 watch list.

**May**

**6–7:** The Ministerial Council Meeting of the Organisation for Economic Co-operation and Development is held in Paris, France.

**8:** USTR Froman attends the World Economic Forum on Africa conference in Abuja, Nigeria. His aim is to meet with African heads of state as well as private sector leaders to advance U.S. trade and investment-related issues in Africa, and, in particular, to consult on the future of AGOA.

**8:** The United States requests WTO dispute settlement consultations with Indonesia concerning certain measures Indonesia imposes on the importation of horticultural products, animals, and animal products (DS478).

**12–15:** Chief negotiators and key experts from TPP countries meet in Ho Chi Minh City, Vietnam, to discuss market access, legal and institutional issues, IPR, environmental issues, textiles (including rules of origin), and services.

**14:** The seventh meeting of the U.S.-Pakistan TIFA Council is held in Washington, DC, and the two sides agree to a Joint Action Plan to expand bilateral trade and investment flows over the next five years.

**17–18:** The APEC Ministers Responsible for Trade Meeting is held in Qingdao, China.

**19–20:** TPP ministers meet in Singapore to discuss the remaining steps needed to bring TPP negotiations to a close.

**19-23:** The fifth round of TTIP negotiations takes place in Arlington, Virginia.

## May—continued

**23:** The WTO DSB establishes a dispute settlement panel at the request of the United States concerning certain domestic content requirements maintained by India relating to solar cells and solar modules (DS456).

**28:** The first meeting of the U.S.-Panama Free Trade Commission is held in Panama City, Panama. It oversees the implementation of the U.S.-Panama Trade Promotion Agreement (TPA).

## June

**11:** The ninth meeting of the U.S.-Central Asia TIFA Council is held in Washington, DC. Discussions center on WTO membership, customs, investment, standards and sanitary measures, and procurement.

**16:** The U.S.-Tunisia TIFA Council meets in Tunis, Tunisia, to discuss continued steps towards increasing trade and investment.

**18:** The WTO DSB adopts the panel report concerning the complaint by the United States regarding antidumping and countervailing duties imposed by China on certain U.S. automobiles (DS440).

**23–27:** The seventh round of TISA negotiations is held in Geneva, Switzerland.

**24:** The 10th anniversary of the U.S.-Singapore FTA is observed.

**26:** President Obama reinstates Madagascar's eligibility for AGOA benefits,

effective immediately, and withdraws Swaziland's eligibility effective January 1, 2015.

## July

**1:** The United States and South Korea sign a U.S.-Republic of Korea Organic Equivalence Agreement to allow organically processed products in either country to be labeled as such in both countries.

**3:** USTR announces country-specific reallocations of unused FY 2014 in-quota quantities of the WTO tariff-rate quota (TRQ) for imported raw cane sugar.

**3–13:** TPP chief negotiators and key experts meet in Ottawa, Canada, to discuss issues related to labor, services, investment, and all areas of market access.

**8:** The United States and 13 other WTO members open negotiations on an EGA aimed at eliminating tariffs on environmental goods.

**9–10:** The sixth annual U.S.-China Strategic and Economic Dialogue (S&ED) is held in Beijing, China.

**14:** The WTO DSB circulates the dispute settlement panel report concerning countervailing duty measures imposed by the United States on imports of certain hot-rolled carbon steel flat products from India (DS436).

**14–18:** The sixth round of TTIP negotiations takes place in Brussels, Belgium.

**July—continued**

**22:** The WTO DSB adopts the AB report and the panel report concerning the complaint by China regarding certain countervailing and antidumping duty measures imposed by the United States on certain products from China (DS449).

**29:** The United States expands its sanctions against Russia, tightening restrictions on exports of energy-related technologies and suspending exports of certain credit financing, as well as targeting new Russian companies and financial institutions.

**31–01:** USTR Froman travels to Guatemala City, Guatemala, to ensure full implementation of the labor provisions under the CAFTA-DR agreement.

**August**

**1–6:** The 13th AGOA Forum takes place in Washington, DC.

**5:** The United States signs a TIFA with the Economic Community of West African States (ECOWAS).

**22:** The WTO DSB circulates the dispute settlement panel report concerning the complaint by the United States regarding certain measures by Argentina affecting the importation of goods (DS444).

**28:** USTR Froman holds consultations with economic ministers of the Association of Southeast Asian Nations (ASEAN) in Nay Pyi Taw, Burma.

**28:** The United States and Burma announce their intent to develop an Initiative to Promote Fundamental Labor Rights and Practices in Burma, intending to build upon existing reform efforts supported by the International Labor Organization.

**29:** The WTO DSB adopts the AB and dispute settlement panel reports concerning the complaint by the United States regarding China's measures related to the exportation of rare earths, tungsten, and molybdenum (DS431).

**September**

**1–10:** TPP chief negotiators meet for 10 days in Hanoi, Vietnam.

**3:** The United States announces FY 2015 WTO TRQ allocations for raw cane sugar, refined and specialty sugar, and sugar-containing products.

**17–18:** Acting Deputy USTR Cutler meets with various Indian government ministries to discuss IPR, industrial policies, services and investment, and agricultural trade in Delhi, India.

**18:** The United States announces that it will proceed with its 2011 labor enforcement case under CAFTA-DR against Guatemala.

**21–25:** The eighth round of TISA negotiations is held in Geneva, Switzerland.

**22–26:** The second round of EGA negotiations is held in Geneva, Switzerland.

## September—continued

**24:** USTR Froman meets with Minister Akira Amari of Japan in Washington, DC, to discuss outstanding TPP issues, focusing on agriculture and autos.

**25–26:** The second meeting of the Labor Subcommittee of the U.S.-Morocco FTA convenes in Rabat, Morocco.

**26:** Argentina notifies the WTO DSB that it will appeal the dispute settlement panel report concerning the complaint by the United States regarding certain measures by Argentina affecting the importation of goods (DS444).

**29–03:** The seventh round of TTIP negotiations is held in Washington, DC.

## October

**1:** The United States and Brazil reach an agreement to end the WTO cotton dispute, which concerned a complaint brought by Brazil regarding subsidies by the United States on upland cotton (DS267).

**3:** The United States and Indonesia notify the WTO DSB that they have reached a mutually agreed solution concerning the complaint by Indonesia regarding measures imposed by the United States affecting the production and sale of clove cigarettes (DS406).

**3:** The President announces that Russia is removed from its status as a beneficiary of the GSP program.

**10:** The U.S. Federal Motor Carrier Safety Administration authorizes the 13 Mexican carriers that were participating in the U.S. Pilot Program at its completion to continue long-haul operations in the United States.

**14:** The WTO DSB circulates the dispute settlement panel report concerning the complaint by the United States regarding measures imposed by India on the importation of certain agricultural products from the United States due to concerns related to avian influenza (DS430).

**14:** USTR begins its Out-of-Cycle Review of India, as announced in the April 2014 *Special 301 Report*.

**17:** The second meeting of the Labor Affairs Council of the U.S.-Peru TPA occurs in Lima, Peru.

**25–27:** A TPP ministerial meeting is held in Sydney, Australia, following a TPP meeting of chief negotiators in Canberra (October 19–24).

## November

**3:** The United States and EU commit to working on a “fresh start” in the TTIP negotiations.

**7–8:** The APEC Ministerial Meeting is held in Beijing, China.

**8–10:** TPP countries meet in Beijing, China, on the margins of the APEC Leaders' Meeting.

## November—continued

- 10:** The United States announces that it is moving Kuwait from the Special 301 watch list to the priority watch list, signaling additional concerns with Kuwait's protection of IPR.
- 10-11:** The APEC Economic Leaders' Meeting is held in Beijing, China.
- 13:** The United States and India announce an agreement on various issues aimed at full implementation of the WTO TFA in the future.
- 17:** The WTO DSB circulates the dispute settlement panel report concerning the complaint by Vietnam regarding antidumping duty measures imposed by the United States on certain frozen warm-water shrimp from Vietnam (DS429).
- 25:** The eighth ministerial-level meeting of the U.S.-India Trade Policy Forum convenes in Delhi, India, to discuss progress on trade and investment issues between the two countries.
- 27:** WTO members adopt a Protocol of Amendment to insert the TFA into the 1995 Agreement Establishing the World Trade Organization. The TFA will enter into force once two-thirds of WTO members have completed their domestic ratification process.
- 28:** The United States notifies the WTO DSB that it will appeal certain issues with regard to the compliance panel report about concerns by Canada over certain mandatory

country-of-origin labeling (COOL) provisions in the 2008 U.S. Farm Bill (DS384).

## December

- 1–5:** The ninth round of TISA negotiations is held in Geneva, Switzerland.
- 7–12:** TPP officials meet in Washington, DC, where progress is reported across several areas of the text.
- 8:** The WTO DSB circulates the AB report concerning the complaint by India regarding countervailing duty measures imposed by the United States on certain hot-rolled carbon steel flat products from India (DS436).
- 8:** USTR Froman and EU Trade Commissioner Cecilia Malmström meet in Washington, DC, to discuss the TTIP negotiations.
- 15:** The third meeting of the U.S.-Korea FTA Joint Committee convenes in Washington, DC, with discussions focusing on the automotive and financial services sectors.
- 16–18:** The 12th WTO Trade Policy Review of the United States takes place in Geneva, Switzerland.
- 16–18:** The 25th U.S.-China Joint Commission on Commerce and Trade (JCCT) is held in Chicago.

**December—continued**

**18:** The WTO DSB circulates the AB report concerning the complaint by China regarding countervailing duty measures imposed by the United States on certain products from China (DS437).

**19.** The U.S. Department of Commerce and the government of Mexico sign agreements suspending the countervailing duty and antidumping duty investigations on sugar from Mexico.

**19:** The EU requests WTO dispute settlement consultations with the United States concerning tax incentives established by the state of Washington in relation to the development, manufacture, and sale of large civil aircraft (DS487).

**22:** South Korea requests WTO consultations with the United States concerning certain U.S. antidumping measures on oil country tubular goods from South Korea and the investigation methodology underlying such measures (DS488).

**23:** The President reinstated Guinea-Bissau as AGOA eligible in 2015, and terminated the designations of The Gambia and South Sudan as AGOA beneficiaries effective January 1, 2015.

**30:** USTR publishes its *2014 Report to Congress on China's WTO Compliance*.

Source: Compiled from official and private sources, including the U.S. Department of Commerce, U.S. Department of State, U.S. Trade Representative, White House, World Trade Organization, Australian Government Department of Foreign Affairs and Trade, *Inside U.S. Trade*, and *Washington Trade Daily*.



# Chapter 1

## Overview of U.S. Trade

### Scope and Approach of the Report

This report provides factual information on the operation of the U.S. trade agreements program and its administration for calendar year 2014. Trade agreement activities during 2014 include the administration of U.S. trade laws and regulations; U.S. participation in the World Trade Organization (WTO), the Organisation for Economic Co-operation and Development (OECD), and the Asia-Pacific Economic Cooperation (APEC) forum; U.S. negotiation of and participation in free trade agreements (FTAs) and trade and investment framework agreements (TIFAs); and trade-related bilateral developments with major trading partners.

This report is based on primary source materials about U.S. trade programs and administrative actions pertaining to them. These materials chiefly encompass U.S. government reports, *Federal Register* notices, and news releases, including publications and news releases by the U.S. International Trade Commission (USITC or the Commission) and the Office of the United States Trade Representative (USTR). Other primary sources of information include publications of international institutions, such as the International Monetary Fund (IMF), World Bank, OECD, WTO, United Nations (UN), and foreign governments. The report draws on professional journals, trade publications, and news reports for supplemental factual information when primary source information is unavailable.

### Trade Data

The *Year in Trade 2014* report, as with past reports, relies on U.S. Census Bureau (Census) data for the U.S. merchandise trade statistics presented throughout the report. Most tables in the report present U.S. merchandise trade statistics using “total exports” and “general imports” as measures,<sup>2</sup> except for data on U.S. imports entered with a claim of eligibility under trade preference programs and free trade agreements. Such data require an analysis of U.S. “imports

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<sup>2</sup> “Total exports” measures the total physical movement of goods out of the United States to foreign countries, whether such goods are exported from the U.S. customs territory or from a Customs bonded warehouse or a U.S. Foreign Trade Zone (FTZ). Total exports is the sum of domestic exports and foreign exports (also known as re-exports). “General imports” measures the total physical arrivals of merchandise from foreign countries, whether such merchandise enters the U.S. customs territory immediately or is entered into bonded warehouses or FTZs under Customs custody.

for consumption”—goods that have been cleared by U.S. Customs and Border Protection to enter the customs territory of the United States with required duties paid.<sup>3</sup>

Chapters 1 and 6 also offer data on services trade. The services trade data are based on figures for cross-border trade in private services, which exclude government sales and purchases of services. The Commission compiled these data primarily from figures provided by the Bureau of Economic Analysis (BEA) of the U.S. Department of Commerce (USDOC or Commerce).

Digitally delivered products and services represent an increasingly important component of global services trade, but they are not explicitly identified in this report. Cross-border digital trade—i.e., cross-border trade in products and services delivered via the Internet—is difficult to measure because available business and economic data do not capture all of the economic activities that are facilitated by or occur via the Internet.<sup>4</sup> Moreover, official U.S. trade data do not distinguish between digital and non-digital products and services (box 1.1).

To complement the release of the *Year in Trade 2014* report, the Commission has developed a series of dashboards in MS Excel that present U.S. merchandise trade data in an interactive format. The dashboards are a companion piece to the traditional report. They offer *Year in Trade* readers a different way to look at, visualize, and understand the U.S. merchandise trade data used in this report. Using the dashboards, readers may conduct further analysis of U.S. merchandise trade focusing on specific trading partners, specific FTAs, or specific trade preference programs. The dashboards can be found at [http://www.usitc.gov/research\\_and\\_analysis/data\\_analysis\\_tools.htm](http://www.usitc.gov/research_and_analysis/data_analysis_tools.htm). All dashboards present data covering at least the period presented in this report (2012–14), while some allow the user to review data ranging from 1997 through 2014.

## Overview of the U.S. Economy in 2014

In 2014, the U.S. economy continued to rebound from the economic recession of 2008 and 2009 at a stronger rate than in 2013. U.S. real gross domestic product (GDP) increased 2.4 percent in 2014, compared to 2.2 percent the previous year (figure 1.1).<sup>5</sup>

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<sup>3</sup> For more information about measures of U.S. merchandise exports and imports, see "Trade Metrics" section of USITC, *Shifts in U.S. Merchandise Trade, 2014*, June 2015; USITC, "A Note on U.S. Trade Statistics," August 22, 2014, <http://www.usitc.gov/publications/research/tradestatsnote.pdf>.

<sup>4</sup> There is no standard or generally accepted definition for "digital trade." For more information, see USITC, *Digital Trade in the U.S. and Global Economies*, Part 2, August 2014.

<sup>5</sup> USDOC, BEA, "Gross Domestic Product: Fourth Quarter and Annual (Second Estimate)," February 27, 2015, 3.

**Box 1.1:** International digital trade

International trade in digital products and services is difficult to measure. U.S. trade data do not distinguish between digital and non-digital products and services. Moreover, official U.S. services trade statistics are organized according to the sector of a traded service (financial services, professional services, information services, and so on), rather than by how the service is delivered (online vs. in person). Official services trade data describe the value of cross-border exports and imports of all types of services, as well as the value of services provided by foreign affiliates who have established a commercial presence in a given country market. Official statistics describe the global activities of multinational services firms in terms of the geographic incidence of sales. Using these data, one way to track international “digital services trade” is to look at cross-border trade flows in digitally enabled industry sectors, such as financial services, computer and information services, audiovisual services, professional services, and other business services. While these industries also provide services in person, it is likely that many of their services exports are delivered over the Internet. Therefore, the sum of cross-border trade flows in these sectors is a useful proxy for estimating total cross-border digital services trade. In 2013, U.S. exports of digitally enabled services totaled \$379.5 billion, while U.S. imports of such services totaled \$226.5 billion.<sup>a</sup>

Another way to estimate international digital trade is to look at the direction and volumes of cross-border data flows. These continue to rise quickly as individual consumers and businesses around the world use more and more services delivered over the Internet (from both mobile and fixed-line connections). According to Cisco’s projections, global Internet traffic in 2018 will be close to triple its level in 2013 and equivalent to 64 times the volume of the entire global Internet in 2005.<sup>b</sup> While data flows are not comparable to trade statistics, as they are often not linked to a monetary transaction, they are an indicator of cross-border economic activity occurring via the Internet. Multinational companies necessarily transfer many types of data across borders—personal information of employees and customers, financial transaction data, production and process performance figures—to conduct business, communicate internally, handle customer relationships, and manage a global workforce. However, such statistics can give only a rough idea of global business activity, given that they cannot capture the purpose of the data flows—only their volume, source, and destination.

The USITC’s recent reports on *Digital Trade in the U.S. and Global Economies* (2013 and 2014) describe in detail the exponential growth in various types of business activity conducted via the Internet. They also discuss the way digital technologies are changing business models in traditional goods and services sectors and examine the Internet’s effects on productivity, output, and employment, as well as the Internet’s future implications for international trade.<sup>c</sup>

<sup>a</sup> USITC estimates; USDOC, BEA, U.S. Trade in Services by Type of Service, table 2.1, October 24, 2014. For a fuller explanation of the issues involved in estimating digital trade, see USITC, *Digital Trade in the U.S. and Global Economies*, Part 1, 2013, chapter 4. Issues related to identifying digitally enabled services are discussed in Borgia and Koncz-Bruner, “Trends in Digitally-Enabled Trade in Services,” USDOC, BEA, 2012.

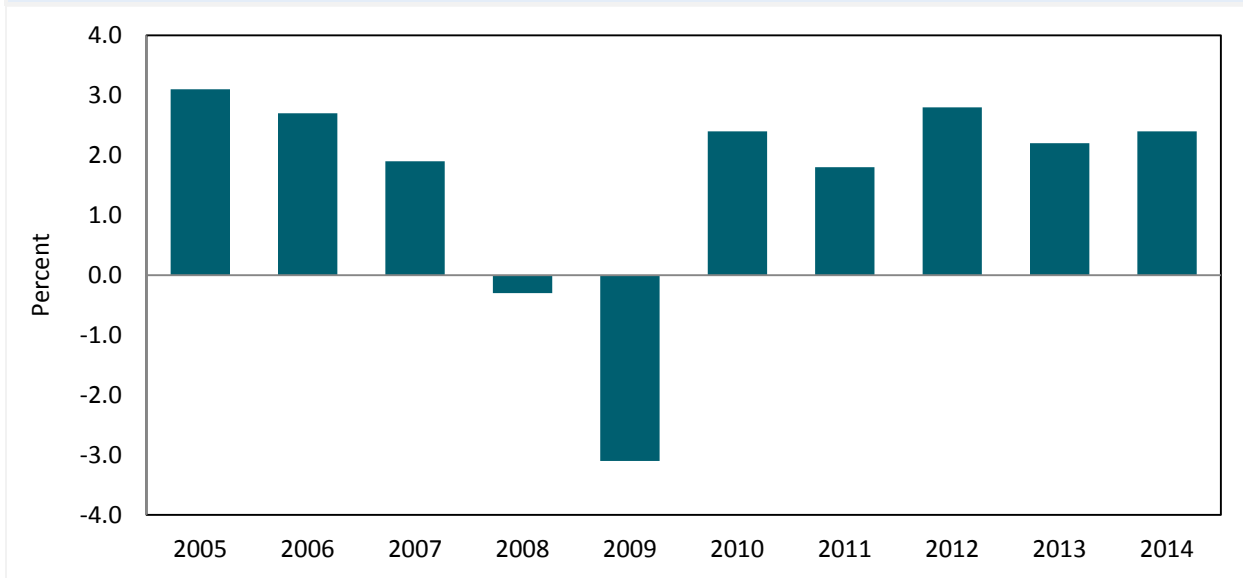
<sup>b</sup> Cisco, *The Zettabyte Era—Trends and Analysis*, June 10, 2014.

<sup>c</sup> USITC, *Digital Trade in the U.S. and Global Economies*, Part 1, July 2013; USITC, *Digital Trade in the U.S. and Global Economies*, Part 2, August 2014.

The increase in real GDP in 2014 mostly reflected positive contributions from personal consumption expenditures (1.72 percentage points) and gross private domestic investment (0.93 percentage points), slightly offset by a negative contribution from federal and state government spending (–0.03 percentage points). Additionally, the contribution of net exports

of goods and services to growth in real GDP was -0.23 percentage points.<sup>6</sup> To support the continued U.S. economic recovery, the U.S. Federal Reserve continued to buy long-term securities and kept the target range for the federal funds rate at 0 to 0.25 percent in 2014.<sup>7</sup> The seasonally adjusted U.S. unemployment rate fell from 6.7 percent in December 2013 to 5.6 percent in December 2014.<sup>8</sup>

**Figure 1.1:** U.S. real gross domestic product, percentage change, 2005–14



Source: USDOC, BEA, “Gross Domestic Product, Percent Change from Previous Period,” <http://www.bea.gov/national/xls/gdpchg.xls> (accessed March 19, 2015).

The global economy grew at the same rate as the previous year—3.3 percent.<sup>9</sup> Economic growth in major advanced economies picked up in 2014, rising to 1.8 percent in 2014 from 1.3 percent in 2013. On the other hand, while growth has been more robust in many emerging and developing economies in recent years, it decreased on average in 2014, falling to 4.4 percent from 4.7 percent in 2013. The decline in the real GDP growth rate among these countries was led by lower growth in China. Lower oil and other commodity prices also affected the terms of trade and real income, and thus dampened growth in commodity exporting developing countries.<sup>10</sup>

<sup>6</sup> USDOC, BEA, “Gross Domestic Product: Fourth Quarter and Annual (Second Estimate),” February 27, 2015, table 2.

<sup>7</sup> Federal Reserve, “Federal Reserve Issues FOMC Statement,” September 17, 2014. The federal funds rate is the interest rate at which depository institutions lend their excess deposits to each other overnight. Federal Reserve, “Open Market Operations,” n.d. (accessed March 12, 2015).

<sup>8</sup> USDOL, BLS, Current Population Survey (CPS) database (accessed March 5, 2015).

<sup>9</sup> IMF, *World Economic Outlook Update*, January 2015. This document is the source for the data in this paragraph. Economic growth is measured as the percentage change in GDP at constant prices.

<sup>10</sup> *Ibid.*

## Exchange-Rate Trends

The U.S. dollar largely maintained its value in the first part of 2014, depreciating mildly against the broad dollar index.<sup>11</sup> However, the dollar rose 8.1 percent against the broad dollar index from July to December in 2014, resulting in an overall appreciation of 9.0 percent in 2014. By yearend, the dollar had appreciated against a number of major currencies: 14.3 percent against the Japanese yen, 13.0 percent against the euro, 12.5 percent against the Mexican peso, 9.1 percent against the Canadian dollar, 5.5 percent against the UK pound, and 2.5 percent against the Chinese yuan (figure 1.2). The dollar began to rise in mid-2014 following revised forecasts for the U.S. economy that reflected higher than expected economic growth.<sup>12</sup> Additionally, in September 2014, the European Central Bank announced that it would cut interest rates and institute a bond-buying program to stimulate euro-area economies, which further contributed to the rise in the dollar.<sup>13</sup>

## Balance of Payments<sup>14</sup>

The U.S. current-account deficit—the combined balances of trade in goods and services, income, and net unilateral current transfers—increased to \$410.6 billion (preliminary) in 2014 from \$400.3 billion in 2013.<sup>15</sup> This deficit amounted to 2.4 percent of current-dollar GDP in both 2014 and 2013. The increase in the current-account deficit was due to a rise in both the merchandise trade deficit and government transfers abroad. These trends offset increased surpluses in services trade and primary income (investment income, income payments to foreigners, and compensation of employees) in 2014.

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<sup>11</sup> The broad dollar index is a weighted average of the foreign exchange values of the U.S. dollar against the currencies of a large group of major U.S. trading partners. Dollar appreciation is measured as the increase in the broad dollar index from January 2, 2014, to December 31, 2014. Federal Reserve, Foreign Exchange Rates—H.10 (accessed March 5, 2015).

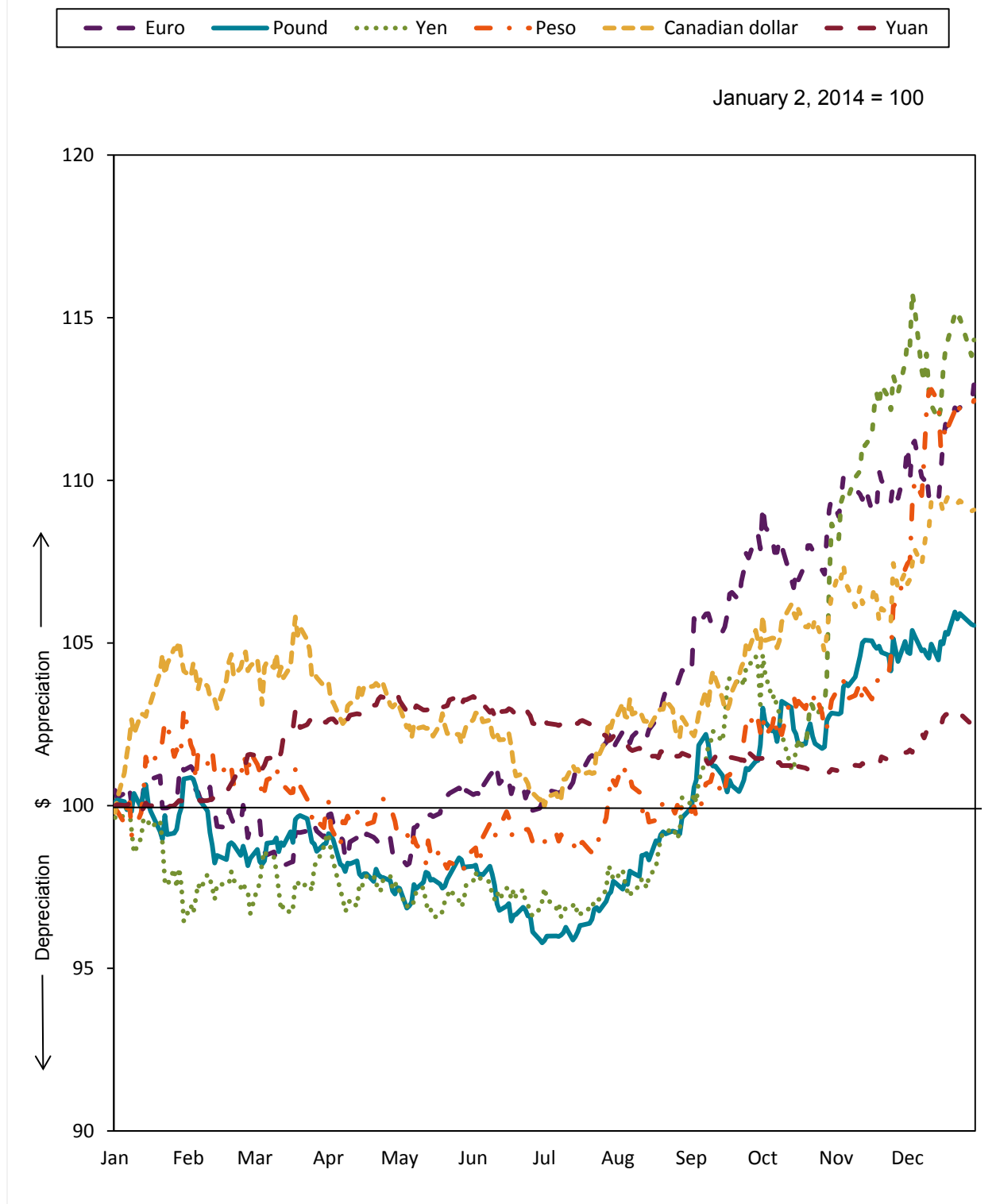
<sup>12</sup> Irwin, “What the Dollar's Rise Tells Us,” October 8, 2014.

<sup>13</sup> Wearden, “ECB Cuts Interest Rates,” September 4, 2014.

<sup>14</sup> This section of the report relies on trade data reported by the BEA. The trade deficit reported by the BEA is derived from Census data on U.S. total exports minus U.S. general imports. The BEA adjusts these flows to bring the data in line with the concepts and definitions used to prepare the international and national accounts. For a more detailed discussion of the differences between balance of payments-basis and Census-basis data, see USDOC, BEA, “A Guide to the U.S. International Transactions Accounts,” February 2010. All other sections of the report rely solely on Census data.

<sup>15</sup> Unless otherwise indicated, information in this section is from USDOC, BEA, “U.S. International Transactions: Fourth Quarter and Year 2014,” March 19, 2015, 5–7.

**Figure 1.2:** Indices of U.S. dollar exchange rates for selected major foreign currencies, daily, 2014<sup>a</sup>



Source: U.S. Federal Reserve Board (accessed March 20, 2015).

<sup>a</sup> Units of the foreign currency per unit of the U.S. dollar. A decrease in the index represents a depreciation of the U.S. dollar relative to the foreign currency, and an increase in the index represents an appreciation of the U.S. dollar relative to the foreign currency.

The U.S. trade deficit for goods and services increased from \$476.4 billion in 2013 to \$504.7 billion in 2014. The deficit on goods increased to \$735.8 billion in 2014 from \$701.7 billion in 2013, though it remained well below the record goods deficit of \$835.7 billion in 2006. U.S. exports of goods rose from \$1,592.8 billion in 2013 to \$1,635.1 billion in 2014, reflecting growth in exports of capital goods, consumer goods, and, in particular, petroleum and petroleum products. Imports of goods increased to \$2,370.9 billion in 2014 from \$2,294.5 billion in 2013, reflecting increases in all major sectors despite a decline in imports of petroleum and petroleum products (see the U.S. Merchandise Trade section later in this chapter).

The U.S. trade surplus for services grew to \$231.1 billion in 2014 from \$225.3 billion in 2013, a new annual record. Services exports rose from \$687.4 billion to \$709.4 billion in this period.<sup>16</sup> The largest increases in services exports occurred in the category “other business services”—particularly professional and management consulting services and research and development services—and in financial services. At the same time, services imports also increased, rising from \$462.1 billion in 2013 to \$478.3 billion in 2014. The largest increase in services imports occurred in travel, particularly personal travel abroad.<sup>17</sup>

## U.S. Trade in Goods in 2014<sup>18</sup>

The value of U.S. exports grew 2.8 percent while the value of imports rose 3.4 percent in 2014, compared to an increase of 2.2 percent for exports and a slight decrease of less than 0.5 percent for imports in 2013 (appendix table A.1). U.S. merchandise imports continued to exceed merchandise exports in 2014. U.S. merchandise exports increased from \$1,579.6 billion in 2013 to \$1,623.4 billion in 2014, boosted by recovering demand in major advanced economies. U.S. merchandise imports rose from \$2,268.3 billion in 2013 to \$2,345.2 billion in 2014, driven by the stronger U.S. economy and the corresponding upturn in personal spending and business investment.<sup>19</sup> As a result, the merchandise trade deficit increased in 2014 to \$721.7 billion from \$688.7 billion in 2013 (figure 1.3).

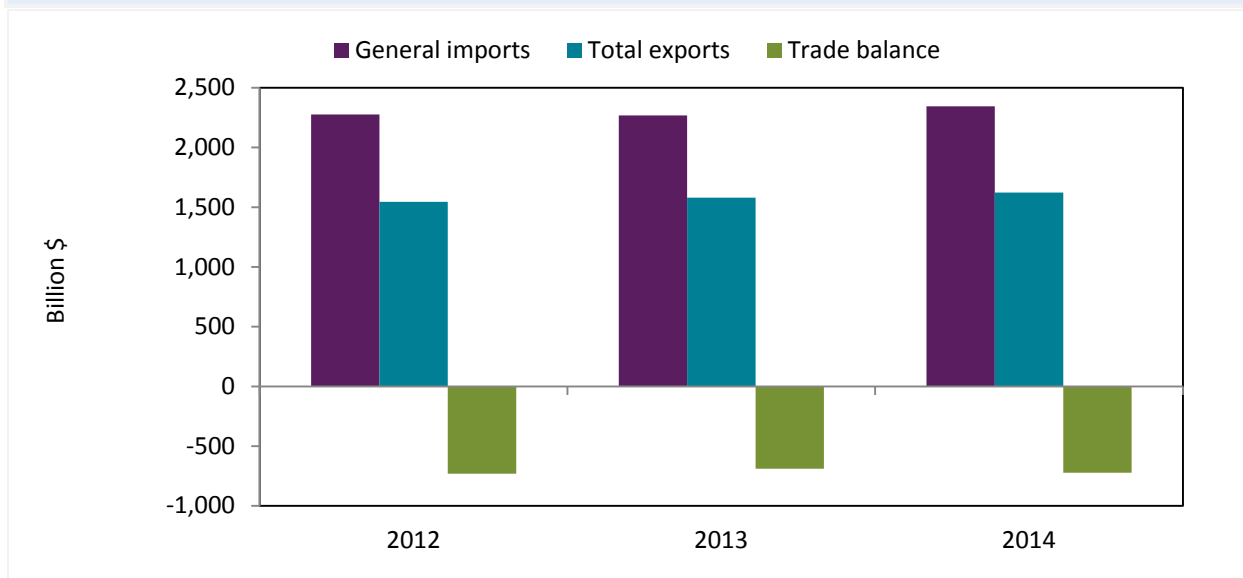
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<sup>16</sup> Services data in this section include trade in private services, as well as transfers under U.S. military agency sales contracts and U.S. government purchases of miscellaneous services.

<sup>17</sup> Services trade is discussed in more detail later in this chapter.

<sup>18</sup> This section of the report uses total exports and general imports as reported by Census. For further information on these terms, please select “View data field descriptions” at USITC DataWeb <http://dataweb.usitc.gov>.

<sup>19</sup> USITC, *Shifts in U.S. Merchandise Trade, 2014*, June 2015.

**Figure 1.3:** U.S. merchandise trade with the world, 2012–14

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

## U.S. Merchandise Trade by Product Category

### Exports

In 2014, U.S. exports increased in 11 of the 12 broad merchandise sectors defined by the USITC by a total of \$52.4 billion, but fell in the minerals and metals sector by \$8.5 billion (appendix table A.1). Transport equipment, which consistently ranks as the largest U.S. export sector, accounted for 20.7 percent of merchandise exports in 2014. U.S. exports of transport equipment were valued at \$335.6 billion in 2014, up 4.2 percent from \$322.1 billion in 2013. Top products exported in all merchandise sector categories in 2014 included aircraft, spacecraft, and parts; petroleum oils; passenger motor vehicles; soybeans; and nonmonetary gold (see appendix table A.2 for details at the Schedule B subheading level).

### Imports

In 2014, U.S. imports expanded in 11 of the 12 merchandise sectors by a total of \$111.1 billion, but fell in the energy-related products sector by \$34.2 billion (appendix table A.1). The decline in energy-related imports reflects increased U.S. production of petroleum and related products, such as shale oil gas, as well as lower petroleum prices during the year. The electronic products sector, which has ranked as the largest import sector since 2012, accounted for 18.7 percent of the value of total merchandise imports in 2014, followed by transportation equipment, at



17.2 percent. U.S. imports of electronic products were valued at \$438.2 billion in 2014, up 3.9 percent from \$421.7 billion in 2013, while imports of transportation equipment were valued at \$403.0 billion in 2014, up 7.3 percent from \$375.4 billion in 2013. Top products imported in 2014 in all merchandise sectors included petroleum oils, motor vehicles, cellphones, computers, and pharmaceuticals (see appendix table A.3 for details at the Harmonized Tariff Schedule of the United States [HTS] subheading level).

## U.S. Imports under Preferential Programs and Free Trade Agreements

The value of U.S. imports for which eligibility was claimed under the United States' four major preferential trade programs with developing countries fell from \$48.3 billion in 2013 to \$32.5 billion in 2014; they accounted for 1.4 percent of total U.S. imports during 2014.<sup>20</sup> Imports that claimed eligibility under the U.S. Generalized System of Preferences (GSP) program (appendix table A.14) totaled \$18.7 billion in 2014, including \$2.4 billion that entered free of duty from AGOA beneficiary countries.<sup>21</sup> Imports under the African Growth and Opportunity Act (AGOA) totaled \$11.9 billion, excluding imports valued at \$2.4 billion that claimed GSP benefits (appendix table A.17); imports under the Caribbean Basin Economic Recovery Act (CBERA), including the Caribbean Basin Trade Partnership Act (CBTPA), totaled \$2.0 billion (appendix table A.20). No imports entered under the Andean Trade Preference Act (ATPA) in 2014 (appendix table A.19), as the President's authority to provide ATPA benefits expired on July 31, 2013. Most of the imports claiming eligibility under AGOA and CBERA are free of duty.

A much larger share of U.S. imports claim benefits under free trade or trade promotion agreement provisions than under preferential trade programs. The value of these imports increased 0.9 percent in 2014 and totaled \$414.6 billion, or 17.9 percent of total U.S. imports in 2014.<sup>22</sup>

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<sup>20</sup> U.S. tariff preferences provided to goods entered into the customs territory of the United States from U.S. insular possessions (U.S. Virgin Islands, Guam, Johnston Atoll, Midway Islands, and Wake Island) and to products of the Freely Associated States (the Marshall Islands, the Federated States of Micronesia, and Palau) are not analyzed in this report. See the USITC, *Harmonized Tariff Schedule of the United States 2015*, January 2015, gen. note 3a (iv) and gen. note 10. U.S. insular possessions are defined in 19 C.F.R. § 7.2 (a).

<sup>21</sup> Following the expiration of the President's authority to provide duty-free treatment under the GSP program on July 31, 2013, importers still claimed GSP status to facilitate receiving refunds if GSP were to be renewed retroactively, as has been done in the past. Note that imports claiming GSP benefits after July 31, 2013, have not actually entered free of duty, except for imports from AGOA beneficiary countries (\$2.4 billion in 2014).

<sup>22</sup> U.S. imports under preferential trade programs are discussed in chapter 2. U.S. trade with countries under free trade or trade promotion agreement provisions is discussed in chapter 5.

## U.S. Merchandise Trade with Leading Partners<sup>23</sup>

Table 1.1 shows U.S. trade with selected major trading partners, ranked by total trade (exports and imports) in 2014. In 2014, the European Union (EU) remained the United States' top trading partner in terms of two-way merchandise trade. Canada was the leading market for U.S. exports. China continued as the leading source of U.S. imports through 2014. Canada also remained the largest single-country two-way trading partner of the United States, followed by China and Mexico (see appendix tables A.6 and A.7 for U.S. trade with the top 15 single-country trading partners). The leading U.S. export markets and import suppliers by share in 2014 are shown in figures 1.4 and 1.5.<sup>24</sup>

**Table 1.1:** U.S. merchandise trade with selected major trading partners and the world, 2014

Major trading partner	U.S. total exports	U.S. general imports	Trade balance	Two-way trade (exports plus imports)
Million \$				
EU	276,698	417,837	-141,138	694,535
Canada	312,125	346,063	-33,937	658,188
China	124,024	466,656	-342,633	590,680
Mexico	240,326	294,157	-53,831	534,484
Japan	66,964	133,939	-66,975	200,903
Korea <sup>a</sup>	44,544	69,606	-25,062	114,150
Brazil	42,418	30,337	12,081	72,755
Taiwan	26,836	40,572	-13,736	67,407
India	21,628	45,228	-23,601	66,856
All others	467,880	500,793	-32,913	968,673
All partners	1,623,443	2,345,187	-721,744	3,968,630

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

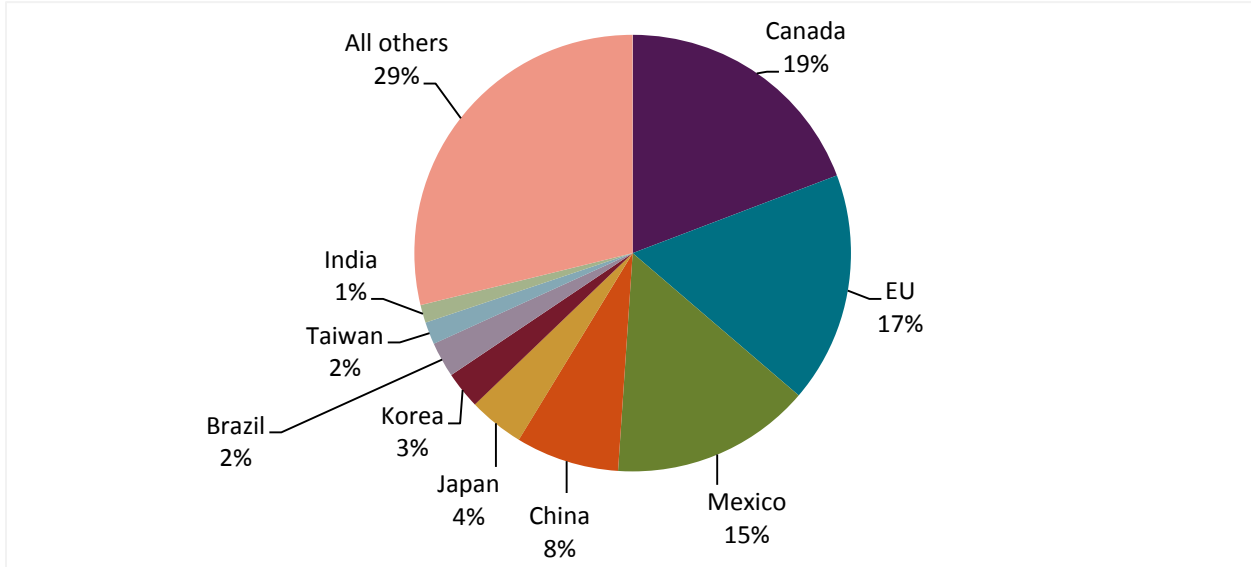
Note: Because of rounding, figures may not add to totals shown.

<sup>a</sup> Republic of Korea (South Korea).

<sup>23</sup> See chapter 6 for further information on U.S. merchandise trade with major trading partners, including the EU, Canada, China, Mexico, and other economies.

<sup>24</sup> Leading U.S. exports to and imports from these major trading partners are presented in appendix tables A.24–A.50.

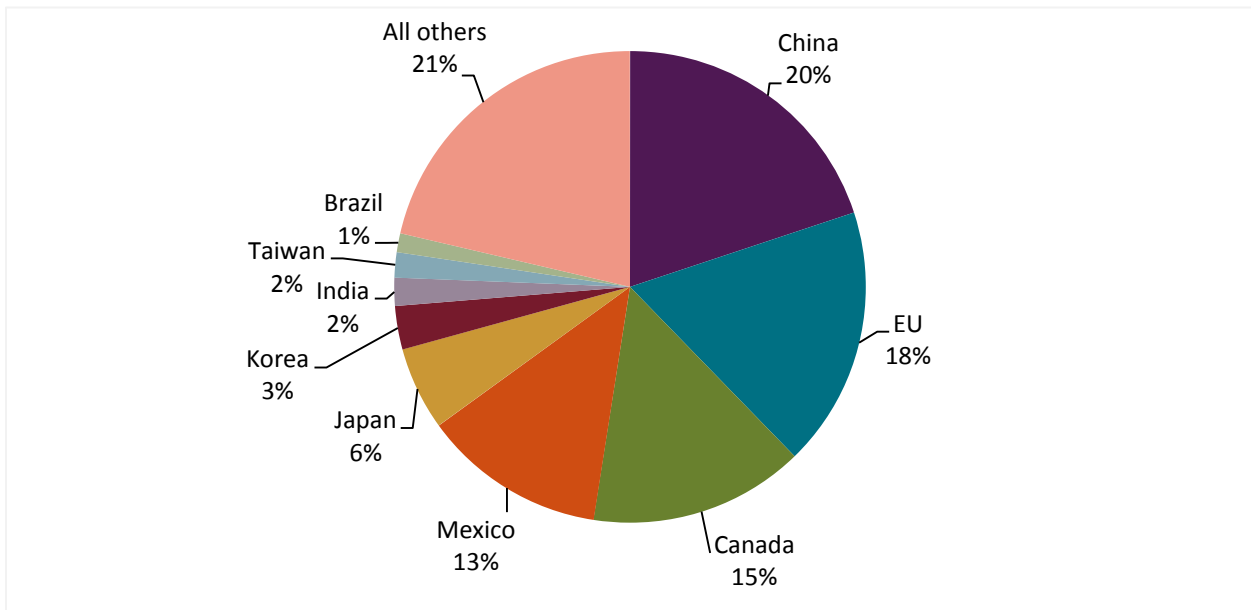
**Figure 1.4:** Leading U.S. merchandise export markets, by share, 2014



Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to 100 percent.

**Figure 1.5:** Leading U.S. merchandise import sources, by share, 2014



Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to 100 percent.

## U.S. Trade in Services in 2014<sup>25</sup>

The U.S. surplus in cross-border private services trade increased 2.2 percent in 2014 to \$231.1 billion (figure 1.6).<sup>26</sup> U.S. cross-border exports of private services increased by 3.4 percent (\$22.7 billion) in that year to \$685.6 billion, slightly slower than the 4.1 percent (\$17.7 billion) increase in U.S. imports, which reached \$454.5 billion. Growth occurred in 9 of the top 10 services export categories in 2014, including travel services, charges for the use of intellectual property n.i.e.,<sup>27</sup> and financial services (the three largest categories). U.S. imports of private services increased in 8 of the top 10 import categories, most significantly in professional and management consulting services (12.0 percent) and passenger fares (8.9 percent). Appendix table A.6 provides data on U.S. trade in private services by product category.

## U.S. Services Trade by Product Category

### Exports

Travel services<sup>28</sup> led U.S. cross-border services exports in 2014, accounting for 25.8 percent of the total, followed by charges for the use of intellectual property n.i.e. (19.3 percent), and financial services (12.9 percent). Among the top 10 export categories, maintenance and repair services n.i.e. experienced the fastest year-on-year growth in exports (14.8 percent) in 2014. Although exports grew in most services sectors in 2014, growth rates for some sectors fell below 2013 levels.

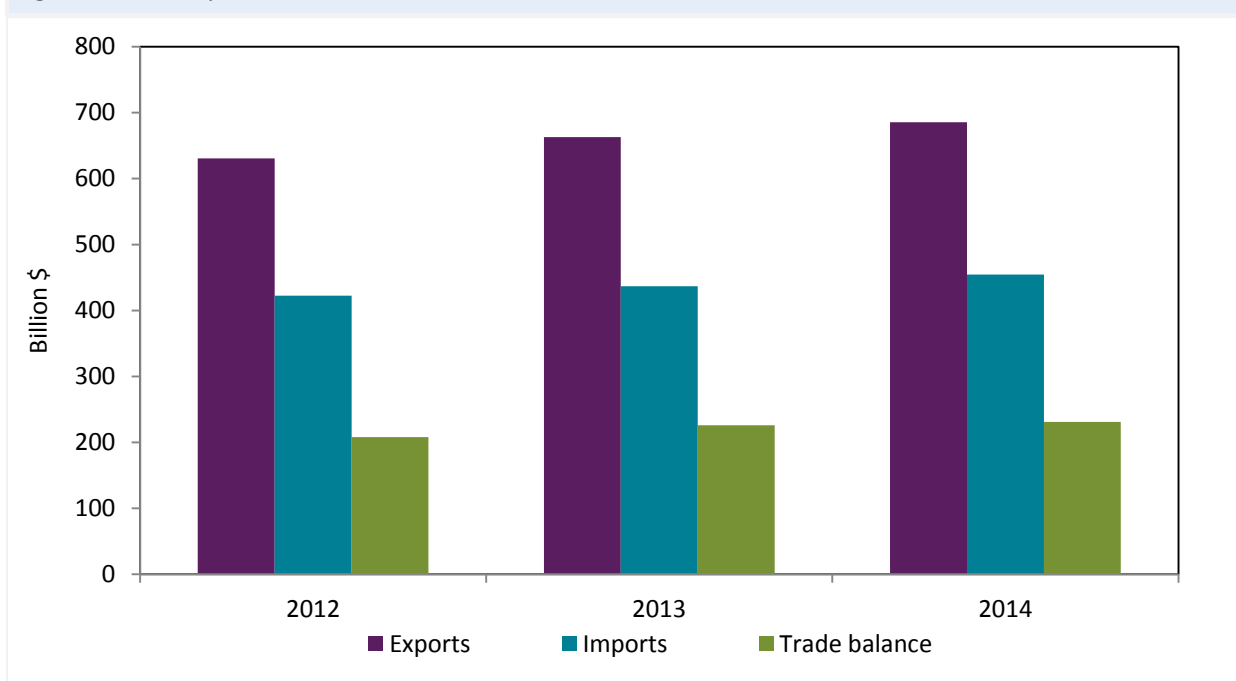
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<sup>25</sup> This section uses BEA data on U.S. cross-border trade in private services. It excludes BEA data on government sales and purchases. Under the BEA's national accounts data, cross-border services trade occurs when firms in one country provide services to consumers in another country, with people, information, or money crossing U.S. boundaries in the process. U.S. firms also provide services to foreign consumers through affiliated companies abroad. Cross-border services trade is recorded as exports or imports in international balance of payments data, whereas the income generated through affiliate transactions is recorded as investment income.

<sup>26</sup> USDOC, BEA, "U.S. International Transactions Accounts Data: Table 3.1," March 19, 2015. In 2014, the BEA updated its services trade statistics under its U.S. International Transaction Accounts to conform more closely to international standards. For more information about how BEA has revised its data, see USDOC, BEA, "The Comprehensive Restructuring," March 2014, and "Comprehensive Restructuring and Annual Revision," July 2014.

<sup>27</sup> U.S. exports of charges for the use of intellectual property "not included elsewhere" (n.i.e.), which the BEA previously labeled as "royalties and license fees," include payments by foreigners to U.S. owners of intellectual property, such as trademarks and franchise fees, computer software, industrial processes, and audiovisual products.

<sup>28</sup> Travel services comprise purchases of goods and services made by U.S. residents traveling abroad (U.S. imports of travel services) and by foreign travelers in the United States (U.S. exports of travel services). These goods and services include food, lodging, recreation, gifts, entertainment, local transportation in the country of travel, and other items incidental to a foreign visit. The trade numbers for travel services were revised in 2014 to reflect new procedures for electronic data collection carried out by the U.S. Department of Homeland Security. These changes allowed more accurate accounting of passengers' destination countries and improved methods of estimating their travel-related expenditures.

**Figure 1.6:** U.S. private cross-border services trade with the world, 2012–14<sup>a</sup>

Source: USDOC, BEA, International Transactions Accounts Data, March 19, 2015, table 1.2.

<sup>a</sup> Data for 2014 are preliminary.

For instance, U.S. exports of air transport services<sup>29</sup> grew by only 0.8 percent in 2014, compared to growth of 7.0 percent in 2013. Growth in U.S. exports of financial services was also slower in 2014 (5.2 percent) than in 2013 (9.7 percent).

On the other hand, U.S. exports of maintenance and repair services n.i.e. and of sea transport services<sup>30</sup> had much higher growth rates in 2014 compared to 2013. In particular, U.S. exports of sea transport services increased by 5.4 percent in 2014, far exceeding the 0.7 percent increase posted in 2013. Faster growth in U.S. exports of sea transport services in 2014 was partly due to higher demand for maritime freight transport vis-à-vis more expensive air transport services, as manufacturers continued to focus on reducing costs during the post-recession period.<sup>31</sup>

## Imports

Travel services (24.6 percent of total imports) and insurance services (10.9 percent) led U.S. cross-border services imports in 2014. Overall, 2014 witnessed broad growth in U.S. services imports, with increases in 8 of the top 10 import categories. As mentioned, U.S. imports of

<sup>29</sup> Air transport services include airport and air freight services.

<sup>30</sup> Sea transport services include seaport and sea freight services.

<sup>31</sup> Knowler, "Changing Air Cargo Landscapes Threatens Recovery," October 7, 2014.

professional and management consulting services in 2014 grew the fastest at 12.0 percent (a sharp increase over 3.6 percent in 2013), followed by passenger fares at 8.9 percent. By contrast, U.S. imports of insurance services fell by 2.3 percent; U.S. imports of technical, trade-related, and other business services, by 7.2 percent.<sup>32</sup>

## U.S. Services Trade with Leading Partners

In 2014 the EU was the United States' largest export market for services, as well as its largest foreign supplier of services (table 1.2). Canada and Japan were the second- and third-largest U.S. services trading partners in 2014. The EU accounted for \$217.6 billion (31.7 percent) of total U.S. services exports and \$160.0 billion (35.2 percent) of total U.S. services imports in that year (figures 1.7 and 1.8).<sup>33</sup> The U.S. trade surplus in services with the EU increased to \$57.5 billion in 2014, up from \$50.5 billion in 2013.

The United States also maintained large trade surpluses in services with most of its other leading trade partners, including Canada (\$32.3 billion), China (\$26.5 billion), Brazil (\$19.1 billion), Japan (\$18.0 billion), the Republic of Korea (South Korea) (\$12.3 billion), Australia (\$12.1 billion), and Mexico (\$9.2 billion). India was the only leading services trade partner with which the United States recorded a trade deficit, \$6.0 billion (compared to \$5.8 billion in 2013). The U.S. services trade deficit with India has been driven largely by an increase in U.S. imports of computer services from that country.<sup>34</sup>

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<sup>32</sup> Technical, trade-related, and other business services include construction, architectural and engineering services, waste treatment, operational leasing, trade-related, and other business services.

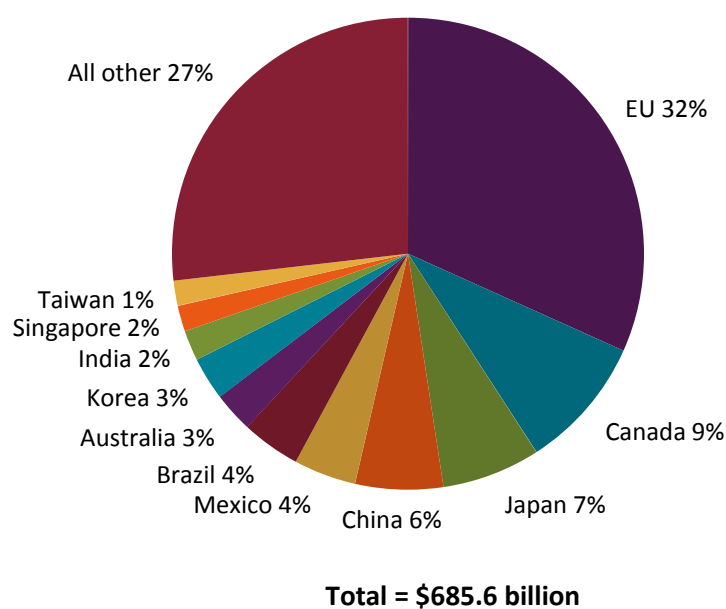
<sup>33</sup> In terms of single countries, the United Kingdom (an EU member) was the largest exporter and importer of U.S. private services in 2014.

<sup>34</sup> For example, in 2013, U.S. exports of computer services to India were \$554 million, whereas U.S. imports of computer services from India were nearly \$9.5 billion. USDOC, BEA, *Survey of Current Business*, October 2014, 15–16.

**Table 1.2:** U.S. private services trade with major trading partners and the world, 2014

Major trading partners	U.S. exports	U.S. imports	Trade balance	Two-way trade (exports plus imports)
	Million \$			
EU	217,557	160,014	57,543	377,571
Canada	62,537	30,284	32,253	92,821
Japan	46,280	28,262	18,018	74,542
China	41,139	14,629	26,510	55,768
Mexico	29,291	20,061	9,230	49,352
Brazil	27,610	8,537	19,073	36,147
South Korea	20,259	7,941	12,318	28,200
Australia	18,756	6,679	12,077	25,435
India	14,283	20,272	-5,989	34,555
Singapore	12,161	5,385	6,776	17,546
Taiwan	11,806	7,307	4,499	19,113
All other	183,901	145,126	38,775	329,027
World	685,580	454,497	231,083	1,140,077

Source: USDOC, BEA, "U.S. International Transaction Accounts Data: Table 1.3," March 19, 2015.

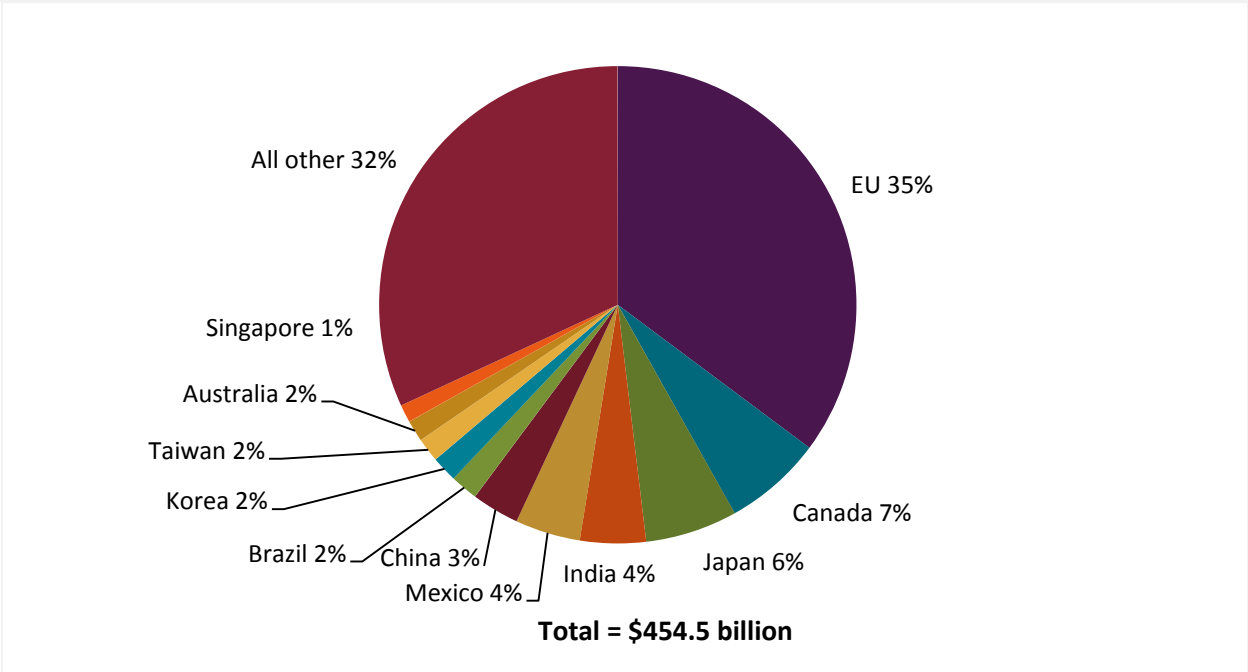
**Figure 1.7:** Leading U.S. export markets for private services, by share, 2014<sup>a</sup>

Source: USDOC, BEA, International Transactions Accounts Data, March 19, 2015, table 1.2.

Note: Because of rounding, figures may not add up to 100 percent.

<sup>a</sup>Data for 2014 are preliminary.

**Figure 1.8:** Leading U.S. import sources for private services, by share, 2014<sup>a</sup>



Source: USDOC, BEA, International Transactions Accounts Data, March 19, 2015, table 1.2.

Note: Because of rounding, figures may not add up to 100 percent.

<sup>a</sup> Data for 2014 are preliminary.



## Chapter 2

# Administration of U.S. Trade Laws and Regulations

This chapter surveys activities related to the administration of U.S. trade laws during 2014, covering import relief laws, laws against unfair trade practices, trade adjustment assistance, and tariff preference programs. Tariff preference programs encompass the U.S. Generalized System of Preferences (GSP), the African Growth and Opportunity Act (AGOA), the Andean Trade Preference Act (ATPA), and the Caribbean Basin Economic Recovery Act (CBERA), including initiatives aiding Haiti. The online interactive merchandise trade dashboards that accompany the *Year in Trade 2014* report, as described in chapter 1, can be used for further analysis of U.S. trade under the tariff preference programs.

## Import Relief Laws

### Safeguard Actions

This section covers safeguard actions under provisions administered by the Commission, including the global safeguards provided for in sections 201–204 of the Trade Act of 1974,<sup>35</sup> and the safeguards provided for in various bilateral free trade agreements (FTAs) involving the United States.

The Commission conducted no new safeguard investigations during 2014, and no U.S. safeguard measures under these provisions were in effect during any part of 2014.

## Laws against Unfair Trade Practices

### Section 301 Investigations

Section 301 of the Trade Act of 1974 is the principal U.S. statute for addressing unfair foreign practices affecting U.S. exports of goods or services.<sup>36</sup> Section 301 may be used to enforce U.S. rights under bilateral and multilateral trade agreements and to respond to unjustifiable, unreasonable, or discriminatory foreign government practices that burden or restrict U.S. commerce. Interested persons may petition the United States Trade Representative (USTR) to

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<sup>35</sup> 19 U.S.C. §§ 2251–2254.

<sup>36</sup> Section 301 refers to sections 301–310 of the Trade Act of 1974, as amended (19 U.S.C. §§ 2411–2420).

investigate foreign government policies or practices, or the USTR may initiate an investigation itself.

If the investigation involves a trade agreement and consultations do not lead to a mutually acceptable resolution, section 303 of the Trade Act of 1974 requires the USTR to use the dispute settlement procedures available under the subject agreement. If the matter is not resolved by the conclusion of the investigation, section 304 of the Trade Act of 1974 requires the USTR to determine whether the practices in question fulfill any of three conditions: (1) they deny U.S. rights under a trade agreement; (2) they are unjustifiable, and burden or restrict U.S. commerce; or (3) they are unreasonable or discriminatory, and burden or restrict U.S. commerce. If the practices fulfill either of the first two conditions, the USTR must take action.<sup>37</sup> If the practices fulfill the third condition—that is, if they are unreasonable or discriminatory, and they burden or restrict U.S. commerce—the USTR must determine whether action is appropriate and, if so, what type of action to take.<sup>38</sup> The time period for making these determinations varies according to the type of practices alleged.

## Section 301 Investigations

Two section 301 investigations were considered by USTR in 2014. One case concerned various meat hormone directives of the EU, which prohibit the use of certain hormones that promote growth in farm animals. The United States successfully challenged the EU measures at the WTO, and in 1999, imposed additional ad valorem duties of 100 percent on about \$117 million in imports from the EU in retaliation.<sup>39</sup>

In January 2009, the United States and the EU launched a series of consultations in an effort to resolve the meat hormone dispute through negotiation. On May 13, 2009, the United States and the EU announced the signing of a memorandum of understanding (MOU).<sup>40</sup> Under the MOU, the EU agreed to open a tariff-rate quota (TRQ) with an in-quota tariff rate of zero for beef produced without growth-promoting hormones (i.e., “high-quality beef”)<sup>41</sup> in the amount

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<sup>37</sup> Section 301(a) of the Trade Act of 1974, as amended (19 U.S.C. § 2411(a)).

<sup>38</sup> Section 301(b) of the Trade Act of 1974, as amended (19 U.S.C. § 2411(b)).

<sup>39</sup> 64 Fed. Reg. 40638 (July 27, 1999); WTO, *European Communities—Measures Concerning Meat and Meat Products* (DS26, DS48) (accessed March 5, 2015).

<sup>40</sup> *Memorandum of Understanding between the United States of America and the European Commission Regarding the Importation of Beef From Animals Not Treated with Certain Growth-Promoting Hormones and Increased Duties Applied by the United States to Certain Products of the European Communities*, May 13, 2009 (U.S.-EU Beef MOU). For more information on the three-phase MOU, see USITC, *The Year in Trade 2009*, 2010, 5-5.

<sup>41</sup> A TRQ is a method of trade protection that imposes a relatively low “in-quota” tariff rate on imports until an annual allocation is met. Any imports beyond the TRQ allocation are subject to higher over-quota tariff rates. Article VI of the U.S.-EU Beef MOU defines “high quality beef.”

of 20,000 metric tons,<sup>42</sup> and the United States agreed to reduce the scope of the retaliation list.<sup>43</sup>

The MOU further provided that the parties could enter a second phase under which the EU would increase the TRQ to 45,000 metric tons beginning in August 2012, and the United States would lift the remaining additional duties.<sup>44</sup> The United States and the EU entered into the second phase of the MOU beginning August 1, 2012, and the EU increased the TRQ for high-quality beef to 45,000 metric tons.<sup>45</sup> The MOU provided that the second phase would continue for one year. In August 2013, the United States and the EU agreed to extend the second phase of the MOU for two additional years, until August 2, 2015, thereby maintaining the TRQ for high-quality beef at 45,000 metric tons during 2014.<sup>46</sup>

According to USTR, it is continuing to monitor EU implementation of the MOU and other developments affecting market access for U.S. beef products. USTR states that it will consider additional actions under section 301 of the Trade Act “if EU implementation and other developments do not proceed as contemplated.”<sup>47</sup>

The other section 301 case in 2014 concerned intellectual property rights protection (IPR) in Ukraine. In May 2013, Ukraine was identified as a priority foreign country<sup>48</sup> in USTR’s *2013 Special 301 Report* because of Ukraine’s denial of adequate and effective protection of IPR and its denial of fair and equitable market access to persons that rely on IPR protection.<sup>49</sup> On May 30, 2013, the USTR initiated a section 301 investigation of the acts, policies, and practices of the government of Ukraine with respect to its IPR regime.<sup>50</sup> In particular, the investigation was to focus on piracy of copyrights and related rights over the Internet, the Ukrainian government’s use of pirated software, and the nontransparent and unfair administration and operation of certain Ukrainian copyright-collecting societies. On February 28, 2014, the USTR determined, based on information obtained during the 301 investigation, that the acts, policies, and practices subject to the investigation are unreasonable and burden or restrict U.S. commerce,

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<sup>42</sup> U.S.-EU Beef MOU, Art. II(1).

<sup>43</sup> U.S.-EU Beef MOU, Art. II(3); 74 Fed. Reg. 40864 (August 13, 2009).

<sup>44</sup> U.S.-EU Beef MOU, Arts. I(2), II(4), and IV(2). The USTR terminated the imposition of the remaining additional duties in May 2011. For more background, see USITC, *The Year in Trade 2011, 2012*, 2-3.

<sup>45</sup> Regulation (EU) No. 464/2012 of the European Parliament and of the Council, *OJ L* 149, June 8, 2012, 1.

<sup>46</sup> USTR, “U.S. Trade Representative Froman, Secretary of Agriculture Vilsack,” August 1, 2013.

<sup>47</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 185.

<sup>48</sup> For an explanation of a “priority foreign country,” see the next section on Special 301.

<sup>49</sup> USTR, *2013 Special 301 Report*, May 2013; USTR, “USTR Releases Annual Special 301 Report,” May 1, 2013.

<sup>50</sup> USTR, “Acting U.S. Trade Representative Sapiro Announces Section 301,” May 30, 2013; USTR, “Identification of Ukraine as a Priority Foreign Country and Initiation of Section 301 Investigation,” 78 Fed. Reg. 33886 (June 5, 2013).

and thus are actionable under section 301.<sup>51</sup> The USTR further determined that, in light of the political situation in Ukraine at the time, no action under section 301 was appropriate.<sup>52</sup>

## Special 301

The Special 301 law<sup>53</sup> requires that the USTR annually identify and issue a list of foreign countries that deny adequate and effective protection of IPR, or deny fair and equitable market access to U.S. persons who rely on IPR protection.<sup>54</sup> Under the statute, a country denies adequate and effective IPR protection if the country does not allow foreign persons “to secure, exercise, and enforce rights related to patents, process patents, registered trademarks, copyrights and mask works.”<sup>55</sup>

Under the statute, a country denies fair and equitable market access if it denies access to a market for a product that is protected by a copyright or related right, patent, trademark, mask work, trade secret, or plant breeder’s right through the use of laws and practices that violate international agreements or that constitute discriminatory nontariff trade barriers.<sup>56</sup> A country may be found to deny adequate and effective IPR protection even if it is in compliance with its obligations under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement).<sup>57</sup>

In addition, the Special 301 law directs the USTR to identify and list so-called priority foreign countries.<sup>58</sup> Priority foreign countries are countries that have the most onerous or egregious acts, policies, or practices with the greatest adverse impact (actual or potential) on the relevant U.S. products.<sup>59</sup> Such countries must be designated as priority foreign countries unless they are entering into good-faith negotiations, or making significant progress in bilateral or multilateral negotiations to provide adequate and effective IPR protection.<sup>60</sup> The identification of a country

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<sup>51</sup> 79 Fed. Reg. 14326 (March 13, 2014).

<sup>52</sup> *Ibid.*

<sup>53</sup> The Special 301 law is set forth in section 182 of the Trade Act of 1974, as amended (19 U.S.C. § 2242).

<sup>54</sup> “Persons who rely on IPR protection” means persons involved in “(A) the creation, production or licensing of works of authorship . . . that are copyrighted, or (B) the manufacture of products that are patented or for which there are process patents.” Section 182(d)(1) of the Trade Act of 1974, as amended (19 U.S.C. § 2242(d)(1)).

<sup>55</sup> Section 182(d)(2) of the Trade Act of 1974, as amended (19 U.S.C. § 2242(d)(2)). Section 901(a)(2) of the Semiconductor Chip Protection Act (17 U.S.C. § 901(a)(2)) defines “mask work” as a “series of related images, however fixed or encoded—(A) having or representing the predetermined, three-dimensional pattern of metallic, insulating, or semiconductor material present or removed from the layers of a semiconductor chip product; and (B) in which series the relation of the images to one another is that each image has the pattern of the surface of one form of the semiconductor chip product.”

<sup>56</sup> Section 182(d)(3) of the Trade Act of 1974, as amended (19 U.S.C. § 2242(d)(3)).

<sup>57</sup> Section 182(d)(4) of the Trade Act of 1974, as amended (19 U.S.C. § 2242(d)(4)).

<sup>58</sup> Section 182(a)(2) of the Trade Act of 1974, as amended (19 U.S.C. § 2242(a)(2)).

<sup>59</sup> Section 182(b)(1) of the Trade Act of 1974, as amended (19 U.S.C. § 2242(b)(1)).

<sup>60</sup> *Ibid.*

as a priority foreign country triggers a section 301 investigation,<sup>61</sup> unless the USTR determines that the investigation would be detrimental to U.S. economic interests.<sup>62</sup>

In addition to identifying priority foreign countries as required by statute, the USTR has adopted a practice of naming countries to a “watch list” or a “priority watch list” when the countries’ IPR laws and practices fail to provide adequate and effective IPR protection, but the deficiencies do not warrant identification of the countries as priority foreign countries.<sup>63</sup> The priority watch list identifies countries with significant IPR problems that warrant close monitoring and bilateral consultation. If a country on the priority watch list makes progress, it may be moved to the watch list or removed from any listing. On the other hand, a country that fails to make progress may be raised from the watch list to the priority watch list, or from the priority watch list to the list of priority foreign countries.

In the 2014 Special 301 review, the USTR examined the adequacy and effectiveness of IPR protection in 82 countries.<sup>64</sup> In conducting the review, the USTR focused on a wide range of issues and policy objectives relating to

- adequate and effective IPR protection and enforcement, including market access for persons relying on IPR;
- inadequate trade secret protection in China, India, and elsewhere;
- “indigenous innovation” policies that may unfairly disadvantage U.S. rights holders in China;
- copyright piracy over the Internet in Brazil, China, India, and Russia;
- market access barriers that appear to impede access to healthcare;
- the protection and enforcement of trade secrets, as well as concerns about trade secret theft, particularly in China, and forced technology transfer;
- compulsory licensing of patented technologies in India;
- trademark counterfeiting and copyright piracy;
- effective criminal and border enforcement of pirated and counterfeit goods;
- the manufacture and distribution of counterfeit pharmaceuticals in countries such as Brazil, China, Indonesia, Lebanon, Peru, Russia, and especially India;
- digital, Internet, and broadcast piracy;
- the unauthorized use of unlicensed software by foreign governments;
- the securing and enforcing of trademark rights;

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<sup>61</sup> Section 182(f)(2) of the Trade Act of 1974, as amended (19 U.S.C. § 2242(f)(2)).

<sup>62</sup> Section 302(b)(2)(B) of the Trade Act of 1974, as amended (19 U.S.C. § 2412(b)(2)(B)).

<sup>63</sup> 79 Fed. Reg. 420 (January 3, 2014).

<sup>64</sup> USTR, *2014 Special 301 Report*, April 30, 2014; USTR, “USTR Releases Annual Special 301 Report,” April 30, 2014.

- adequate implementation of the World Intellectual Property Organization (WIPO) Internet treaties;<sup>65</sup> and
- proper implementation of the TRIPS Agreement by developed and developing countries.<sup>66</sup>

No country was identified as a priority foreign country in the *2014 Special 301 Report*. The report identified 10 countries on the priority watch list: Algeria, Argentina, Chile, China, India, Indonesia, Pakistan, Russia, Thailand, and Venezuela.<sup>67</sup> These countries were also on the 2013 priority watch list.<sup>68</sup>

In keeping China on the priority watch list, the report highlighted the need for greater protection and enforcement of all forms of IPR in that country, including patents, trademarks, copyrights, trade secrets, and the protection of pharmaceutical test data. It noted U.S. concerns about trade secret theft, cyber theft, compulsory licensing, copyright piracy over the Internet, the widespread availability of counterfeit goods, and “indigenous innovation” policies and related industrial policies in China that may disadvantage U.S. rights holders.<sup>69</sup>

India remained on the priority watch list because it made only limited progress in improving its weak legal framework for IPR protection and enforcement. The *2014 Special 301 Report* noted that “serious difficulties in attaining constructive engagement on issues of concern to U.S. and other stakeholders have contributed to India's challenging environment for IPR protection and enforcement.”<sup>70</sup> The report noted growing challenges from copyright piracy, particularly over the Internet; patent protection, particularly in the pharmaceutical, agrochemical, and green technology sectors; compulsory licensing of patents; unauthorized disclosure of test and other data; the protection of trademarks and trade secrets; and market access measures that appear to discriminate in favor of the indigenous development of IPR.<sup>71</sup>

To provide an opportunity for heightened engagement with India to address and remedy these difficulties, USTR announced that it would launch an Out-of-Cycle Review (OCR) of India in the fall of 2014.<sup>72</sup> The OCR was initiated on October 14, 2014, to engage the Indian government on

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<sup>65</sup> The WIPO Internet treaties include the WIPO Copyright Treaty, adopted in Geneva on December 20, 1996, and the WIPO Performances and Phonograms Treaty, adopted in Geneva on December 20, 1996. See USTR, *2014 Special 301 Report*, April 30, 2014, Annex 3.

<sup>66</sup> USTR, *2014 Special 301 Report*, April 30, 2014.

<sup>67</sup> *Ibid.*, 8.

<sup>68</sup> USTR, *2013 Special 301 Report*, May 2013.

<sup>69</sup> USTR, *2014 Special 301 Report*, April 30, 2014, 30–37.

<sup>70</sup> *Ibid.*, 37.

<sup>71</sup> USTR, *2014 Special 301 Report*, April 30, 2014, 37.

<sup>72</sup> *Ibid.* An OCR is a tool that USTR uses to facilitate engagement and encourage progress on IPR issues. Successful resolution of specific IPR issues can lead to a change in a country's Special 301 status outside of the typical time frame for the annual Special 301 Report.

a wide range of IPR issues.<sup>73</sup> At the eighth India-United States Trade Policy Forum, held in New Delhi in November 2014, India agreed to a 2015 work plan on issues it would address through the High Level Working Group on Intellectual Property.<sup>74</sup>

Russia remained on the priority watch list because of continued significant challenges in IPR protection and enforcement. Examples included substantially weakened protection for industrial designs, decreasing IPR enforcement, copyright piracy over the Internet, and the manufacture and sale of counterfeit goods, such as pharmaceuticals, agricultural chemicals, electronics, and information technology.<sup>75</sup>

The *2014 Special 301 Report* identified 27 countries on the watch list as well.<sup>76</sup> It also noted that Italy<sup>77</sup> and the Philippines<sup>78</sup> had made progress and were therefore removed from the watch list. Israel was removed in February 2014 following the passage of patent legislation aimed at making Israel's patent system more transparent, efficient, and effective.<sup>79</sup> On the other hand, in the *2014 Special 301 Report*, USTR announced that it would initiate an OCR of Kuwait to address deficiencies in its copyright law and inadequate enforcement against both copyright piracy and trademark infringement. The OCR of Kuwait was initiated in October 2014.<sup>80</sup> Kuwait was elevated to the Priority Watch List because it did not introduce legislation that would establish a copyright law consistent with international standards, nor did it resume effective enforcement against copyright and trademark infringements.<sup>81</sup>

From 2006 through 2010, the USTR also identified so-called notorious markets in the annual Special 301 report. USTR defines notorious markets as online or physical marketplaces that are reported to engage in commercial-scale piracy and counterfeiting.<sup>82</sup> In 2010, the USTR announced that the agency would begin issuing a list of these markets separately.<sup>83</sup> In

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<sup>73</sup> USTR, "USTR Begins Special 301 Report Out-of-Cycle Review of India," October 14, 2014; 79 Fed. Reg. 61685 (October 14, 2014).

<sup>74</sup> USTR, "Statement by the Office of the U.S. Trade Representative on the Out-of-Cycle Review of India," December 12, 2014.

<sup>75</sup> USTR, *2014 Special 301 Report*, April 30, 2014, 43.

<sup>76</sup> The countries on the 2014 watch list are Barbados, Belarus, Bolivia, Brazil, Bulgaria, Canada, Colombia, Costa Rica, the Dominican Republic, Ecuador, Egypt, Finland, Greece, Guatemala, Jamaica, Kuwait, Lebanon, Mexico, Paraguay, Peru, Romania, Tajikistan, Trinidad and Tobago, Turkey, Turkmenistan, Uzbekistan, and Vietnam. USTR, *2014 Special 301 Report*, April 30, 2014.

<sup>77</sup> USTR, "USTR Removes Italy from the Special 301 Watch List," April 30, 2014.

<sup>78</sup> USTR, "U.S. Removes the Philippines from the Special 301 Watch List," April 28, 2014.

<sup>79</sup> USTR, "Israel Removed from Special 301 Report," February 28, 2014.

<sup>80</sup> 79 Fed. Reg. 60229 (October 6, 2014).

<sup>81</sup> USTR, "Kuwait Elevated to Special 301 'Priority Watch List,'" November 10, 2014.

<sup>82</sup> USTR, *2013 Out-of-Cycle Review of Notorious Markets*, February 12, 2014, 2.

<sup>83</sup> 75 Fed. Reg. 60854 (October 1, 2010). The decision was made in coordination with the Office of the Intellectual Property Enforcement Coordinator (IPEC) and in accordance with the 2010 Joint Strategic Plan on Intellectual Property Enforcement. Executive Office of the President, IPEC, 2010 Joint Strategic Plan, June 2010, 9.

February 2011, the USTR published the first separate Notorious Markets List, which includes examples of both Internet and physical marketplaces that deal in infringing goods and help to sustain global piracy and counterfeiting.<sup>84</sup> Such markets have been the subject of enforcement actions or, according to the USTR, may merit further investigations.

In September 2013, the USTR solicited public comments for the *2013 Special 301 Out-of-Cycle Review of Notorious Markets Report*,<sup>85</sup> which was issued on February 12, 2014.<sup>86</sup> The report listed over 20 online markets and 11 countries with physical marketplaces, including China, India, and Thailand. The *Notorious Market Report* notes that:

“Trademark counterfeiting and copyright piracy on a commercial scale cause significant financial losses for rights holders and legitimate businesses, undermine critical U.S. comparative advantages in innovation and creativity to the detriment of American workers, and can pose significant risks to consumer health and safety.”<sup>87</sup>

The report further notes that:

“Owners and operators of the notorious markets included in the 2013 List who are willing to address piracy and counterfeiting could do so by adopting business models that rely on the licensed distribution of legitimate content and products and by working with rights holders and enforcement officials to address infringement. In the absence of such willingness, responsible government authorities should intensify efforts to investigate reports of piracy and counterfeiting in these and similar markets, and to pursue appropriate action against such markets.”<sup>88</sup>

## Antidumping and Countervailing Duty Investigations and Reviews

### Antidumping Duty Investigations

The U.S. antidumping law is found in title VII of the Tariff Act of 1930, as amended.<sup>89</sup> This law offers relief to U.S. industries that are materially injured by imports that are dumped, or sold, at

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<sup>84</sup> USTR, “USTR Announces Results of Special 301 Review,” February 28, 2011; USTR, “Out-of-Cycle Review of Notorious Markets,” February 28, 2011.

<sup>85</sup> 78 Fed. Reg. 57924 (September 20, 2013).

<sup>86</sup> USTR, “Notorious Markets List Focuses Fight against Global Piracy,” February 12, 2014; USTR, *2013 Out-of-Cycle Review of Notorious Markets*, February 12, 2014.

<sup>87</sup> USTR, *2013 Out-of-Cycle Review of Notorious Markets*, February 12, 2014, 2.

<sup>88</sup> *Ibid.*, 5.

<sup>89</sup> 19 U.S.C. § 1673 et seq.



less than their “fair value” (LTFV). The U.S. government provides a remedy by imposing a special additional duty on LTFV imports.

Antidumping duties are imposed when (1) the U.S. Department of Commerce (USDOC) has determined that imports are being, or are likely to be, sold at LTFV in the United States, and (2) the Commission has determined that a U.S. industry is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded by reason of such imports. (Such a conclusion is called an “affirmative determination.”) Investigations are generally initiated on the basis of a petition filed with the USDOC and the Commission by or on behalf of a U.S. industry. The USDOC and the Commission each make preliminary and final determinations during the investigation process.

In general, imports are considered to be sold at LTFV when a foreign firm sells merchandise in the U.S. market at a price that is lower than the “normal value” of the merchandise.<sup>90</sup> Generally, normal value is the price the foreign firm charges for a comparable product sold in its home market.<sup>91</sup> Under certain circumstances, the foreign firm’s U.S. sales price may also be compared with the price the foreign firm charges in other export markets or with the firm’s cost of producing the merchandise, taking into account the firm’s selling, general, and administrative expenses, as well as its profit. Under the law, this latter basis for comparison is known as constructed value.<sup>92</sup> Finally, where the producer is located in a non-market-economy country, a comparison is made between U.S. prices and a “surrogate” normal value (its factors of production, as valued by use of a “surrogate” country).<sup>93</sup> In all three instances, the amount by which normal value exceeds the U.S. price is the “dumping margin.” The duty specified in an antidumping duty order reflects the weighted average dumping margins found by the USDOC both for the specific exporters it examined and for all other exporters.<sup>94</sup> This rate of duty (in addition to any ordinary customs duty owed) will be applied to subsequent imports from the specified producers/exporters in the subject country, but it may be adjusted if the USDOC receives a request for an annual review.<sup>95</sup>

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<sup>90</sup> 19 U.S.C. § 1677(35)(A); see also 19 U.S.C. § 1677a(a) (defining export price), § 1677a(b) (defining constructed export price).

<sup>91</sup> 19 U.S.C. § 1677b.

<sup>92</sup> 19 U.S.C. § 1677b(a)(4), § 1677b(e).

<sup>93</sup> 19 U.S.C. § 1677b(c).

<sup>94</sup> 19 U.S.C. § 1677(35)(B); 19 U.S.C. § 1673d(c).

<sup>95</sup> 19 U.S.C. § 1675(a).

The Commission instituted 16 new antidumping investigations and made 36 final determinations in 2014.<sup>96</sup> As a result of affirmative final USDOC and Commission determinations, in 2014, the USDOC issued 20 antidumping duty orders on seven products from 13 countries (table 2.1).

**Table 2.1:** Antidumping duty orders that became effective during 2014<sup>a</sup>

Trade partner	Product	Range of dumping margins (percent)
China	Monosodium glutamate	21.28–40.41 <sup>b</sup>
China	Non-oriented electrical steel	407.52
China	Prestressed steel tie wire	31.40–35.31
Germany	Non-oriented electrical steel	86.29–98.84
India	Oil country tubular goods	2.05–9.91
Indonesia	Monosodium glutamate	6.19–6.19
Japan	Diffusion-annealed, nickel-plated flat-rolled steel products	45.42–77.70
Japan	Non-oriented electrical steel	135.59–204.79
Korea, South	Non-oriented electrical steel	6.88–6.88
Korea, South	Oil country tubular goods	9.89–12.82
Malaysia	Welded stainless steel pressure pipe	22.70–167.11
Mexico	Prestressed steel tie wire	9.99–9.99
Mexico	Steel concrete rebar	20.58–66.70
Sweden	Non-oriented electrical steel	98.46–126.72
Taiwan	Non-oriented electrical steel	27.54–52.23
Taiwan	Oil country tubular goods	0.00–2.34
Thailand	Welded stainless steel pressure pipe	23.89–24.01
Turkey	Oil country tubular goods	0.00–35.86
Vietnam	Oil country tubular goods	25.18–111.47
Vietnam	Welded stainless steel pressure pipe	16.25–16.25

Source: Compiled by USITC from *Federal Register* notices.

<sup>a</sup> Antidumping duty orders become effective following final affirmative determinations by USDOC and the Commission. The rates in the table apply in addition to any ordinary customs duty owed.

<sup>b</sup> The antidumping duty range was amended on January 6, 2015.

The status of all antidumping investigations active at the Commission during 2014, including, if applicable, the date of final action, is presented in appendix table A.7. A list of all antidumping

<sup>96</sup> Data reported here and in the following two sections (“Countervailing Duty Investigations” and “Reviews of Outstanding Antidumping and Countervailing Duty Orders/Suspension Agreements”) reflect the total number of investigations. In other Commission reports these data are grouped by product because the same investigative team and all of the parties participate in a single grouped proceeding, and the Commission generally produces one report and issues one opinion containing its separate determinations for each investigation.

duty orders and suspension agreements (agreements to suspend investigations)<sup>97</sup> in effect as of the end of 2014 appears in appendix table A.8.

## Countervailing Duty Investigations

The U.S. countervailing duty law is also set forth in title VII of the Tariff Act of 1930, as amended. It provides for the imposition of special additional duties to offset (“countervail”) foreign subsidies on products imported into the United States.<sup>98</sup> In general, procedures for such investigations are similar to those under the antidumping law. Petitions are filed with the USDOC (the administering authority) and with the Commission. Before a countervailing duty order can be issued, the USDOC must find that a countervailable subsidy exists. In addition, the Commission must make an affirmative determination that a U.S. industry is materially injured or threatened with material injury, or that the establishment of an industry is materially retarded, because of the subsidized imports.

The Commission instituted 16 new countervailing duty investigations and made 9 final determinations during 2014. USDOC issued six countervailing duty orders in 2014 as a result of affirmative USDOC and Commission determinations (table 2.2). The status of all countervailing duty investigations active at the Commission during 2014, and, if applicable, the date of final action, is presented in appendix table A.9. A list of all countervailing duty orders and suspension agreements<sup>99</sup> in effect at the end of 2014 appears in appendix table A.10.

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<sup>97</sup> An antidumping investigation may be suspended if exporters accounting for substantially all of the imports of the merchandise under investigation agree either to eliminate the dumping or to cease exports of the merchandise to the United States within six months. In extraordinary circumstances, an investigation may be suspended if exporters agree to revise prices to completely eliminate the injurious effect of exports of the merchandise in question to the United States. A suspended investigation is reinstated if USDOC determines that the suspension agreement has been violated. See 19 U.S.C. § 1673c.

<sup>98</sup> A subsidy is defined as when an authority (a government of a country or any public entity within the territory of the country):

- (i) provides a financial contribution, (ii) provides any form of income or price support within the meaning of Article XVI of the GATT 1994, or (iii) makes a payment to a funding mechanism to provide a financial contribution, or entrusts or directs a private entity to make a financial contribution, if providing the contribution would normally be vested in the government and the practice does not differ in substance from practices normally followed by governments, to a person and a benefit is thereby conferred. See 19 U.S.C. § 1677(5)(B).

<sup>99</sup> A countervailing duty investigation may be suspended if the government of the subsidizing country or exporters accounting for substantially all of the imports of the merchandise under investigation agree to eliminate the subsidy, to completely offset the net subsidy, or to cease exports of the merchandise to the United States within six months. In extraordinary circumstances, an investigation may be suspended if the government of the subsidizing country or exporters agrees to completely eliminate the injurious effect of exports of the merchandise in question to the United States. A suspended investigation is reinstated if USDOC determines that the suspension agreement has been violated. See 19 U.S.C. § 1671c.

**Table 2.2:** Countervailing duty orders that became effective during 2014<sup>a</sup>

Trade partner	Product	Range of countervailable subsidy rates (percent)
China	Chlorinated isocyanurates	1.55–20.06
China	Non-oriented electrical steel	158.88–158.88
India	Oil country tubular goods	5.67–9.57
Taiwan	Non-oriented electrical steel	8.80–17.12
Turkey	Oil country tubular goods	2.53–15.89
Turkey	Steel concrete rebar	1.25–1.25

Source: Compiled by USITC from *Federal Register* notices.

<sup>a</sup> Countervailing duty orders become effective following final affirmative determinations by USDOC and the Commission. The rates in the table apply in addition to any ordinary customs duty owed.

## Reviews of Outstanding Antidumping and Countervailing Duty Orders/Suspension Agreements

Section 751(a) of the Tariff Act of 1930 requires the USDOC, if requested, to conduct annual reviews of outstanding antidumping duty and countervailing duty orders to ascertain the amount of any net subsidy or dumping margin and to determine whether suspension agreements are being complied with.<sup>100</sup> Section 751(b) also authorizes the USDOC and the Commission, as appropriate, to review certain outstanding determinations and agreements after receiving information or a petition that shows changed circumstances.<sup>101</sup> Where a changed-circumstances review is directed to the Commission, the party that is asking to have an antidumping duty order, countervailing duty order, or suspension agreement revoked has the burden of persuading the Commission that circumstances have changed enough to warrant revocation.<sup>102</sup> On the basis of either the USDOC's or the Commission's review, the USDOC may revoke an antidumping duty or countervailing duty order in whole or in part, or may either terminate or resume a suspended investigation. No changed-circumstances investigations were conducted at the Commission during 2014. The Commission declined to institute a changed circumstances review investigation of the antidumping duty order on diamond sawblades and parts thereof from China.<sup>103</sup>

Section 751(c) of the Tariff Act of 1930 requires both the USDOC and the Commission to conduct sunset reviews of existing antidumping duty and countervailing duty orders and suspension agreements five years after their publication. These reviews are intended to determine whether revocation of an order or termination of a suspension agreement would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy and

<sup>100</sup> 19 U.S.C. § 1675(a).

<sup>101</sup> 19 U.S.C. § 1675(b).

<sup>102</sup> 19 U.S.C. § 1675 (b)(3).

<sup>103</sup> 79 Fed. Reg. 35568 (June 23, 2014).

material injury.<sup>104</sup> During 2014, the USDOC and the Commission instituted 40 sunset reviews, and the Commission completed 55 reviews. As a result of affirmative determinations by the USDOC and the Commission, 50 antidumping duty and countervailing duty orders were continued. Appendix table A.11 lists, by date and action, the reviews of antidumping duty and countervailing duty orders and suspension agreements completed in 2014.<sup>105</sup>

## Section 337 Investigations

Section 337 of the Tariff Act of 1930, as amended,<sup>106</sup> prohibits certain unfair practices in the import trade. The unfair practice most frequently investigated by the Commission is patent infringement. In this context, section 337 prohibits the importation into the United States, the sale for importation, and the sale within the United States after importation of articles that infringe a valid and enforceable United States patent, provided that an industry in the United States, relating to articles protected by the patent concerned, exists or is in the process of being established.<sup>107</sup> Similar standards govern investigations involving infringement of registered trademarks, registered copyrights, registered mask works, and registered vessel hull designs. In addition, the Commission has broad authority to investigate other unfair methods of competition and unfair acts in the importation and sale of products in the United States (such as products manufactured abroad using stolen U.S. trade secrets), the threat or effect of which is to destroy or injure a U.S. industry, to prevent the establishment of a U.S. industry, or to restrain or monopolize trade and commerce in the United States.<sup>108</sup> The Commission may institute an investigation on the basis of a complaint or on its own initiative.<sup>109</sup>

If the Commission determines that a violation exists, it can issue an exclusion order directing U.S. Customs and Border Protection (Customs) to block the subject imports from entry into the United States, in addition to cease and desist orders directing the violating parties to stop

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<sup>104</sup> 19 U.S.C. § 1675(c).

<sup>105</sup> For detailed information on reviews instituted, as well as Commission action in all reviews, see the Commission's website section "Five-Year (Sunset) Reviews" at <http://info.usitc.gov/oinv/sunset.NSF>.

<sup>106</sup> 19 U.S.C. § 1337.

<sup>107</sup> Section 337 also covers articles that are made, produced, processed, or mined under, or by means of, a process covered by the claims of a valid and enforceable United States patent. 19 U.S.C. § 1337(a)(1)(B)(ii).

<sup>108</sup> Other unfair methods of competition and unfair acts have included common-law trademark infringement, trade dress infringement, trademark dilution, false advertising, and false designation of origin. ("Trade dress," in general terms, is a product's total appearance and image, including features such as size, texture, shape, color or color combinations, and graphics.) Unfair practices that involve the importation of dumped or subsidized merchandise must be pursued under antidumping or countervailing duty provisions, not under section 337.

<sup>109</sup> 19 U.S.C. § 1337(b)(1).

engaging in the unlawful practices. The orders enter into force unless disapproved for policy reasons by the USTR<sup>110</sup> within 60 days of issuance.<sup>111</sup>

During calendar year 2014, there were 110 active section 337 investigations and ancillary proceedings, 55 of which were instituted that year. Of these 55 new proceedings, 39 were new section 337 investigations and 16 were new ancillary proceedings relating to previously concluded investigations. In 34 of the new section 337 investigations instituted in 2014, patent infringement was the only type of unfair act alleged. Of the remaining 5 investigations, 1 involved allegations of patent infringement and trademark infringement; 1 involved allegations of patent infringement, trademark infringement, and false advertising; 1 involved allegations of trade secret misappropriation; 1 involved allegations of patent infringement and copyright infringement; and 1 involved allegations of trademark infringement, trademark dilution, and false designation of origin.

The Commission completed a total of 64 investigations and ancillary proceedings under section 337 in 2014, including 5 remand proceedings, 2 rescission proceedings, 5 bond-related proceedings, 5 advisory proceedings, 2 enforcement proceedings, and 1 modification proceeding. In addition, 7 exclusion orders, including 1 general exclusion order, and 14 cease and desist orders were issued during 2014. The Commission terminated 30 investigations without determining whether there had been a violation. Twenty-five of these investigations were terminated on the basis of settlement agreements and/or consent orders.

As in prior years, the section 337 investigations active in 2014 involved a broad spectrum of products. Approximately 32 percent of the active proceedings involved computer and telecommunications products. Small consumer items were involved in approximately 13 percent of proceedings, and integrated circuits and memory products, automotive/manufacturing/transportation products, and pharmaceuticals and medical devices were each involved in approximately 10 percent of proceedings. The remaining approximately 25 percent of the active proceedings involved a wide variety of other types of articles, including lighting products, archery products, soft-edged trampolines, chemical compositions, toner cartridges, three-dimensional cinema systems, footwear products, and laser-abraded denim garments.

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<sup>110</sup> 19 U.S.C. § 1337(j). Although the statute reserves the review for the President, since 2005 this function has been officially delegated to the USTR. 70 Fed. Reg. 43251 (July 26, 2005).

<sup>111</sup> Section 337 investigations at the Commission are conducted before an administrative law judge in accordance with the Administrative Procedure Act, 5 U.S.C. §§ 551 et seq. The judge conducts an evidentiary hearing and makes an initial determination, which is transmitted to the Commission for review. If the Commission finds a violation, it must determine the appropriate remedy, the amount of any bond to be collected while its determination is under review by the USTR, and whether public-interest considerations preclude issuing a remedy.

At the close of 2014, 46 section 337 investigations and related proceedings were pending at the Commission. Commission activities involving section 337 proceedings in 2014 are presented in appendix table A.12. As of December 31, 2014, there were 97 exclusion orders based on violations of section 337 in effect. Appendix table A.13 lists the investigations in which these exclusion orders were issued. For additional detailed information concerning 337 investigations instituted since October 1, 2008, see the Commission's 337info database created in 2014, found at <http://pubapps2.usitc.gov/337external>.

## Trade Adjustment Assistance

The United States provides trade adjustment assistance (TAA) to aid U.S. workers and firms adversely affected by import competition or by U.S. production moving to foreign countries.<sup>112</sup> The main TAA programs in effect in 2014 were TAA for Workers, administered by the U.S. Department of Labor (USDOL) under the sunset provisions, commonly known as “Reversion 2014,” and TAA for Firms, administered by the U.S. Department of Commerce (USDOC).<sup>113</sup> A third program, TAA for Farmers, was authorized by the Trade Adjustment Assistance Extension Act (TAAEA) of October 2011 through December 31, 2014.<sup>114</sup> However, the U.S. Congress did not appropriate funding for new participants for fiscal year (FY) 2014 or the first quarter of

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<sup>112</sup> TAA was first established by the Trade Expansion Act of 1962 (Pub. L. 87-793) and subsequently expanded and reauthorized numerous times. The most recent extension and modification of TAA was made by the Trade Adjustment Assistance Extension Act (TAAEA) of 2011 (Pub. L. 112-40), which was signed into law on October 21, 2011. The TAAEA generally extended most TAA provisions through December 31, 2013. CRS, *Trade Adjustment Assistance (TAA) and Its Role in U.S. Trade Policy*, August 5, 2013, 14–16. On January 1, 2014, the 2011 Amendments to the Trade Act expired and the TAA program began operating under the sunset provisions, referred to as “Reversion 2014.” The TAA program was operated under sunset provisions throughout calendar year 2014.

<sup>113</sup> “Reversion 2014” is a modified version of the 2002 TAA program that retains certain elements of the 2011 program. For example, TAA for Workers under Reversion 2014 provides a wage subsidy to workers involved in a full-time training course lasting for 130 weeks (as in the 2011 program) but limits worker eligibility to only those in the manufacturing sector (as in the 2002 program). More examples of Reversion 2014 are provided below. USDOL, “Trade Adjustment Assistance for Workers: Comparison by Petition Number” (accessed March 8, 2015). Meanwhile, a TAA program for communities adversely impacted by trade was mostly discontinued by legislation in 2011 because it was considered duplicative of other federal programs. One component of that program, the trade adjustment assistance community college and career training grants, was retained and is administered by the USDOL in partnership with the U.S. Department of Education. On September 29, 2014, Vice President Biden announced the program's round 4 award of \$450 million, which covers the period October 1, 2014, to September 30, 2018. USDOL, “Vice President Biden Announces Recipients of \$450M,” September 29, 2014.

<sup>114</sup> The TAA for Farmers program, which was administered by USDA’s Foreign Agricultural Service, provided technical training and cash benefits to eligible U.S. producers of raw agricultural commodities and eligible fishermen whose crops or catch were adversely affected by imports. The program for farmers was first instituted in 2002 by Congress as part of the Trade Act of 2002 (Pub. L. 107-210), and was expanded as part of the American Recovery and Reinvestment Act (ARRA) of 2009 (Pub. L. 111-5) to increase producer eligibility for program benefits. Appropriations from ARRA lasted only through December 2010, and funding lapsed as of January 2011. CRS, *TAA for Farmers*, September 5, 2012, 2, 5; CRS, *Trade Adjustment Assistance (TAA) and Its Role*, August 5, 2013, 10–11. The program was reauthorized most recently as part of the TAAEA in October 2011, through December 31, 2014. USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 191.

FY 2015.<sup>115</sup> As a result, the U.S. Department of Agriculture (USDA) did not accept any new petitions or applications for benefits in FY 2014 or the first quarter of FY 2015.<sup>116</sup>

Selected developments in the TAA programs for workers and firms during FY 2014 are summarized below.<sup>117</sup> The most current information on each of the TAA programs, including the status of authorizing legislation and program funding, is available from the respective administering agencies cited in this report.

## Assistance for Workers

The TAA for Workers program gives federal assistance to eligible workers who have been adversely affected by import competition. The TAA program offers a variety of benefits and services to eligible workers, including training, out-of-area job search and relocation allowances, weekly income support, and wage insurance for older workers (age 50 or older).<sup>118</sup> Current information on provisions of the TAA for Workers program, as well as detailed information on program eligibility requirements, benefits, and available services, is available at the USDOL's Employment and Training Administration (ETA) website for TAA, <http://www.doleta.gov/tradeact/>.

To be certified by USDOL as being eligible for TAA, unemployed workers must establish that they were separated from their employment either because their jobs moved outside the United States or because of an increase in directly competitive imports. (Workers often apply in groups based on their former firms.) Workers at firms that are or were suppliers to or downstream users of the output of TAA-certified firms may also be eligible for TAA benefits.

For FY 2014, the TAA for workers program was operated under the Trade Adjustment Assistance Extension Act (TAAEA) of 2011 from October 1, 2013, to December 31, 2013. Starting from January 1, 2014, the program began to be operated under the sunset provisions, commonly known as "Reversion 2014."<sup>119</sup> The major differences between the 2011 program and the Reversion 2014 program are as follows:<sup>120</sup>

1. According to the 2011 program, both manufacturing and service workers whose jobs were adversely affected by foreign trade were eligible for the TAA for Workers program, while

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<sup>115</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 191–92.

<sup>116</sup> *Ibid.*

<sup>117</sup> FY 2014 ran from October 1, 2013, to September 30, 2014.

<sup>118</sup> USDOL, "TAA Program Benefits and Services under Reversion 2014," December 31, 2013.

<sup>119</sup> The TAA program was operated under Reversion 2014 throughout calendar year 2014, which is January 1, 2014, to December 31, 2014.

<sup>120</sup> USDOL, "Trade Adjustment Assistance for Workers: Comparison by Petition Number," n.d. (accessed March 8, 2015); U.S. Treasury, IRS, "Background and History of the HTIC," n.d. (accessed March 9, 2015).



under the Reversion 2014 program, only service workers who are party to a worker group that supports the production of an article (e.g., the human resource department at a Ford car plant) may still be covered under the TAA for Workers program. Other service workers are no longer eligible for the TAA program.

2. Under the Reversion 2014 program, workers who lost their jobs due to outsourcing are considered eligible for TAA only if their firm shifts its production or outsources its jobs to a country with which the United States has a Free Trade Agreement (FTA).
3. The 2011 program offered a tax credit for participating workers to pay for their health insurance premium. The health care tax credit expired on January 1, 2014, mainly due to its phaseout via the Affordable Care Act, and is therefore no longer available under the Reversion 2014 program.<sup>121</sup>

The FY 2015 Omnibus Appropriations Act passed by the U.S. Congress and signed by the President in December 2014 appropriates \$710.6 million to carry out the TAA for workers program in FY 2015 (ending September 30, 2015).<sup>122</sup> USDOL therefore announced that it will continue to process petitions, including petitions filed after December 31, 2014, and issue determinations of worker eligibility based on the Reversion 2014 program.<sup>123</sup>

Groups of workers submitted 972 petitions for TAA in FY 2014, down from 1,532 petitions (a decline of 36.5 percent) filed in FY 2013. The reduction was likely mainly due to the fact that under the Reversion 2014 program, service workers who are not party to a worker group that supports the production of an article are no longer eligible to apply for TAA.<sup>124</sup> The ETA certified 646 petitions covering 67,738 workers as eligible for TAA, and denied 331 petitions covering 26,162 workers.<sup>125</sup> The largest number of petitions certified in FY 2014 were in the Northeast census region, followed by the West, the South, and the Midwest (table 2.3).<sup>126</sup> By

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<sup>121</sup> USDOL, "Trade Adjustment Assistance for Workers: Comparison by Petition Number," n.d. (accessed March 8, 2015); Internal Revenue Service, "Background and History of the HTIC," n.d. (accessed March 9, 2015).

<sup>122</sup> USDOL, "Training and Employment Guidance Letter No. 16-14," December 23, 2014.

<sup>123</sup> USDOL, "TAA Program Extended through Fiscal Year 2015," n.d. (accessed March 9, 2015).

The TAA for Workers program will continue to be operated under Reversion 2014 until and unless the program either (1) is reauthorized under the 2011 or 2009 statute, or (2) expires at the end of FY 2015.

<sup>124</sup> ETA's petition database is found at [http://www.doleta.gov/tradeact/taa\\_reports/petitionsresults.cfm](http://www.doleta.gov/tradeact/taa_reports/petitionsresults.cfm). Data represent actual figures as collected and reported for FY 2014 in TAA's Trade Act Participant Report (TAPR) data management system. Please note that the number of petitions filed as shown in the database for FY 2014 is 1,125. The difference is because the 1,125 includes suffixed decisions that represent different worker group outcomes flowing from the same initial filing or petition.

<sup>125</sup> Petitions are accepted and investigated on a rolling basis throughout the year, and petitions may be withdrawn and investigations terminated at any point. For these reasons, the number of petitions certified and denied for TAA in any fiscal year may not equal the total number of petitions filed in that year. USDOL, ETA, "Petition Filing Frequently Asked Questions (FAQ)," n.d. (accessed March 9, 2015).

<sup>126</sup> The regional classification is based on definitions from the U.S. Census Bureau. See [https://www.census.gov/geo/maps-data/maps/pdfs/reference/us\\_regdiv.pdf](https://www.census.gov/geo/maps-data/maps/pdfs/reference/us_regdiv.pdf).

**Table 2.3:** TAA certifications, FY 2014

Census Region	No. of petitions certified	No. of workers covered
Northeast	189	17,961
West	160	15,069
South	147	18,393
Midwest	147	16,178
Other	3	137
Total	646	67,738

Source: USDOL, ETA, email message to commission staff, March 3, 2015.

state, California had the most workers certified (9,281 workers), followed by Texas (6,157 workers), Pennsylvania (5,760 workers), New York (5,407 workers), and Kansas (2,478 workers).

The majority (66.6 percent) of the TAA petitions certified during FY 2014 were in the manufacturing sector, covering 48,374 workers. The share of TAA petitions certified during FY 2014 for the manufacturing sector was 8.8 percent higher than the share of petitions certified for the manufacturing sector during FY 2013, mainly because service sector workers who were not party to a manufacturing worker group were no longer eligible for TAA starting January 1, 2014.

## Assistance for Firms

The TAA for Firms (TAAF) program provided technical and financial assistance to U.S. manufacturing and production firms adversely affected by import competition in 2014.<sup>127</sup> The TAA for Firms program helps eligible firms that have been certified for benefits to develop a business recovery plan, commonly referred to as an “Adjustment Proposal.”<sup>128</sup> TAA also provides matching funds to help certified firms expand markets, strengthen operations, and increase competitiveness.<sup>129</sup> The Consolidated and Further Continuing Appropriations Act of 2015 extended TAAF appropriations through December 31, 2015.<sup>130</sup> Current information on provisions of the TAA for Firms program, as well as detailed information on program eligibility requirements, benefits, and available services, is available at the USDOC’s Economic Development Administration (EDA) website for TAA, <http://www.taacenters.org/>.

<sup>127</sup> In October 2011, the President signed into Law the Trade Adjustment Assistance Extension Act (TAAEA) of 2011. Under the TAAEA, service sector firms were also eligible for the TAA for firms program. However, TAAEA expired on December 31, 2013. This means that as of January 1, 2014, service sector firms are no longer eligible for assistance under TAA for Firms.

<sup>128</sup> USDOC, EDA, *Fiscal Year 2014 Annual Report to Congress: Trade Adjustment Assistance*, 8, n.d. (accessed March 9, 2015).

<sup>129</sup> *Ibid.*, 8–9.

<sup>130</sup> CRS, *Trade Adjustment Assistance for Firms: Economic, Program, and Policy Issues*, January 30, 2015.

To be eligible for TAA, firms must demonstrate that like or directly competitive imports have “contributed importantly” to declines in employment and sales or production.<sup>131</sup> Assistance is in the form of matching funds that can be applied toward the cost of hiring third-party consultants to help firms, and developing and implementing adjustment proposals to improve a firm's market position and competitiveness. Proposals may involve engineering, information technology, management, new product development, quality improvement, and sales, among others.<sup>132</sup> Under the program, the firm’s management receives help in assessing the firm’s strengths and weaknesses and developing an adjustment proposal to foster recovery and growth. Firms generally have up to five years to implement an approved adjustment proposal.<sup>133</sup>

EDA reported that in FY 2014 it received 110 petitions for TAA, with 105 petitions certified as eligible for assistance and 1 denied or withdrawn during the year. This is quite close to FY 2013: EDA received 104 petitions, with 105 certified and 1 denied or withdrawn.<sup>134</sup> Firms located in Illinois submitted the most petitions in FY 2014 (12 petitions, or 11 percent of the total), followed by firms in Colorado (10 petitions, or 9 percent).<sup>135</sup> The majority (96 percent) of the petitions certified under the TAA for firms program were submitted by firms in the manufacturing sector, compared to 89 percent in FY 2013.<sup>136</sup> This share increase is mainly due to the fact that service sector firms were no longer eligible for TAA after December 31, 2013.<sup>137</sup> EDA approved 107 adjustment proposals in FY 2014, a decrease of 6 percent compared to FY 2013. Total government funding approved for the adjustment proposals was valued at \$5.3 million, a decrease of 13.5 percent from FY 2013.<sup>138</sup>

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<sup>131</sup> USDOC, EDA, *Fiscal Year 2014 Annual Report to Congress: Trade Adjustment Assistance*, 10, n.d. (accessed March 9, 2015).

<sup>132</sup> *Ibid.*, 8–10.

<sup>133</sup> *Ibid.*, 11.

<sup>134</sup> Petitions are certified on a rolling basis throughout the year. Petitions certified in FY 2014 maybe the result of those received or filed (accepted) in FY 2014, while petitions received or filed (accepted) in FY 2014 may not result in certification in FY 2014. USDOC, EDA, *Fiscal Year 2014 Annual Report to Congress: Trade Adjustment Assistance*, 13, n.d. (accessed March 9, 2015).

<sup>135</sup> USDOC, EDA, *Fiscal Year 2014 Annual Report to Congress: Trade Adjustment Assistance*, 15–16, n.d. (accessed March 9, 2015).

<sup>136</sup> *Ibid.*, 17.

<sup>137</sup> *Ibid.*

<sup>138</sup> *Ibid.*, 24–25.

## Tariff Preference Programs

### Generalized System of Preferences

The U.S. Generalized System of Preferences (GSP) program authorizes the President to grant duty-free access to the U.S. market for certain products that are imported from designated developing countries and territories.<sup>139</sup> Certain additional products are allowed duty-free treatment when imported only from countries designated as least-developed beneficiary developing countries. The President’s authority to provide duty-free treatment under the GSP program expired on July 31, 2013, and had not been renewed by yearend 2014.<sup>140</sup>

The GSP program aims to accelerate economic growth in developing countries by offering unilateral tariff preferences. An underlying principle of the GSP program is that the creation of trade opportunities for developing countries encourages broad-based economic development and sustains momentum for economic reform and liberalization. The GSP program also allows U.S. companies to have access to intermediate products (inputs) from beneficiary countries on generally the same terms that are available to competitors in other developed countries that grant similar trade preferences.<sup>141</sup>

Countries are designated as “beneficiary developing countries” under the GSP program by the President, although they can lose this designation based on petitions alleging improper country practices, including inadequate protection of IPR or internationally recognized worker rights.<sup>142</sup> The President also designates the articles that are eligible for duty-free treatment, but may not designate articles that he determines to be “import-sensitive” in the context of the GSP. Certain articles (for example, footwear, textiles, and apparel) are designated by statute as “import-sensitive” and thus not eligible for duty-free treatment under the GSP program. The statute also provides for graduating countries from the program when they become “high income” and for ending the eligibility of articles, or of articles from certain countries, under certain conditions.

Competitive need limitations (CNLs) are another important part of the GSP program’s structure. CNLs are quantitative ceilings on GSP benefits for each product and beneficiary developing

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<sup>139</sup> The program is authorized by title V of the Trade Act of 1974, as amended, 19 U.S.C. § 2461 et seq.

<sup>140</sup> Public Law 114-27, The Trade Preferences Extension Act of 2015, was signed into law on June 29, 2015. This law extends GSP through December 31, 2017, and provides retroactive refunds of duties paid during the lapse for all countries that are eligible for GSP as of the date of enactment.

<sup>141</sup> USTR, *2014 Trade Policy Agenda and 2013 Annual Report*, March 2014, 27.

<sup>142</sup> The list of current GSP beneficiaries can be found in HTS general note 4(a) and on USTR’s website at <https://ustr.gov/issue-areas/trade-development/preference-programs/generalized-system-preference-gsp/gsp-program-inf>.

country. The GSP statute provides that a beneficiary developing country will lose its GSP eligibility with respect to a product if the CNLs are exceeded, though waivers may be granted under certain conditions. There are two different CNLs that may apply to U.S. imports of a particular product from a beneficiary developing country during any calendar year. One CNL applies to imports that account for 50 percent or more of the value of total U.S. imports of that product; the other, to imports of a product that exceed a certain dollar value (\$165 million in 2014).<sup>143</sup> The act extending the GSP program in 2006 provided that a CNL waiver in effect on a product for five or more years should be revoked if U.S. imports from a specific supplier meet certain “super-competitive” value thresholds.<sup>144</sup>

The following developments involving the U.S. GSP program occurred in 2014:

- On October 3, 2014, the President proclaimed that Russia was removed from status as a beneficiary developing country for purposes of the GSP program as a result of having become “sufficiently advanced in economic development and improved in trade competitiveness.”<sup>145</sup>
- The GSP subcommittee has continued to consult with Bangladesh on implementation of the GSP Action Plan the country developed after the President suspended its GSP benefits in June 2013. Progress reviews have been conducted every six months.<sup>146</sup>

Imports claiming GSP preferences totaled \$18.7 billion in 2014, accounting for 7.2 percent of total U.S. imports from GSP beneficiary countries and 0.8 percent of total U.S. imports (table 2.4). Note that, except for imports from AGOA beneficiary countries, imports after July 31, 2013, have not actually entered free of duty, but importers still claimed GSP status for eligible goods to facilitate receiving refunds in case GSP is renewed retroactively, as has been done in the past. India was the leading country claiming GSP benefits in 2014, followed by Thailand and Brazil (appendix table A.14). Appendix table A.15 shows the overall sectoral distribution of GSP benefits, and appendix table A.16 shows the top 25 products imported under the GSP in 2014.

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<sup>143</sup> USTR, *U.S. Generalized System of Preferences (GSP) Guidebook*, July 2013, 12.

<sup>144</sup> 19 U.S.C. § 2463(d)(4)(B)(ii).

<sup>145</sup> 79 Fed. Reg. 60945 (October 3, 2014).

<sup>146</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 161.

**Table 2.4:** U.S. imports for consumption from GSP beneficiaries, 2012–14

Item	2012	2013	2014
Total imports from GSP beneficiaries (million \$)	337,873	277,325	260,987
Total imports under GSP (million \$) <sup>a</sup>	20,042	18,510	18,681
Imports under LDBDC provisions (million \$) <sup>b</sup>	923	740	627
Imports under non-LDBDC provisions (million \$) <sup>c</sup>	19,120	17,770	18,054
Share of total imports under GSP (percent of total)	5.9	6.7	7.2

Source: Official trade statistics of the USDOC as maintained by the USITC.

Note: LDBDC = least-developed beneficiary developing country. The President’s authority to provide duty-free treatment under the GSP program expired on July 31, 2013, and has yet to be renewed. Data for 2013 and 2014 since the expiration include imports that have GSP petitions on file in anticipation of renewal of the program.

<sup>a</sup> There were 124 GSP beneficiary countries for which U.S. importers could claim GSP duty preferences in 2014. However, U.S. importers claimed such preferences for imports from only 96 beneficiaries.

<sup>b</sup> LDBDC-eligible products are those for which a rate of duty of “free” appears in the special rate column of the Harmonized Tariff Schedule of the United States (HTS), followed by the symbol “A+” in parentheses. The symbol “A+” indicates that all LDBDCs (and only LDBDCs) are eligible for duty-free treatment with respect to all articles listed in the designated provisions.

<sup>c</sup> Non-LDBDC-eligible products are those for which a rate of duty of “free” appears in the special rate column of the HTS followed by the symbols “A” or “A\*” in parentheses. The symbol “A” indicates that all beneficiary countries are eligible for duty-free treatment with respect to all articles listed in the designated provisions. The symbol “A\*” indicates that certain beneficiary countries (specified in general note 4(d) of the HTS) are not eligible for duty-free treatment with respect to any article listed in the designated provision.

## African Growth and Opportunity Act

The African Growth and Opportunity Act (AGOA or Act) was enacted in 2000 to promote stable and sustainable economic growth and development in sub-Saharan Africa. In a statement of policy in the Act, Congress expressed support for, among other things, “encouraging increased trade and investment between the United States and sub-Saharan Africa,” “reducing tariff and nontariff barriers and other obstacles to sub-Saharan African and United States trade,” and “expanding United States assistance to sub-Saharan Africa’s regional integration efforts.”<sup>147</sup> By providing unilateral preferential trade benefits to eligible beneficiary sub-Saharan African (SSA) countries, AGOA aims to promote political and economic reform in SSA, encourage regional economic integration, strengthen private sectors, and enhance commercial and political ties between the United States and SSA, as well as facilitate the development of civil societies, rule of law, and political freedom in SSA countries.<sup>148</sup> Authority to provide the principal trade preferences under AGOA is scheduled to expire on September 30, 2015.<sup>149</sup>

<sup>147</sup> Trade and Development Act of 2000, 19 U.S.C. § 3701, Title I, sec. 103 (Pub. L. 106-200), 19 U.S.C. § 3702; USDOC, ITA, “Trade and Development Act of 2000,” n.d. (accessed March 11, 2015).

<sup>148</sup> Trade and Development Act of 2000, 19 U.S.C. § 3701, Title I, sec. 103 (Pub. L. 106-200), 19 U.S.C. § 3702; USDOC, ITA, “Trade and Development Act of 2000,” n.d. (accessed March 11, 2015).

<sup>149</sup> On June 29, 2015, the President signed into law the Trade Preferences Extension Act of 2015 (Pub. L. 114-27), which renewed AGOA until September 30, 2025.

AGOA expands upon the U.S. GSP program by offering duty-free access to the U.S. market for all GSP-eligible products<sup>150</sup> and for an additional 1,800 qualifying tariff line-item products from designated SSA countries.<sup>151</sup> In addition, AGOA authorizes duty-free treatment to certain textile and apparel articles made in qualifying beneficiary SSA countries.<sup>152</sup> In 2014, approximately 7,000 tariff lines were designated as covering products eligible for duty-free treatment under AGOA.<sup>153</sup>

AGOA authorizes the President to designate an SSA country as an AGOA beneficiary country if the President determines the country meets the eligibility requirements set forth in section 104(a) of the Act.<sup>154</sup> The Act also requires the President to review annually whether SSA countries, are, or remain, eligible for AGOA benefits based on the eligibility criteria.<sup>155</sup> In 2014, 41 sub-Saharan African countries were designated as eligible for AGOA benefits.<sup>156</sup> Of these countries, 30 countries were eligible for AGOA textile and apparel benefits for the whole or part of 2014.<sup>157</sup> Of the countries in the latter group, all but one (South Africa) were also eligible for additional textile and apparel benefits for lesser-developed beneficiary countries (LDBCs) for

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<sup>150</sup> The eligibility criteria for GSP and AGOA designation substantially overlap, and countries must be GSP-eligible in order to receive tariff benefits under AGOA. USDOC, ITA, “AGOA: General Country Eligibility Provisions,” n.d. (accessed March 10, 2015). Countries are designated separately for the two programs (see HTS, general notes 4 and 16).

<sup>151</sup> Although the GSP program expired on July 31, 2013, GSP-eligible imports from AGOA-eligible countries continue to qualify for entry into the United States free of duty, because AGOA is still in effect. USDHS, Customs, “Making AGOA Claims during the GSP Lapse,” November 18, 2014.

<sup>152</sup> 19 U.S.C. § 3721. AGOA provisions that provide preferential treatment for certain textiles and apparel also expire on September 30, 2015. 19 U.S.C. § 3721(f).

<sup>153</sup> This includes around 5,000 tariff lines currently covered by the U.S. Generalized System of Preferences (GSP), plus a further 1,800 tariff line items added under the AGOA legislation. In addition, imports could also qualify for benefits under the AGOA apparel and textile provisions. AGOA.info, “AGOA Product Eligibility,” n.d. (accessed March 10, 2015).

<sup>154</sup> 19 U.S.C. § 3703(a). 19 U.S.C. § 3706 lists a total of 49 SSA countries, or their successor political entities, as potential AGOA beneficiaries. Thirty-one of these are LDBCs under the GSP. See general note 4(b) to the HTS.

<sup>155</sup> 19 U.S.C. § 2466a(a)(2).

<sup>156</sup> The following 40 countries were listed in general note 16 of the HTS as designated AGOA beneficiaries during 2014: Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cabo Verde, Chad, Comoros, Republic of the Congo, Côte d’Ivoire, Djibouti, Ethiopia, Gabon, The Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, South Africa, South Sudan, Swaziland, Tanzania, Togo, Uganda, and Zambia. USITC, *Harmonized Tariff Schedule of the United States (HTS) 2014*, January 2014, 186. Madagascar, the 41st country, was reinstated as AGOA eligible effective June 26, 2014, under Proclamation No. 9145 (June 26, 2014).

<sup>157</sup> Twenty-eight countries were listed in the HTS as eligible to receive AGOA apparel benefits as of January 1, 2014. The 28 countries in 2014 included Benin, Botswana, Burkina Faso, Cameroon, Cabo Verde, Chad, Côte d’Ivoire, Ethiopia, The Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mali, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, South Africa, Swaziland, Tanzania, Uganda, and Zambia. USITC, *Harmonized Tariff Schedule of the United States (HTS) 2014*, January 2014, chapter 98, subchapter XIX, U.S. note 1. Effective December 15, 2014, U.S. imports from two additional countries—Guinea and Madagascar—also qualified for AGOA textile and apparel benefits. 79 Fed. Reg. 74156 (December 15, 2014).

the whole or part of 2014.<sup>158</sup> Notable among these extra benefits is the third-country fabric provision for LDBC, which allows beneficiary countries to use non-U.S., non-AGOA fabrics in apparel exports under AGOA.<sup>159</sup>

Two countries—Mali and Madagascar—regained their AGOA eligibility in 2014. Mali was reinstated as AGOA eligible on January 1, 2014, after the inauguration of a democratically elected president in July 2013.<sup>160</sup> Madagascar was reinstated effective June 26, 2014, following a special midterm review that found that the country had installed a democratically elected president following a coup that occurred in 2009.<sup>161</sup>

In 2014, the President also announced that three countries would lose their AGOA eligibility starting January 1, 2015, while one country—Guinea-Bissau—would be reinstated as AGOA eligible in 2015.<sup>162</sup> In June 2014, the President terminated the designation of Swaziland as an AGOA beneficiary, effective January 1, 2015, mainly because of its lack of progress on eligibility criteria relevant to worker rights.<sup>163</sup> In December 2014, the President terminated the designations of The Gambia and South Sudan as AGOA beneficiaries effective January 1, 2015, mainly for human rights, governance, and rule of law issues.<sup>164</sup>

In 2014, the value of U.S. imports that entered free of duty from AGOA beneficiary countries under AGOA (including GSP) was \$14.2 billion, which represented a 47.0 percent decrease in value from 2013. (Although GSP expired in 2013, GSP-eligible imports from AGOA-eligible countries continued to qualify for duty-free treatment under AGOA in 2014.) These imports accounted for 55.7 percent of total imports from AGOA countries in 2014. In 2014, imports entering the United States exclusively under AGOA (excluding GSP) were \$11.9 billion, accounting for 46.5 percent of U.S. imports from AGOA countries (table 2.5). The decline in U.S. imports under AGOA in 2014 mainly reflected a decline in the value and quantity of imports of crude and other petroleum-related products, which dropped by \$12.3 billion from 2013 to 2014.<sup>165</sup> Major petroleum-producing countries in Africa—Nigeria, Angola, Gabon, Chad, and Cameroon—all experienced significant declines in the value of their exports of petroleum-related products to the United States (appendix tables A.17 and A.18). Meanwhile, U.S. imports

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<sup>158</sup> USDOC, ITA, “AGOA Preferences: Country Eligibility, Apparel Eligibility, and Textile Eligibility (Category 0 and Category 9),” December 30, 2014.

<sup>159</sup> U.S. note 2(d), subchapter XIX, chapter 98 of the HTS.

<sup>160</sup> USTR, “Mali Now Eligible for Trade Benefits,” December 2013; 78 Fed. Reg. 80417 (December 31, 2013).

<sup>161</sup> U.S. Trade Representative Office, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 195; Proclamation No. 9145 (June 26, 2014).

<sup>162</sup> Proclamation No. 9223 (December 23, 2014).

<sup>163</sup> Proclamation No. 9145 (June 26, 2014).

<sup>164</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March, 2015, 195; Proclamation No. 9223 (December 23, 2014).

<sup>165</sup> This calculation includes crude petroleum (HTS 2709.00), light oils (HTS 2710.12), and petroleum oil from bituminous minerals (HTS 2710.19).



**Table 2.5:** U.S. imports for consumption from AGOA beneficiaries, 2012–14

Item	2012	2013	2014
Total imports from AGOA countries (million \$)	47,458	38,205	25,545
Imports under AGOA, including GSP (million \$) <sup>a</sup>	34,679	26,872	14,236
Imports under AGOA, excluding GSP (million \$)	32,538	24,854	11,873
Imports under AGOA (as a share of all imports from AGOA countries)	73.1	70.3	55.7

Source: Official trade statistics of the USDOC as maintained by the USITC.

<sup>a</sup> AGOA-eligible products are those for which a rate of duty of “free” appears in the special rate column of the HTS followed by the symbol “D” in parentheses. The symbol “D” indicates that all AGOA beneficiaries are eligible for duty-free treatment with respect to all articles listed in the designated provisions. In addition, provisions of subchapters II and XIX of chapter 98 of the HTS set forth specific categories of AGOA-eligible products, under the terms of separate country designations enumerated in subchapter notes. Includes imports for which preferential tariff treatment was claimed for AGOA-eligible goods by U.S. importers under GSP, for HTS rate lines with special duty symbols “A” or “A+.”

of passenger motor vehicles under AGOA declined by \$0.8 billion (38.2 percent) from 2013 to 2014, which also contributed to the overall decline of U.S. imports under AGOA in 2014 (appendix tables A.17 and A.18).<sup>166</sup>

The major suppliers of duty-free U.S. imports under AGOA in 2014 were Angola (29.8 percent of total AGOA imports), Nigeria (23.6 percent), South Africa (14.7 percent), Chad (13.8 percent), Gabon (5.1 percent), and Kenya (3.5 percent). These six countries accounted for 90.5 percent of total imports by value under AGOA, a decrease of 5.3 percentage points from 2013 (appendix table A.17).

Petroleum-related products, mainly crude petroleum, continued to be the leading imports under AGOA. These products accounted for 77.6 percent of the total value of AGOA imports in 2014, though that share was down by 8.9 percentage points from 86.5 percent in 2013. The value of U.S. imports of petroleum-related products under AGOA dropped by 57.6 percent from 2013 to 2014, from \$21.3 billion in 2013 to \$9.0 billion in 2014 (appendix table A.18).<sup>167</sup> The decline was driven primarily by a drop in the value and quantity of U.S. imports due to increased U.S. production of petroleum and related products, declining oil prices, and civil

<sup>166</sup> Here the phrase “U.S. imports of passenger motor vehicles” refers to passenger motor vehicles with spark-ignition engines from 1.5L to 3L (HTS 8703.23). U.S. imports of such products under AGOA came exclusively from South Africa from 2012 to 2014. USITC DataWeb (accessed March 10, 2015); data compiled from official statistics of the U.S. Department of Commerce.

<sup>167</sup> Here, petroleum-related products include crude petroleum (HTS 2709.00), light oils (HTS 2710.12), and petroleum oil from bituminous minerals (HTS 2710.19).

unrest in Nigeria, one of the major petroleum-producing countries in Africa.<sup>168</sup> The decline in U.S. imports of petroleum-related products under AGOA also reflected the overall decline of U.S. imports in the petroleum sector from 2013 to 2014.

Passenger motor vehicles and textile and apparel products are two other major U.S. imports under AGOA, accounting for 11.2 percent and 7.3 percent of the value of total AGOA imports in 2014, respectively (appendix table A.18). U.S. passenger motor vehicle imports under AGOA came exclusively from South Africa, and declined in value from \$2.1 billion in 2013 to \$1.3 billion in 2014 (appendix table A.18). The decrease was principally driven by (1) the 2014 opening of production for the North American market of the U.S. Mercedes-Benz Tuscaloosa plant in Alabama, which produces similar car types to those produced by Mercedes' South African plant;<sup>169</sup> (2) prolonged strikes in the metal and engineering industry in South Africa that led automobile companies such as Toyota Motor Corporation and Ford Motor Company to stop production in South African plants in July 2014;<sup>170</sup> and (3) rising interest rates in South Africa and the slowdown of the South African economy.<sup>171</sup> All these factors have reduced South African manufacturing of passenger motor vehicles as well as exports of such products to the United States.

Section 105 of AGOA required the President to establish the U.S.-SSA Trade and Economic Cooperation Forum (also known as the AGOA Forum)<sup>172</sup> to discuss trade, investment, and development at an annual ministerial-level meeting with AGOA-eligible countries.<sup>173</sup> The 13th AGOA Forum was held in August 2014 in Washington, DC.<sup>174</sup> Ambassador Michael Froman and senior officials from other U.S. government agencies met with African trade ministers and leaders of African regional economic organizations to discuss issues and strategies for advancing trade and investment between Africa and the United States.<sup>175</sup> During the forum, Ambassador Froman shared the results of a comprehensive review of the AGOA program

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<sup>168</sup> U.S. consumption of crude petroleum remained relatively stable while U.S. production increased, particularly from two sources—North Dakota's Bakken formation and Eagle Ford in Texas. Foreso, "U.S. Becoming a Leading Exporter of Petroleum Products," December 2014. Meanwhile, civil unrest in Nigeria in recent years has prompted international oil companies to shut down parts of their production, triggering a steep decline in Nigerian crude petroleum production and exports. The average unit price (dollar/barrel) of U.S. imports of crude petroleum (HTS 2709) from several major petroleum-producing AGOA countries declined. For example, the average unit price of U.S. imports of crude petroleum from Nigeria declined from \$108.2 in 2013 to \$103.5 in 2014; from Angola, from \$109.1 in 2013 to \$104.0 in 2014; and from Chad, from \$102.0 in 2013 to \$94.5 in 2014. GTIS, Global Trade Atlas (accessed March 5, 2015).

<sup>169</sup> Daimler, "Mercedes-Benz Tuscaloosa Plant (Mercedes-Benz U.S. International Inc.)," n.d. (accessed March 30, 2015).

<sup>170</sup> Bloomberg, "Toyota, Ford Halt Production," July 14, 2014.

<sup>171</sup> EIU, "Vehicle Sales Decline in the First Four Months," May 8, 2014.

<sup>172</sup> 19 U.S.C. § 3704.

<sup>173</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 195.

<sup>174</sup> *Ibid.*

<sup>175</sup> *Ibid.*

launched in 2013.<sup>176</sup> He stated that the key finding was that in order to make AGOA more effective, AGOA needs to be linked to a broader and more comprehensive trade and development strategy.<sup>177</sup>

To address this finding, the United States established a Trade and Investment Capacity Building Steering Group based on an August 4, 2014, Presidential Memorandum.<sup>178</sup> The stated task of the Steering Group was to identify priority countries, regions, and sectors for targeted and coordinated assistance by U.S. Government agencies. The goal of this assistance was to increase African exports regionally as well as to the United States, including under AGOA.<sup>179</sup> The Steering Group was to provide recommendations to the President no more than 180 days after the issuance of the memorandum.<sup>180</sup>

## Andean Trade Preference Act

The Andean Trade Preference Act (ATPA) was enacted in 1991 to promote broad-based economic development and viable economic alternatives to coca cultivation and cocaine production by offering Andean countries (Bolivia, Colombia, Ecuador, and Peru) broader access to the U.S. market.<sup>181</sup> The President's authority to provide preferential treatment was initially provided for a 10-year period, and this authority was extended several times, sometimes retroactively, through July 31, 2013, when Ecuador was the only remaining ATPA beneficiary country. However, Ecuador stopped receiving benefits under ATPA, as amended by the Andean Trade Promotion and Drug Eradication Act (ATPDEA), when the President's authority to provide duty-free treatment under the Act expired on July 31, 2013. In addition, on June 27, 2013, the Ecuadorian government announced that it would withdraw from the ATPA program.<sup>182</sup> Because of the expiration of the President's authority, there were no U.S. imports under the program in 2014 (table 2.6).<sup>183</sup> As of April 2015, the President's authority to provide preferential treatment had not been renewed.

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<sup>176</sup> One of the important components of this review was a series of USITC reports written in response to a request by USTR. USITC, "Sub-Saharan African Trade and Investment under AGOA," November 13, 2013; USITC, *AGO: Trade and Investment Performance Overview*, 2014.

<sup>177</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 195.

<sup>178</sup> White House, "Establishing a Comprehensive Approach," August 4, 2014.

<sup>179</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 195.

<sup>180</sup> White House, "Establishing a Comprehensive Approach," August 4, 2014. As of April 2015, the recommendations had not been made public.

<sup>181</sup> For a more detailed description of ATPA, including country and product eligibility, see USITC, *Andean Trade Preference Act, Sixteenth Report*, September 2014.

<sup>182</sup> Government of Ecuador, Secretaría Nacional de Comunicación, "En defensa de su soberanía," June 27, 2013.

<sup>183</sup> All provisions related to ATPA and ATPDEA were removed from the HTS effective January 1, 2014. Proclamation No. 9072 (December 23, 2013); 78 Fed. Reg. 80417 (December 31, 2013). See also, USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 192.

**Table 2.6:** U.S. imports for consumption from ATPA countries, 2012–14

Item	2012	2013	2014
Total imports from ATPA countries (million \$) <sup>a</sup>	20,221	11,455	0
Total imports under ATPA/ATPDEA (million \$) <sup>b</sup>	11,183	2,575	0
Imports under ATPDEA (million \$) <sup>c</sup>	10,383	2,363	0
Imports under ATPA excluding ATPDEA (million \$) <sup>d</sup>	800	212	0
Imports under ATPA (as a share of all imports from ATPA countries)	55.3	22.5	0.0

Source: Official trade statistics of the USDOC as maintained by the USITC.

Note: The President’s authority to provide duty-free treatment under ATPA expired on July 31, 2013.

<sup>a</sup> Total imports from Colombia are included through May 2012 and for Ecuador, the last remaining beneficiary, through 2013.

<sup>b</sup> Data for 2012 includes U.S. imports from Colombia only for the period during which Colombia was eligible for ATPA benefits before the U.S.-Colombia Trade Promotion Agreement entered into force in May of 2012. Data for 2013 includes U.S. imports from Ecuador until imports from Ecuador under ATPA/ATPDEA ceased after October 2013.

<sup>c</sup> ATPDEA-eligible products were those for which a rate of duty of “free” appeared in the special rate column of the HTS followed by the symbol “J+” in parentheses. The symbol “J+” indicated that all ATPDEA beneficiary countries were eligible for duty-free treatment with respect to all articles listed in the designated provisions.

<sup>d</sup> ATPA-eligible products (excluding ATPDEA-eligible products) were those for which a special duty rate appeared in the special rate column of the HTS, followed by the symbols “J” or “J\*” in parentheses. The symbol “J” indicated that all beneficiary countries were eligible for special duty rate treatment with respect to all articles listed in the designated provisions. The symbol “J\*” indicated that certain articles, specified in general note 11(d) of the HTS, were not eligible for special duty rate treatment with respect to any article listed in the designated provision. In addition, subchapter XXI of chapter 98 had set forth provisions covering specific products given duty-free eligibility under the ATPDEA, under the terms of separate country designations enumerated in that subchapter.

## Caribbean Basin Economic Recovery Act

The Caribbean Basin Economic Recovery Act (CBERA) was enacted in 1983 as part of the Caribbean Basin Initiative to encourage economic growth and development in the Caribbean Basin countries by using duty preferences to promote increased production and exports of nontraditional products.<sup>184</sup> The Caribbean Basin Trade Partnership Act (CBTPA) amended CBERA in 2000 and expanded the list of qualified articles, for eligible countries, to include certain apparel.<sup>185</sup> The CBTPA also extended “NAFTA-equivalent treatment”—that is, rates of duty equivalent to those accorded to goods complying with the rules of origin applicable under the North American Free Trade Agreement (NAFTA)—to a number of other products previously excluded from CBERA. These products included certain tuna; crude petroleum and petroleum products; certain footwear; watches and watch parts assembled from parts originating in countries not eligible for NTR rates of duty; and certain handbags, luggage, flat goods, work gloves, and leather wearing apparel. Products that are still excluded from CBERA preferential treatment include textile and apparel products not otherwise eligible for preferential treatment under CBTPA (mostly textile products) and above-quota imports of certain agricultural products

<sup>184</sup> For a more detailed description of CBERA, including country and product eligibility, see USITC, *Caribbean Basin Economic Recovery Act, 21st Report 2011–12*, September 2013.

<sup>185</sup> Textiles and apparel not subject to textile agreements in 1983 (which includes only textiles and apparel of silk or non-cotton vegetable fibers, mainly linen and ramie) are eligible for duty-free entry under the original CBERA provisions, which do not have an expiration date. Those textile and apparel goods of cotton, wool, or manmade fibers (“original MFA goods”) are not eligible under CBERA. “MFA” stands for the Multifiber Arrangement.

subject to TRQs (primarily sugar, beef, and dairy products). CBTPA preferential treatment provisions were extended in 2010 through September 30, 2020, while other parts of CBERA have no expiration date.<sup>186</sup> In the section that follows, the term CBERA refers to CBERA as amended by the CBTPA.

At the end of 2014, 17 countries and dependent territories were designated eligible for CBERA preferences<sup>187</sup> and 8 were designated eligible for CBTPA preferences.<sup>188</sup> In 2012, several countries asked to be designated as eligible for benefits under CBERA, CBTPA, or both, but only one had achieved eligibility by yearend 2014. The Turks and Caicos Islands requested eligibility under CBERA; Aruba, The Bahamas, Dominica, Grenada, Montserrat, St. Kitts and Nevis, and St. Vincent and the Grenadines, under CBTPA;<sup>189</sup> and Curaçao and Sint Maarten, under CBERA and CBTPA.<sup>190</sup> (Until 2010, Curaçao and Sint Maarten were members of the now-dissolved Netherlands Antilles.) On December 31, 2013, the President designated Curaçao as a beneficiary country for purposes of CBERA and CBTPA, but that action with respect to CBTPA awaits an effective date to be issued by USTR.<sup>191</sup>

In 2014, the value of U.S. imports under CBERA fell by 16.8 percent, from \$2.4 billion in 2013 to \$2.0 billion in 2014 (table 2.7).<sup>192</sup> This decrease reflected a decline mostly in the value of U.S. imports of methanol and crude petroleum, which are major imports from CBERA countries. U.S. imports under CBERA accounted for 23.1 percent of all U.S. imports from CBERA countries in 2014. Trinidad and Tobago continued to be the leading supplier of U.S. imports under CBERA in 2014, accounting for 62.6 percent of the total value. Haiti and The Bahamas were also leading suppliers, accounting for 20.6 and 8.0 percent of the total, respectively (appendix table A.20).

Methanol, apparel products, mineral fuels, and polystyrene dominated the list of imports under CBERA in 2014 (appendix table A.21). Of the 25 leading products under CBERA in 2014, 11 were agricultural and food products, which entered under CBERA preferences (accounting for 5.6 percent of total U.S. imports under CBERA in 2014); 4 were knitted apparel entered under

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<sup>186</sup> Certain preferential treatment provisions relating to import-sensitive textile and apparel articles from CBERA countries and relating to textile and apparel articles imported under special rules for Haiti (see section on Haiti below) have been extended to September 30, 2020. This occurred on May 24, 2010, when the President signed the Haiti Economic Lift Program Act of 2010, Pub. L. 111-171, § 3.

<sup>187</sup> Antigua and Barbuda, Aruba, The Bahamas, Barbados, Belize, Curaçao, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago, and the British Virgin Islands. Countries party to CAFTA-DR are not eligible.

<sup>188</sup> Barbados, Belize, Curaçao, Guyana, Haiti, Jamaica, St. Lucia, and Trinidad and Tobago.

<sup>189</sup> 77 Fed. Reg. 61816 (October 11, 2012).

<sup>190</sup> Ibid. In addition, Suriname requested beneficiary status under CBERA and CBTPA in December 2009, and in April 2010, USTR asked for public comments regarding this request. 75 Fed. Reg. 17198 (April 5, 2010).

<sup>191</sup> 78 Fed. Reg. 80417 (December 31, 2013).

<sup>192</sup> Although Sint Maarten was not a designated CBERA beneficiary in 2014, official statistics on U.S. imports under CBERA include imports from Sint Maarten, and are included in this report.

**Table 2.7:** U.S. imports for consumption from CBERA/CBTPA countries, 2012–14

Item	2012	2013	2014
Total imports from CBERA/CBTPA countries (million \$) <sup>a</sup>	11,892	8,937	8,549
Total imports under CBERA/CBTPA (million \$)	3,137	2,370	1,972
Imports under CBTPA (million \$) <sup>b</sup>	1,633	852	589
Imports under CBERA, excluding CBTPA (million \$) <sup>c</sup>	1,504	1,518	1,383
Imports under CBERA (as a share of all imports from CBERA countries)	26.4	26.5	23.1

Source: Official trade statistics of the USDOC as maintained by the USITC.

<sup>a</sup> Data for 2012 include U.S. imports from Panama only for the period during which Panama was eligible for CBERA benefits before the U.S.-Panama FTA entered into force on October 31, 2012. Data for 2014 include U.S. imports from Curaçao and Sint Maarten.

<sup>b</sup> CBTPA-eligible products are those for which a special duty rate appears in the special rate column of the HTS, followed by the symbol “R” in parentheses. The symbol “R” indicates that all CBTPA beneficiary countries are eligible for special duty rate treatment with respect to all articles listed in the designated provisions. In addition, subchapters II and XX of chapter 98 set forth provisions covering specific products eligible for duty-free entry, under separate country designations enumerated in those subchapters (and including the former CBTPA beneficiaries).

<sup>c</sup> CBERA (excluding CBTPA)-eligible products are those for which a special duty rate appears in the special rate column of the HTS, followed by the symbols “E” or “E\*” in parentheses. The symbol “E” indicates that all beneficiary countries are eligible for special duty rate treatment with respect to all articles listed in the designated provisions. The symbol “E\*” indicates that certain articles, under general note 7(d) of the HTS, are not eligible for special duty rate treatment with respect to any article listed in the designated provision.

CBTPA (19.5 percent); 2 were petroleum and fuel products entered under CBTPA (10.1 percent); 2 were organic chemicals entered under CBERA (52.8 percent); and the remaining 6 were miscellaneous products that qualify for benefits under CBERA provisions. Together, these 25 leading imports accounted for 97.2 percent of total U.S. imports under CBERA in 2014.

## Haiti Initiatives

Since 2006, CBERA has been amended three times to expand and enhance trade benefits for Haiti and to give Haitian apparel producers more flexibility in sourcing yarns and fabrics.<sup>193</sup> The Haitian Hemisphere Opportunity through Partnership Encouragement Act of 2006 (HOPE Act)<sup>194</sup> and of 2008 (HOPE II Act) (collectively referred to as HOPE or the HOPE Acts)<sup>195</sup> amended CBERA to expand the rules of origin for inputs to apparel and wire harness automotive components assembled in Haiti and imported into the United States.<sup>196</sup> The HOPE Acts also provided additional trade preferences to attract new jobs in Haiti while offering

<sup>193</sup> Apparel manufacturing is considered a key to Haiti's economic growth and currently accounts for 50 percent of Haiti's formal employment. Every 10,000 square meter equivalents in apparel production reportedly creates 1,500 jobs. Representative of Haitian CTMO-HOPE Secretariat, telephone interview by USITC staff, January 9, 2015.

<sup>194</sup> Pub. L. 109-432, § 5001 et seq., the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006.

<sup>195</sup> See HTS headings 9820.42.05 through 9820.85.44 for the provisions proclaimed under these statutes.

<sup>196</sup> There were no U.S. imports of wire harness automotive components from Haiti during 2007–14. Nevertheless, there are plans to bring the manufacturing of wire harness automotive components back to Haiti (Haiti produced these components in the mid-1980s). Haitian representative of CTMO-HOPE Secretariat, telephone interview by USITC staff, January 9, 2015.

incentives to encourage the use of U.S. inputs.<sup>197</sup> Finally, the Haitian Economic Lift Program of 2010 (HELP Act)<sup>198</sup> extended and expanded existing U.S. trade preferences (especially duty-free treatment for certain qualifying apparel regardless of the origin of inputs) for Haiti that were established under the CBTPA and HOPE Acts through September 30, 2020.<sup>199</sup>

U.S. imports of apparel from Haiti totaled \$843.1 million in 2014, up 10 percent from \$765.9 million in 2013 (table 2.8).<sup>200</sup> Virtually all (99.3 percent) of U.S. imports of apparel from Haiti entered duty-free under trade preference programs in 2014. Much of the continued growth of U.S. imports of apparel from Haiti since the devastating earthquake in January 2010 is attributed to these preference programs, which offer unlimited duty-free treatment for certain apparel products and limited duty-free treatment for other apparel products up to certain quotas known as tariff preference levels (TPLs).<sup>201</sup> Industry sources in Haiti have stated that without the HOPE/HELP trade preferences, there would be no apparel industry in Haiti.<sup>202</sup> Indeed, the trade preferences were the principal incentive behind a U.S. apparel firm's decision in 2014 to construct a new apparel manufacturing facility in Port-au-Prince that employs 500 sewing operators, who produce high-performance wear and other value-added clothing.<sup>203</sup> Nevertheless, industry sources in Haiti report that the Haitian apparel industry's growth and capacity to take full advantage of these preferences face ongoing constraints. Although improvements are planned for Haiti's ports,<sup>204</sup> at present shipping goods out of Haiti's newly established industrial park Caracol is difficult because Haiti lacks a large local port.<sup>205</sup> Most

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<sup>197</sup> GAO, "Letter to the Honorable Max Baucus and the Honorable Dave Camp," December 14, 2012. For more details on the programs under the HOPE Acts, see USITC, *The Year in Trade 2010*, July 2011, 2-21 to 2-22; USITC, *Textiles and Apparel: Effects of Special Rules*, June 2008, I, ES-1, 1-3 to 1-5.

<sup>198</sup> Pub. L. 111-171, § 2, Haiti Economic Lift Program Act of 2010.

<sup>199</sup> *Ibid.*

<sup>200</sup> Haitian apparel production remains concentrated in high-volume commodity garments that have reasonably predictable consumer demand and few styling changes. Cotton knit shirts and blouses, cotton underwear, and cotton trousers and pants dominated U.S. imports from Haiti, accounting for 48 percent, 12 percent, and 12 percent, respectively, of total U.S. imports of apparel from Haiti in 2014.

<sup>201</sup> Aided by the trade preferences under the HOPE Acts, one U.S. apparel firm's production in Haiti has returned to pre-earthquake levels. U.S. apparel industry representative, email message to USITC staff, January 14, 2015.

<sup>202</sup> Haitian apparel industry representative, email message to USITC staff, January 13, 2015. On February 12, 2015, Senator Bill Nelson of Florida introduced legislation to the Senate Committee on Finance to extend the trade preferences under the HOPE/HELP Acts until 2030. The legislation was called A Bill to Amend the Caribbean Basin Economic Recovery Act to Extend Trade Preferences for Certain Articles Imported from Haiti and for Other Purposes, S.503. 114th Cong., 1st sess., Cong. Rec. 161, no. 24, daily ed. (February 12, 2015): S983.

<sup>203</sup> U.S. apparel industry representative, telephone interview with USITC staff, February 20, 2015.

<sup>204</sup> Efforts are being made to add port capacity to Haiti. In 2014, the government of Haiti announced a joint initiative by the U.S. Agency for International Development (USAID) and the World Bank/International Finance Corporation to renovate and upgrade the port of Cap-Haïtien over a two and one-half year period. Work is also underway to improve the port in Port-au-Prince. Sonapi, Parc Industriel de Caracol, "2014 Year End Report," 2014, 12; Haitian apparel industry representative, email message to USITC staff, January 13, 2015.

<sup>205</sup> González, "Five Years after Quake, Emerging Northern Haiti," January 12, 2015.

**Table 2.8:** U.S. imports for consumption of apparel from Haiti, 2012–14

Item	2012	2013	2014
Total apparel imports from Haiti (million \$)	730.0	765.9	843.1
Apparel imports under a trade preference program (million \$)	727.0	763.6	837.5
CBERA/CBTPA (million \$)	423.6	341.7	386.0
HOPE and HELP Acts (million \$)	303.4	421.9	451.5
Share of total apparel imports from Haiti:	(Percent)		
Apparel imports under a trade preference program	99.6	99.7	99.3
CBERA/CBTPA	58.0	44.6	45.8
HOPE and HELP Acts	41.6	55.1	53.6

Source: USITC DataWeb (accessed February 12, 2015); data compiled from official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown.

goods move through ports in the Dominican Republic that are preferred by U.S. retailers and brands and where sailings are more frequent.<sup>206</sup>

Haiti's continued shortage of building space and facilities also hampers the Haitian apparel industry's ability to substantially increase production.<sup>207</sup> Finally, although Haiti's labor costs are competitive with those of other countries,<sup>208</sup> the productivity and output of Haitian apparel workers remain lower than that of apparel workers in such countries as Vietnam and Nicaragua.<sup>209</sup>

In 2014, Haiti accounted for nearly all (99.4 percent) of U.S. imports of apparel entering under the CBTPA. Just under half (45.8 percent) of total U.S. imports of apparel from Haiti entered under CBTPA provisions in 2014. The value of U.S. imports of apparel entering under the HOPE Acts rose 7.0 percent, from \$421.9 million in 2013 to \$451.5 million in 2014, and represented over half (53.6 percent) of total U.S. apparel imports that entered free of duty from Haiti. Most of the apparel—87.5 percent (\$395.1 million)—imported into the United States under the HOPE Acts entered under tariff preference levels that allow duty-free treatment for certain apparel

<sup>206</sup> Sonapi, Parc Industriel de Caracol, "2014 Year End Report," 2014, 12.

<sup>207</sup> Haitian industry representative, email message to USITC staff, January 13, 2015; Haitian representative of CTMO-HOPE Secretariat, telephone interview by USITC staff, January 9, 2015. However, at the end of 2014, the Inter-American Development Bank approved a grant of \$55 million and \$15 million in co-financing from the U.S. government to construct buildings and expand facilities for businesses at the Caracol Industrial Park. IDB, "Haiti to Expand Business Facilities at Caracol," December 12, 2014.

<sup>208</sup> In May 2014, Haitian President Michel Martelly issued an executive order raising Haiti's minimum wage by 12.5 percent—an increase that the director of Haiti's CTME-HOPE Commission stated would meet worker demands and be sustained by Haiti's apparel industry. Charles, "Haiti Raises Minimum Wage for Factory Workers," May 9, 2014; Haitian Representative of CTMO-HOPE Secretariat, telephone interview by USITC staff, January 9, 2015.

<sup>209</sup> U.S. apparel industry representative, email message to USITC staff, January 14, 2015; Charles, "Haiti Raises Minimum Wage for Factory Workers," May 9, 2014.



up to established annual TRQs (“restraint limits”).<sup>210</sup> About one-third (\$143.2 million) of these U.S. imports of apparel from Haiti entered under the woven apparel restraint limit in 2014. Over half (\$251.9 million) of the imports of apparel from Haiti entered under the knit apparel and value-added restraint limits the same year.<sup>211</sup>

Most of the remaining U.S. imports (\$58.3 million) under the HOPE Acts in 2014 entered under the Earned Import Allowance Program (EIAP), a special trade program created under HOPE II in 2008 that allows the duty-free entry into the United States of certain apparel manufactured in Haiti.<sup>212</sup> The fall in U.S. imports of apparel from Haiti under the EIAP—from \$90.0 million in 2013 to \$58.3 million in 2014—may be attributed to a shift in usage to other trade preferences under the HOPE Acts.<sup>213</sup> As in previous years, no U.S. imports entered in 2014 under two other HELP provisions added in 2010: HTS 9820.61.45 (certain knit apparel—unlimited quantities) and HTS 9820.63.05 (home goods).

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<sup>210</sup> The tariff preference limits allow certain knit and woven apparel (both of which must be wholly assembled in Haiti), as well as certain apparel for which at least 50–60 percent of the export value added must consist of inputs from Haiti, the United States, or a country with which the United States has an FTA, to enter the United States free of duty, regardless of the source of the fabric.

<sup>211</sup> The fill rates for the woven apparel restraint limit (HTS subheading 9820.62.05), knit apparel restraint limit (HTS subheading 9820.61.35), and value-added restraint limits (HTS subheadings 9820.61.25 and 9820.61.30) were 49.7 percent, 26.7 percent, and 8.0 percent, respectively, for the preferential treatment period October 1, 2013, to September 30, 2014.

<sup>212</sup> The EIAP originally provided that for every 3 square meter equivalents of qualifying fabric (defined as formed in the United States from U.S.-formed yarns) purchased or manufactured by the producer for apparel production in Haiti, a 1-unit credit was received that could be used toward the duty-free importation of apparel in the United States that was produced using non-qualifying fabric. In 2010, the HELP Act reduced the EIAP exchange ratio from 3-for-1 to 2-for-1 in an effort to encourage the program's use, since no apparel from Haiti was exported to the United States under the original 3-for-1 program.

<sup>213</sup> U.S. government representative, email message to USITC staff, January 14, 2015.



## Chapter 3

# The World Trade Organization

This chapter covers developments in 2014 in the World Trade Organization (WTO). These include multilateral trade negotiations under the Doha Development Agenda (DDA, or Doha Round); work programs and related items under the WTO General Council; and plurilateral agreements hosted under the auspices of the WTO. The chapter also summarizes developments in major WTO dispute settlement cases during the year.

In 2014, WTO members spent much of the year attempting to move forward on two agreements, the Agreement on Trade Facilitation and the Information Technology Agreement (ITA). Efforts to carry out the Agreement on Trade Facilitation, which had been agreed to in Bali at the end of 2013, came to a standstill in July 2014. At this point, further action on this agreement became linked to differing views on another ministerial decision on public stockholding for food security purposes, an impasse not overcome until November 2014. Negotiations to expand the ITA—suspended since November 2013—finally resumed in December 2014, only to deadlock again a week later.

## DDA and General Council Work under the Bali Package

Issues under the DDA and regular work in the General Council overlapped in 2014 as WTO members tried to carry out the so-called Bali Package—the informal name given to the ministerial declaration and related decisions arising from the Ninth WTO Ministerial Conference held in December 2013, in Bali, Indonesia.<sup>214</sup> The Bali ministerial decisions addressing the Doha Round focused on agriculture, trade facilitation, and development issues affecting developing and least-developed country members of the WTO. The Bali ministerial decisions addressing the General Council's regular work program focused on certain intellectual property rights complaints, the work program on electronic commerce, the work program on small economies, aid for trade, and trade as a means to transfer technology to developing countries.

The General Council held five regular sessions in 2014—March 14, May 12, July 24–25, October 21, and December 10–11—as well as one special session on November 27. In May, July, and December, the council reviewed progress on the Work Program on Global Electronic

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<sup>214</sup> The results of the ministerial conference have been dubbed variously the “Bali Package,” “Bali Decisions,” “Bali Outcomes,” etc. For further details, see USITC, *The Year in Trade 2013: Operation of the Trade Agreements Program, 65th Report*, July 2014, 73–80.

Commerce.<sup>215</sup> Throughout the year, the council heard reports from the Committee on Trade and Development in Special Session about progress under the Work Program on Small Economies.<sup>216</sup> At its May and October sessions, the council reviewed progress under the Decision on Aid-for-Trade.<sup>217</sup> In addition, the Director-General reported to members in October about the Fifth Global Review of Aid for Trade slated for 2015. He also reported to the council in December on progress concerning the development assistance aspects of cotton.

WTO Director-General Roberto Azevêdo, as chairman of the Trade Negotiations Committee (TNC) overseeing the Doha Round negotiations, reported to the General Council both formally and informally during the year on progress implementing the Bali ministerial decisions specific to the DDA. The TNC met formally on April 7 and October 16, and informally on February 6, June 25, July 31, October 31, and December 10. Much of 2014 was consumed in General Council efforts to move forward with two elements in the Bali package of agreements: (1) the Agreement on Trade Facilitation<sup>218</sup> and (2) the ministerial decision on public stockholding for food security purposes.<sup>219</sup> Beyond these two items, the council also discussed other Bali DDA subjects involving agricultural and economic development issues. Agricultural issues included in particular the administration of tariff-rate quotas, export competition, and development assistance for least-developed countries focused specifically on the cotton sector. Development-related issues included the monitoring mechanism on special and differential treatment, preferential rules of origin for least-developed countries, the decision on duty-free and quota-free market access for least-developed countries, and operationalizing the least-developed countries services waiver.

## Agreement on Trade Facilitation and Food Security Stockholdings

At the start of 2014, the General Council set out to finalize the text and amendment protocol of the Agreement on Trade Facilitation concluded at the Bali conference.<sup>220</sup> The ministers at Bali established the Preparatory Committee on Trade Facilitation, which was tasked with developing both the agreement's final legal text as well as a protocol of amendment for WTO members to

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<sup>215</sup> WTO, "General Council—Annual Report (2014)," WT/GC/167, January 19, 2015, par. 6.1–6.6.

<sup>216</sup> WTO, "General Council—Annual Report (2014)," WT/GC/167, January 19, 2015, par. 5.1–5.11.

<sup>217</sup> WTO, "General Council—Annual Report (2014)," WT/GC/167, January 19, 2015, par. 7.1–7.4.

<sup>218</sup> WTO, "Agreement on Trade Facilitation—Ministerial Decision of 7 December 2013," WT/MIN(13)/36—WT/L/911, December 11, 2013.

<sup>219</sup> WTO, "Public Stockholding for Food Security Purposes—Ministerial Decision of 7 December 2013," WT/MIN(13)/38—WT/L/913, December 11, 2013.

<sup>220</sup> For further details on the WTO Agreement on Trade Facilitation, see USITC, *The Year in Trade 2013: Operation of the Trade Agreements Program, 65th Report*, July 2014, 74–77.

sign that would amend the WTO Agreement<sup>221</sup> to allow the Agreement on Trade Facilitation and its commitments to be merged into the WTO Agreement's multilateral commitments in Annex A1. Ministers at Bali set July 31, 2014, as the deadline to adopt this protocol of amendment, which would then remain open for one year (through July 31, 2015) for members to sign.<sup>222</sup> Although both the protocol and legal text of the agreement were finalized in time, India's announcement that it would not agree to implement another Bali ministerial decision—the Decision on Public Stockholding for Food Security Purposes—had become linked to the finalized text and protocol of the Agreement on Trade Facilitation. The resulting stalemate caused WTO members to miss the July 31, 2014, deadline to adopt the Agreement on Trade Facilitation protocol of amendment.<sup>223</sup> Subsequent consultations between India and the United States yielded an understanding between the two countries on November 13, 2014, that helped break the impasse. This advance set the stage for adoption of the protocol of amendment for the agreement at a special session of the General Council later in November.

## November Special General Council Session

The General Council met in special session on November 27, 2014, with the primary aim of resolving the impasse over the Agreement on Trade Facilitation and the food security stockpiles decision, detailed below. In addition, the special session sought to provide greater assurances to a number of developing-country members that key issues important to them would be given priority in the post-Bali work program that was currently being developed, with a deadline of July 2015.<sup>224</sup>

At the special November council meeting, the Director-General proposed three council decisions: (1) a food security decision that sought to resolve the food stockholding decision by the end of 2015, two years earlier than agreed at the 2013 Bali ministerial conference; (2) a decision on the protocol of amendment to the Agreement on Trade Facilitation that removed from the protocol the previous deadline of July 31, 2015, but did not set a new deadline, leaving as a result an open-ended adoption process for the agreement; and (3) a decision to

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<sup>221</sup> WTO, “Marrakesh Agreement Establishing the World Trade Organization,” *The Results of the Uruguay Round of Multilateral Trade Negotiations: The Legal Texts*, 1995.

<sup>222</sup> WTO, “Trade Facilitation,” Web page, n.d. [https://www.wto.org/english/tratop\\_e/tradfa\\_e/tradfa\\_e.htm](https://www.wto.org/english/tratop_e/tradfa_e/tradfa_e.htm) (accessed March 30, 2015).

<sup>223</sup> WTO, “WTO: 2014 News Items—31 July 2014—Trade Negotiations Committee: Informal Meeting—Azevêdo: Members Unable to Bridge the Gap on Trade Facilitation,” July 31, 2014; WTO, “WTO News: Speeches—DG Roberto Azevêdo—15 September 2014—Azevêdo Launches Intensive Consultations on Taking the Bali Package Forward,” September 15, 2014; USTR, “Statement by Ambassador Froman on U.S.-India WTO Trade Facilitation Agreement,” November 27, 2014; USTR, “Fact Sheet: U.S.-India Agreement on Trade Facilitation,” November 13, 2014. For further details, see USITC, *The Year in Trade 2013: Operation of the Trade Agreements Program, 65th Report*, July 2014, 75.

<sup>224</sup> *Inside U.S. Trade*, “WTO Poised To Break TFA Impasse This Week,” November 28, 2014.

extend the deadline for formulating a work plan to conclude the Doha Round from December 2014 until July 2015.<sup>225</sup>

In the first decision, the council agreed that members would not challenge public food security stockholding programs in developing countries through the WTO Dispute Settlement Agreement until a permanent solution was reached in the DDA that clarified the status of public food stockpiles under current agriculture rules. A target date was set for reaching such a solution by the end of 2015. For the second decision, the original timeframe for entry into force of the Agreement on Trade Facilitation—the year spanning July 31, 2014, to July 31, 2015—was changed to entry into force once two-thirds of WTO members had signed. Lastly, the council agreed under the third decision to formulate a post-Bali work program by July 2015 that would ensure that all ministerial decisions from the Bali conference that were not yet legally binding, would indeed be implemented. Moreover, the council agreed to complete a work program aimed at advancing the stalled Doha negotiations by July 2015.

## Work Programs, Decisions, and Reviews

### Waivers

During the year, the council reviewed waivers addressing several areas: (1) a waiver request from the Philippines for special treatment for rice; (2) waiver requests from Argentina, China, the EU, Iceland, and Malaysia to enable them to implement domestically the recommended changes in the international Harmonized System (HS) nomenclature for traded goods introduced under HS2002, HS2007, and HS2012; and (3) reviews of waivers under the WTO Agreement. In the first category, the council adopted a decision to grant a waiver to the Philippines from July 1, 2014, through June 30, 2017, that allows the Philippines to spread its minimum market access commitment for 2016 over the 2016–17 period.<sup>226</sup> In the second category, the council extended the waivers through December 31, 2015, for the requesting

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<sup>225</sup> *Washington Trade Daily*, “Today’s GC Meeting,” November 27, 2014; WTO, “Agreement on Trade Facilitation—Ministerial Decision of 7 December 2013,” WT/MIN(13)/36—WT/L/911, December 11, 2013; WTO, “Public Stockholding for Food Security Purposes—Ministerial Decision of 7 December 2013,” WT/MIN(13)/38—WT/L/913, December 11, 2013; WTO, General Council, “27 November 2014—Minutes of the Meeting Held in the Centre William Rappard on 27 November 2014—1 Public Stockholding for Food Security Purposes, Preparatory Committee on Trade Facilitation—Protocol of Amendment, and Post-Bali Work,” WT/GC/M/154, January 15, 2015.

<sup>226</sup> WTO, General Council, “Decision on Waiver Relating to Special Treatment for Rice of the Philippines—Waiver Decision of 24 July 2014,” WT/L/932, July 25, 2014.

members adopting the updated HS nomenclatures.<sup>227</sup> Under the third category, the council took note of reports on the implementation of multiyear waivers.<sup>228</sup>

## Accessions

Yemen acceded to the WTO on June 26, 2014, bringing the number of members to 160 (table 3.1). There remained 24 observers to the WTO in 2014 (table 3.2).

**Table 3.1:** WTO membership in 2014

Albania	Ghana	Oman
Angola	Greece	Pakistan
Antigua and Barbuda	Grenada	Panama
Argentina	Guatemala	Papua New Guinea
Armenia	Guinea	Paraguay
Australia	Guinea-Bissau	Peru
Austria	Guyana	Philippines
Bahrain	Haiti	Poland
Bangladesh	Honduras	Portugal
Barbados	Hong Kong, China	Qatar
Belgium	Hungary	Romania
Belize	Iceland	Russia
Benin	India	Rwanda
Bolivia	Indonesia	Saint Kitts and Nevis
Botswana	Ireland	Saint Lucia
Brazil	Israel	Saint Vincent and the Grenadines
Brunei Darussalam	Italy	Samoa
Bulgaria	Jamaica	Saudi Arabia
Burkina Faso	Japan	Senegal
Burma <sup>a</sup>	Jordan	Sierra Leone
Burundi	Kenya	Singapore
Cabo Verde	Korea, Republic of	Slovakia
Cambodia	Kuwait	Slovenia
Cameroon	Kyrgyzstan	Solomon Islands
Canada	Laos	South Africa
Central African Republic	Latvia	Spain

<sup>227</sup> WTO, General Council, “Introduction of Harmonized System 2002 Changes into WTO Schedules of Tariff Concessions—Waiver Decision of 11 December 2014,” WT/L/945, December 12, 2014; WTO, General Council, “Introduction of Harmonized System 2007 Changes into WTO Schedules of Tariff Concessions—Waiver Decision of 11 December 2014,” WT/L/946, December 12, 2014; WTO, General Council, “Introduction of Harmonized System 2012 Changes into WTO Schedules of Tariff Concessions—Waiver Decision of 11 December 2014,” WT/L/947, December 12, 2014.

<sup>228</sup> The latter category covers multiyear waivers such as those that provide for duty-free treatment into the United States of eligible products under legislation concerning the Former Trust Territory of the Pacific Islands, the Caribbean Basin Economic Recovery Act, the African Growth and Opportunity Act, and the Andean Trade Preference Act.

## Chapter 3: The World Trade Organization

Chad	Lesotho	Sri Lanka
Chile	Liechtenstein	Suriname
China	Lithuania	Swaziland
Colombia	Luxembourg	Sweden
Congo, Democratic Republic of the	Macao, China	Switzerland
Congo, Republic of the	Macedonia <sup>b</sup>	Taiwan <sup>c</sup>
Costa Rica	Madagascar	Tajikistan
Côte d'Ivoire	Malawi	Tanzania
Croatia	Malaysia	Thailand
Cuba	Maldives	Togo
Cyprus	Mali	Tonga
Czech Republic	Malta	Trinidad and Tobago
Denmark	Mauritania	Tunisia
Djibouti	Mauritius	Turkey
Dominica	Mexico	Uganda
Dominican Republic	Moldova	Ukraine
Ecuador	Mongolia	United Arab Emirates
Egypt	Montenegro	United Kingdom
El Salvador	Morocco	United States
Estonia	Mozambique	Uruguay
European Union	Namibia	Vanuatu
Fiji	Nepal	Venezuela
Finland	Netherlands	Vietnam
France	New Zealand	Yemen
Gabon	Nicaragua	Zambia
Gambia	Niger	Zimbabwe
Georgia	Nigeria	
Germany	Norway	

Source: WTO, "Understanding the WTO: The Organization: Members and Observers," n.d. (accessed January 14, 2015).

<sup>a</sup> In the WTO, Burma is known as Myanmar.

<sup>b</sup> In the WTO, Macedonia is known as the Former Yugoslav Republic of Macedonia.

<sup>c</sup> In the WTO, Taiwan is known as the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu, or less formally as "Chinese Taipei."



**Table 3.2:** WTO observers in 2014

Afghanistan	Equatorial Guinea	Serbia
Algeria	Ethiopia	Seychelles
Andorra	Iran	Sudan
Azerbaijan	Iraq	Syria
Bahamas, The	Kazakhstan	Uzbekistan
Belarus	Lebanon	Vatican (Holy See)
Bhutan	Liberia	
Bosnia and Herzegovina	Libya	
Comoros	São Tomé and Príncipe	

Source: WTO, "Understanding the WTO: The Organization; Members and Observers," n.d. (accessed January 14, 2015).

## Selected Plurilateral Agreements<sup>229</sup>

### Information Technology Agreement (ITA)

During 2014, the WTO committee<sup>230</sup> overseeing the WTO Information Technology Agreement (ITA) held formal meetings on March 17, June 26, and October 31. The total number of participating members rose to 80, with Afghanistan joining the committee on March 17 and the Seychelles joining on October 17. The committee continued with its Non-Tariff Measures Work Program in 2014, focusing under a pilot project on aspects of electromagnetic compatibility and electromagnetic interference (EMC/EMI) on trade in information technology products.<sup>231</sup>

In 2014, participants sought to restart negotiations to expand coverage under the ITA, following the suspension of talks in November 2013. At the March 2014 committee meeting, the United States pointed out that negotiations were suspended largely because of China's position, which called for excluding 59 tariff lines of information technology products as well as for including longer phaseout periods for tariffs on roughly 70 more products. China said that, as a large developing country, it was reasonable that it should be allowed to exclude some sensitive products or to be given longer implementation periods.<sup>232</sup>

<sup>229</sup> Whereas multilateral rules and commitments by members of the WTO apply to all WTO members, rules and commitments negotiated by WTO members under plurilateral agreements apply only to those members signing the plurilateral agreement.

<sup>230</sup> Formally, the Committee of Participants on the Expansion of Trade in Information Technology Products.

<sup>231</sup> WTO, "Report (2014) of the Committee of Participants on the Expansion of Trade in Information Technology Products," G/L/1088, November 5, 2014.

<sup>232</sup> USTR, "Statement by Ambassador Michael Punke on the Information Technology Agreement (ITA) Expansion Meeting Of the World Trade Organization ITA Committee," March 17, 2014; *Inside U.S. Trade*, "Chinese WTO Ambassador Says ITA Deal Has Serious 'Imbalance,' Cannot Show More Flexibility," March 18, 2014.

In November 2014, on the margins of the annual conference for the Asia-Pacific Economic Cooperation (APEC) forum,<sup>233</sup> China and the United States engaged in consultations that resulted in a substantial reduction of China's 59 sensitive tariff lines to less than 20 lines.<sup>234</sup> The United States announced at the APEC plenary meeting on November 11, 2014, that China and the United States had reached “an understanding on a bilateral agreement” on the scope of the goods that they would submit to the ITA negotiations.<sup>235</sup> Among the products included were medical devices, such as computed tomography scanners and magnetic resonance imaging machines; global positioning system devices; loudspeakers; “next generation” semiconductors, static converters, inductors, and other components and instruments often used in advanced manufacturing; printer ink cartridges; printed matter/cards to download software and games; software media, such as solid-state drives; and video game consoles.<sup>236</sup>

Following these consultations at the APEC summit, ITA talks resumed in Geneva, Switzerland. But negotiations reached another impasse when China and other participants were unable to bridge differences over the approximately 12 remaining products, including liquid-crystal display panels and several hardware items used in mobile phones. As a result, negotiations were suspended again on December 12, 2014.<sup>237</sup> At the end of 2014, the so-called core group of negotiating participants considering how to move forward with ITA discussions were Albania; Australia; Bahrain; China; Colombia; Costa Rica; Croatia; the EU; Guatemala; Hong Kong, China; Iceland; Israel; Japan; Korea; Malaysia; Montenegro; New Zealand; Norway; the Philippines; Singapore; Switzerland; Taiwan; Thailand; Turkey; and the United States.<sup>238</sup>

## Agreement on Government Procurement (GPA)

Parties to the plurilateral WTO Agreement on Government Procurement (GPA) concluded multiyear negotiations on revisions to the agreement in December 2011. The revised agreement entered into force in April 2014, once the required two-thirds majority (10) of the GPA parties formally accepted it. Following acceptance by these 10 governments, 2 additional parties joined, making a total of 12 signatories to the revised GPA by yearend 2014.

The negotiations concluded in December 2011 both revised the original text of the agreement and expanded the parties' market-access commitments under the GPA by an estimated \$80–

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<sup>233</sup> *Washington Trade Daily*, “China and the ITA,” March 18, 2014, 2.

<sup>234</sup> *Washington Trade Daily*, “Intensive ITA Consultations With China,” November 5, 2014, 1.

<sup>235</sup> White House, “Fact Sheet: Supporting Economic Growth at Home and Abroad by Eliminating Trade Barriers on Information Technology Products,” November 10, 2014.

<sup>236</sup> *Ibid.*; *Washington Trade Daily*, “An ITA Breakthrough,” November 12, 2014, 1.

<sup>237</sup> ICTSD, “ITA Expansion Talks Hit Roadblock,” December 18, 2014.

<sup>238</sup> *Washington Trade Daily*, “One More Day on ITA,” December 15, 2014, 1.

\$100 billion annually, according to the WTO.<sup>239</sup> By the end of 2013, seven parties had formally accepted the revised agreement: Canada; the EU; Hong Kong, China; Liechtenstein; Norway; Taiwan; and the United States.<sup>240</sup>

In early 2014, Iceland, Israel, and Singapore deposited their formal instruments of acceptance of the revised agreement. In doing so, they brought the number of parties accepting the agreement to the two-thirds majority (10 of 15) needed to bring the revised GPA into effect. As a consequence, the revised GPA entered into force on April 6, 2014, for these 10 governments. The new GPA entered into force shortly afterwards for Japan and Aruba—on April 16, 2014, and July 4, 2014, respectively, after they accepted the agreement. At the end of 2014, formal acceptance was pending for the 3 remaining GPA parties: Armenia, South Korea, and Switzerland. The 12 parties to the revised GPA at yearend 2014 were Aruba; Canada; the European Union; Hong Kong, China; Iceland; Israel; Japan; Liechtenstein; Norway; Singapore; Taiwan; and the United States.

In the WTO Committee on Government Procurement, there were 15 members at the end of 2014: Armenia; Aruba; Canada; the EU, representing 28 member states; Hong Kong, China; Iceland; Israel; Japan; Korea; Liechtenstein; Norway; Singapore; Switzerland; Taiwan; and the United States. The number of observers to the committee rose to 28 when Tajikistan became an observer in September 2014.<sup>241</sup> In October 2014, the committee invited both Montenegro and New Zealand to accede to the revised GPA, based on their final market-access offers presented over the past two years of negotiations.<sup>242</sup>

## Negotiations on an Environmental Goods Agreement (EGA)

On July 8, 2014, the United States and a number of other WTO members opened negotiations on an agreement to eliminate tariffs on environmental goods. The 14 participants in these negotiations are Australia; Canada; China; Costa Rica; the EU; Hong Kong, China; Japan; Korea;

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<sup>239</sup> WTO, “Revised WTO Agreement on Government Procurement enters into force,” April 7, 2014.

<sup>240</sup> WTO, “Ministers greet progress on ratification of revised Agreement on Government Procurement,” December 4, 2013.

<sup>241</sup> In 2014, the 28 observers to the committee were Albania, Argentina, Australia, Bahrain, Cameroon, Chile, China, Colombia, Georgia, India, Indonesia, Jordan, Kyrgyzstan, Macedonia, Malaysia, Moldova, Mongolia, Montenegro, New Zealand, Oman, Panama, Russia, Saudi Arabia, Sri Lanka, Tajikistan, Turkey, Ukraine, and Vietnam.

<sup>242</sup> WTO, “WTO: 2014 News Items—29 October 2014—Government Procurement—Montenegro and New Zealand to join the WTO’s Agreement on Government Procurement,” October 29, 2014.

New Zealand; Norway; Singapore; Switzerland; Taiwan; and the United States.<sup>243</sup> Negotiations are modeled broadly on the WTO Agreement on Information Technology mentioned earlier in this chapter. The Environmental Goods Agreement (EGA) is a plurilateral agreement in which participants eliminate tariffs on a most-favored-nation basis once a critical mass of WTO members agree to implement the agreement.<sup>244</sup> The participants involved in negotiating the agreement account for 86 percent of global trade in environmental goods, according to the U.S. State Department.<sup>245</sup>

At the first negotiating round In July, participants settled various procedural matters, and agreed on how products would be nominated for negotiations. Participants agreed to dedicate a negotiating round to one or more of the specific product categories of environmental goods. They also agreed that nominations for specific categories would be made in advance of each negotiating round until all categories of environmental products are covered.<sup>246</sup>

At the second round, held September 22–26, 2014, participants nominated two product categories: air pollution control, and solid and hazardous-waste management technologies. Participants also agreed on eight additional product categories to be covered: wastewater management and water treatment; environmental remediation and cleanup; noise and vibration abatement; cleaner and renewable energy; energy efficiency; environmental monitoring, analysis, and assessment; resource efficiency; and environmentally preferable products.<sup>247</sup>

At the third round, held December 1–4, 2014, negotiations focused on technologies related to wastewater management and water treatment, environmental remediation and cleanup, and

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<sup>243</sup> USDOS, “WTO Environmental Goods Agreement Negotiations Progressing,” January 14, 2015, par. 2. Iceland, Israel, and Turkey joined the negotiations in early 2015, bringing the total number of participants to 17. Israel first attended at the fourth round, held January 26–30, 2015; Iceland and Turkey attended for the first time at the fifth round, held March 16–20, 2015. ICTSD, “Environmental Goods Agreement Trade Talks on Track,” March 26, 2015.

<sup>244</sup> USDOS, “WTO Environmental Goods Agreement Negotiations Progressing,” January 14, 2015, par. 2. Negotiations initially started based on a list of 54 goods first adopted by Asia-Pacific Economic Cooperation (APEC) members. The EGA list under negotiation is based on 10 broad product categories covering air pollution control; cleaner and renewable energy; energy efficiency; environmental monitoring, analysis, and assessment; environmental remediation and clean-up; environmentally preferable products; noise and vibration abatement; resource efficiency; solid and hazardous waste management technologies; and wastewater management and water. *Washington Trade Daily*, “Environmental Goods Agreement,” July 9, 2014.

<sup>245</sup> The 86 percent of global trade is based on the 14 initial WTO members involved in the negotiations, and does not include the three WTO members that joined in 2015. USDOS, Washington, DC, “WTO Environmental Goods Agreement Negotiations Progressing,” January 14, 2015, par. 2.

<sup>246</sup> USDOS, “WTO Environmental Goods Agreement Negotiations Progressing,” January 14, 2015, par. 3.

<sup>247</sup> USDOS, “WTO Environmental Goods Agreement Negotiations Progressing,” January 14, 2015, par. 4.

noise and vibration abatement. Participants further agreed to dates and themes for two additional category-focused rounds.<sup>248</sup>

As of yearend 2014, most participants had nominated products for negotiation in one or more product categories, and had also agreed to submit all product nominations by April 2015 so that a full list of environmental product nominations could be compiled for circulation. The compiled list will serve as the basis for negotiations to reach a final agreement.<sup>249</sup>

## Dispute Settlement Body

This section (1) provides a tally of new requests for consultations filed by WTO members during calendar year 2014 under the WTO Dispute Settlement Understanding (DSU); (2) provides a table that lists the new panels established during calendar year 2014 (involving all WTO members) to review matters raised in complaints under the DSU; and (3) provides short summaries of the procedural and substantive issues in disputes involving the United States that moved to the panel stage during 2014, along with summaries of panel and Appellate Body reports involving the United States that were issued or adopted during 2014.<sup>250</sup>

Box 3.1 provides an overview of the WTO dispute settlement process, and table 3.3 lists the disputes (involving all WTO members) that moved from the consultation stage to the more formal panel litigation stage during 2014. The titles of the disputes listed in table 3.3 also serve as an indication of the types of subject matter that reached the more formal litigation stage during 2014.

The summaries of issues in disputes are based entirely on information in publicly available documents, including summaries published online by the WTO and summaries included in USTR's *2015 Trade Policy Agenda* report and in USTR press releases. They should not be regarded as comprehensive or as reflecting a U.S. government or Commission interpretation of the issues raised or addressed in the disputes or in panel or Appellate Body reports. A table showing procedural developments during 2014 in disputes in which the United States was the complainant or respondent appears in appendix table A.22.

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<sup>248</sup> USDOS, "WTO Environmental Goods Agreement Negotiations Progressing," January 14, 2015, par. 5.

<sup>249</sup> Ibid.

<sup>250</sup> For additional information on the WTO dispute settlement process, the DSU, and individual dispute cases, see the WTO, "Dispute Settlement" at [http://www.wto.org/english/tratop\\_e/dispu\\_e/dispu\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm).

**Box 3.1:** Overview of the WTO dispute settlement procedures

The WTO Dispute Settlement Understanding (DSU) establishes a framework for the resolution of disputes that arise between members under the WTO agreements.<sup>a</sup> Under the DSU, a member may file a complaint with the WTO DSB. After filing, the member must first seek to resolve the dispute through consultations with the named respondent party.<sup>b</sup> If the consultations fail, the complaining party may ask the DSB to establish a panel to review the matters raised by the complaint and make findings and recommendations.<sup>c</sup> Either party may appeal issues of law covered in the panel report and legal interpretations developed by the panel to the WTO's Appellate Body.<sup>d</sup> The findings and recommendations of the Appellate Body and of the panel (as modified by the Appellate Body) are then adopted by the DSB unless there is a consensus by the members to reject the ruling.

While the guidelines suggest that panels should complete their proceedings in six months, and the Appellate Body should complete its review in 60 days, these periods are often extended.

Once the panel report or the Appellate Body report is adopted, the party concerned must notify the DSB of its intentions with respect to implementing the adopted recommendations.<sup>e</sup> If it is impracticable to comply immediately, the party concerned is given a reasonable period of time to comply, with the time to be decided either through agreement of the parties and approval by the DSB, or through arbitration. Further provisions set out rules for compensation or the suspension of concessions in the event the respondent fails to implement the recommendations.<sup>f</sup> Within a specified timeframe, parties can enter into negotiations to agree on mutually acceptable compensation. Should the parties fail to reach agreement, a party to the dispute may request the DSB's authorization to suspend concessions or other obligations to the other party concerned. Disagreements over the proposed level of suspension may be referred to arbitration.

<sup>a</sup> WTO, "Understanding on Rules and Procedures Governing the Settlement of Disputes," 1995.

<sup>b</sup> WTO DSU, Article 4.

<sup>c</sup> WTO DSU, Article 6.

<sup>d</sup> WTO DSU, Article 17.6.

<sup>e</sup> WTO DSU, Article 21.3.

<sup>f</sup> WTO DSU, Article 22.

This section focuses on developments through the panel and Appellate Body stage and generally does not include matters that arise after the DSB adopts panel or Appellate Body reports in the original dispute. As indicated in box 3.1, dispute litigation often continues beyond the adoption of the panel or Appellate Body report, particularly when the defending party is the "losing" party. Issues may arise about the reasonableness of the time sought by the losing party to implement findings and recommendations, the adequacy of actions taken by that party to comply with the findings and recommendations, and about possible compensation and retaliation. Matters may be referred to the original panel or to a new panel for further findings and recommendations on compliance and other matters, and in appropriate cases the parties may seek the assistance of an arbitrator to resolve matters.

**Table 3.3:** WTO dispute settlement panels established during 2014

Case no.	Complainant	Respondent	Case name	Panel established
DS441	Dominican Republic	Australia	Australia—Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging	April 25, 2014
DS456	United States	India	India—Certain Measures Relating to Solar Cells and Solar Modules	May 24, 2014
DS458	Cuba	Australia	Australia—Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging	April 4, 2014
DS464	Korea	United States	United States—Anti-Dumping and Countervailing Measures on Large Residential Washers from Korea	January 22, 2014
DS467	Indonesia	Australia	Australia—Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging	March 26, 2014
DS468	Japan	Ukraine	Ukraine—Definitive Safeguard Measures on Certain Passenger Cars	March 26, 2014
DS469	Denmark	European Union	European Union—Measures on Atlanto-Scandian Herring	February 26, 2014
DS471	China	United States	United States—Certain Methodologies and Their Application to Anti-Dumping Proceedings Involving China	March 26, 2014
DS472	European Union	Brazil	Brazil—Certain Measures Concerning Taxation and Charges	December 17, 2014
DS473	Argentina	European Union	European Union—Anti-Dumping Measures on Biodiesel from Argentina	April 25, 2014
DS474	Russia	European Union	European Union—Cost Adjustment Methodologies and Certain Anti-Dumping Measures on Imports from Russia	July 22, 2014
DS475	European Union	Russia	Russian Federation—Measures on the Importation of Live Pigs, Pork and Other Pig Products from the European Union	July 22, 2014
DS479	European Union	Russia	Russian Federation—Anti-Dumping Duties on Light Commercial Vehicles from Germany and Italy	December 18, 2014

Source: Derived from WTO, “Dispute Settlement: The Disputes—Chronological List of Disputes” (accessed March 19, 2014).

There were a number of disputes still active during 2014, well after the panel or Appellate Body report had been adopted, including two high-profile disputes brought by the United States and the European Communities (EC),<sup>251</sup> respectively, against each other’s large civilian aircraft

<sup>251</sup> In this report’s WTO dispute settlement section, the term “European Communities” (EC) is used rather than “EU” if the source document—WTO online summary—uses “EC.”

measures.<sup>252</sup> Other proceedings of note that were underway during 2014 after adoption of panel and Appellate Body reports involved two disputes relating to U.S. country of origin labeling requirements (COOL),<sup>253</sup> a dispute relating to U.S. measures relating to the importation, marketing, and sale of tuna and tuna products,<sup>254</sup> and a dispute relating to China's antidumping and countervailing duties on grain-oriented flat-rolled electrical steel from the United States.<sup>255</sup>

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<sup>252</sup> Compliance proceedings begun in 2012 in both disputes remained underway throughout 2013, with panel reports expected in DS316 (brought by the United States against the EU) in 2015, and in DS353 (brought by the EU against the United States) not before the first half of 2015. See WTO, “Dispute Settlement: DS316; European Communities—Measures Affecting Trade in Large Civil Aircraft” (accessed April 10, 2014); WTO, “Dispute Settlement: DS353; United States—Measures Affecting Trade in Large Civil Aircraft—Second Complaint” (accessed March 23, 2015); and USTR, *2015 Trade Policy Agenda*, 2015, 72, 87.

<sup>253</sup> WTO, “Dispute Settlement: DS384; United States—Certain Country of Origin Labelling (COOL) Requirements” (accessed March 8, 2015); WTO, “Dispute Settlement: DS386; United States—Certain Country of Origin Labelling Requirements” (accessed March 8, 2015). The disputes involved challenges by Canada and Mexico, respectively, of mandatory U.S. country of origin labeling (COOL) requirements; the respective panels and the Appellate Body found that aspects of U.S. requirements violated U.S. obligations under the Technical Barriers to Trade Agreement (TBT) and GATT 1994. In September 2012, both Canada and Mexico sought arbitration concerning the “reasonable period of time” the United States should have to implement the recommendations and rulings of the DSB, and in December 2012 the arbitrator determined that this period should expire on May 23, 2013. In August 2013, Canada and Mexico requested the establishment of a compliance panel to consider whether the measure taken by the United States in 2013, including the 2013 “final rule,” complies with the DSB recommendations and rulings. The compliance panel was composed on September 27, 2013, and its report was circulated to members on October 20, 2014. The compliance panel found that the amended COOL measure violates Article 2.1 of the TBT Agreement because it accords to Canadian and Mexican livestock less favorable treatment than that accorded to U.S. livestock. On November 28, 2014, the United States notified the DSB of its decision to appeal to the Appellate Body certain issues of law covered in the compliance panel report and certain legal interpretations developed by the panel. On December 12, 2014, Canada and Mexico filed appeals in the same dispute. An Appellate Body report is expected in 2015. See also USTR, *2015 Trade Policy Agenda*, 2015, 90, 92.

<sup>254</sup> WTO, “Dispute Settlement: DS381; United States—Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products” (accessed March 8, 2015). The dispute concerned U.S. dolphin-safe labeling provisions and whether they were consistent with U.S. obligations under the GATT 1994 and the Agreement on Technical Barriers to Trade. The Appellate Body found aspects of the U.S. provisions inconsistent with the TBT Agreement. On July 23, 2013, the United States informed the DSB of a change in its dolphin-safe labeling requirements and stated that it had brought its requirements into conformity with the DSB recommendations and rulings. On November 14, 2013, Mexico requested the establishment of a compliance panel; the DSB established a panel on January 22, 2014, and the panel was composed on January 27, 2014. The report of the compliance panel is expected sometime in 2015. See also USTR, “U.S. Announces Compliance,” July 12, 2013; and USTR, *2015 Trade Policy Agenda*, 2015 88.

<sup>255</sup> WTO, “Dispute Settlement: DS414; China—Countervailing and Anti-Dumping Duties on Grain Oriented Flat-rolled Electrical Steel from the United States” (accessed March 8, 2015). On February 13, 2014, the United States requested establishment of a compliance panel, and a panel was composed on March 17, 2014. On September 22, 2014, the chair of the compliance panel informed the DSB that the panel expected to issue its final report to the parties in the second quarter of 2015. *Ibid.* The United States stated that it was concerned that China failed to (1) objectively examine evidence; (2) base its finding on positive evidence; (3) disclose the “essential facts” underlying its conclusions; and (4) provide an adequate explanation of its re-determination. See USTR, *2015 Trade Policy Agenda*, 2015, 65.



Another long-standing dispute with Brazil, dating back to 2002 and involving U.S. subsidies on upland cotton, was officially terminated on October 16, 2014, when the United States and Brazil submitted to the DSB a notification under Article 3.6 of the DSB terminating the dispute.<sup>256</sup> The termination was based on a memorandum of understanding signed on October 1, 2014, which included, among other things, provisions on payment to and use of funds by the Brazilian Cotton Institute.<sup>257</sup>

## New Requests for Consultations and New Panels Established

During 2014, WTO members filed 14 requests for WTO dispute settlement consultations in new disputes, compared with 20 in 2013, 27 in 2012, and 8 in 2011.<sup>258</sup> Of the 14 new requests during 2014, the United States was involved in 3 (as complainant in 1 and as respondent in 2) as compared with 5 of the 20 requests filed during 2013. During 2014, the EU was involved in the largest number of new requests for consultations, at 8 (as complainant in 5 and as respondent in 3). Other WTO members involved in multiple new disputes included Indonesia, 5 (as complainant in 1 and as respondent in 4); Russia, 4 (as complainant in 1 and as respondent in 3); and Canada, 2 (as complainant in 1 and as respondent in 1). Only 1 new dispute involved China in 2014 (as respondent), in contrast to 10 new disputes as recently as 2012, when China was the complainant in 3 and the respondent in 7.

Thirteen new dispute settlement panels were established during 2014 (table 3.3). The United States was the complaining party in one of these panel proceedings, and the responding party in two. The 13 new panels established in 2014 represent an increase from the 12 panels established in 2013 and the 11 panels established in 2012.

### Requests for Consultations Filed during 2014 in which the United States was the Complaining Party or Named Respondent

The one U.S. request for dispute settlement consultations in a new dispute, filed on May 8, 2014, concerned modifications made by Indonesia to its licensing restrictions on importation of horticultural products, animals, and animal products.<sup>259</sup> In the view of the United States, the

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<sup>256</sup> For more information, see the chapter 6 section on Brazil.

<sup>257</sup> WTO, “Dispute Settlement: DS267; United States—Subsidies on Upland Cotton” (accessed March 23, 2015). See also USTR, “The United States and Brazil Reach Agreement,” October 1, 2014; and USTR, *2015 Trade Policy Agenda*, 2015, 82.

<sup>258</sup> The number of requests for WTO dispute settlement consultations referred to in this section includes only requests made in connection with new disputes and does not include requests for consultations filed in connection with compliance proceedings after the adoption by the DSB of panel and/or Appellate Body reports.

<sup>259</sup> WTO, “Dispute Settlement: DS478; Indonesia—Importation of Horticultural Products, Animals and Animal Products” (accessed March 6, 2015).

modifications, made by Indonesia in response to earlier disputes brought by the United States (DS455 and DS465 in January and August 2013, respectively), still appeared to breach WTO rules and restrict U.S. agricultural exports. The affected U.S. products include fruits, vegetables, flowers, dried fruits and vegetables, juices, cattle, beef, poultry, and other animal products. Consultations in Jakarta on June 19, 2014, did not resolve the concerns raised by the dispute.<sup>260</sup> New Zealand filed similar requests for dispute settlement consultations (DS466 and DS477 in August 2013 and May 2014, respectively).

The United States was the named respondent in two new disputes filed during 2014, one filed by the EU and one filed by Korea. The dispute filed by the EU concerned conditional tax incentives for large civil aircraft that the EU claims constitute subsidies prohibited under the Agreement on Subsidies and Countervailing Measures (SCM Agreement),<sup>261</sup> and the dispute filed by Korea concerned U.S. antidumping measures on certain oil country tubular goods from Korea that Korea alleged are inconsistent with the Anti-Dumping Agreement and the General Agreement on Tariffs and Trade (GATT) 1994.<sup>262</sup> Both disputes were in consultation at the end of 2014.

## **Panels Established during 2014 at the Request of the United States**

As shown in table 3.3, the DSB established one new panel in 2014 at the request of the United States, involving certain measures taken by India relating to domestic-content requirements for solar cells and solar modules. The issues raised and procedural history are summarized below.

### **India—Certain Measures Relating to Solar Cells and Solar Modules (DS456)**

In this dispute, the United States challenged certain measures of India relating to domestic-content requirements under the Jawaharlal Nehru National Solar Mission (JNNSM) for solar cells and solar modules. The United States claimed that the measures appear to be inconsistent with Article III:4 of the GATT 1994; Article 2.1 of the Agreement on Trade-Related Investment

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<sup>260</sup> WTO, “Dispute Settlement: DS478; Indonesia—Importation of Horticultural Products, Animals and Animal Products” (accessed March 6, 2015). See also USTR, “United States Challenges Indonesia’s Ongoing Import Restrictions on Horticultural Products, Animals, and Animal Products,” May 8, 2014; USTR, *2015 Trade Policy Agenda*, 2015, 75; and USTR, “United States Requests WTO Panel to Examine Indonesia’s Import Restrictions on U.S. Agriculture,” March 18, 2015.

<sup>261</sup> The European Union alleged that the U.S. measures constitute specific subsidies within the meaning of Articles 1 and 2 of the SCM Agreement and are prohibited subsidies because they are inconsistent with Articles 3.1(b) and 3.2 of the SCM Agreement. A panel was established on February 23, 2015. WTO, “Dispute Settlement: DS487; United States—Conditional Tax Incentives for Large Civil Aircraft” (accessed March 16, 2015).

<sup>262</sup> Korea alleged that the U.S. measures are inconsistent with certain provisions of Articles 2, 6, and 12 of the Anti-Dumping Agreement and with Articles I and X:3 of the GATT 1994. WTO, “Dispute Settlement: DS488; United States—Anti-Dumping Measures on Certain Oil Country Tubular Goods from Korea” (accessed March 16, 2015).

Measures (TRIMs); and Articles 3.1(b), 3.2, 5(c), 6.3(a) and (c), and 25 of the SCM Agreement. The United States requested consultations on February 6, 2013, and after consultations failed to resolve the dispute, on April 14, 2014, the United States requested the establishment of a panel. The DSB established a panel on May 23, 2014, and, following the agreement of the parties, the panel was composed on September 24, 2014.<sup>263</sup>

## **Panels Established during 2014 in which the United States was the Named Respondent**

The DSB established two panels during 2014 in which the United States was the named respondent, one at the request of Korea and the second at the request of China. As of the end of 2014, both of the panels had been composed, with a panel report in the case brought by Korea expected by the end of 2015. The issues raised and the procedural histories of the two disputes are summarized below.

### **United States—Anti-dumping and Countervailing Measures on Large Residential Washers from Korea (DS464)**

In this dispute Korea alleged that U.S. antidumping and countervailing measures relating to large residential washers from Korea are inconsistent with certain articles of the Anti-Dumping Agreement, certain articles of the SCM Agreement, certain provisions of Article VI of the GATT 1994, and Article XVI:4 of the WTO Agreement. Korea requested consultations on August 29, 2013, and after consultations failed to resolve the dispute, on December 5, 2013, Korea requested that a panel be established. The DSB established a panel on January 22, 2014, and the Director-General composed the panel on June 20, 2014. On December 15, 2014, the panel chair informed the DSB that the panel expects to issue its final report by the end of 2015.<sup>264</sup>

### **United States—Certain Methodologies and Their Application to Anti-Dumping Proceedings Involving China (DS471)**

In this dispute China alleged that U.S. use of certain methodologies in antidumping investigations involving Chinese products are inconsistent with certain provisions of Articles 2, 6, and 9 and Annex II of the Anti-Dumping Agreement and Article VI:2 of the GATT 1994. China requested consultations on December 3, 2013, and after consultations failed to resolve the dispute, on February 13, 2014, China requested the establishment of a panel. The DSB established a panel on March 26, 2014, and the Director-General composed the panel on

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<sup>263</sup> WTO, “Dispute Settlement: DS456; India—Certain Measures Relating to Solar Cells and Solar Modules” (accessed March 16, 2015). See also USTR, *2015 Trade Policy Agenda*, 2015, 74–75.

<sup>264</sup> WTO, “Dispute Settlement: DS464; United States—Anti-dumping and Countervailing Measures on Large Residential Washers from Korea” (accessed March 16, 2015). See also USTR, *2015 Trade Policy Agenda*, 2015, 98.

August 28, 2014.<sup>265</sup> No projected date for issuance of a report had been announced as of the end of 2014.

## **Panel and Appellate Body Reports Issued and/or Adopted during 2014 That Involve the United States**

During 2014, the DSB adopted panel and/or Appellate Body reports in original disputes<sup>266</sup> in six cases in which the United States was the complainant or a respondent (table 3.4). The reports in those disputes are summarized below.

### **Reports in which the United States was the Complainant**

#### **India—Measures Concerning the Importation of Certain Agricultural Products from the United States (DS430)**

In this dispute the United States challenged prohibitions imposed by India on the importation of various agricultural products from the United States, purportedly because of concerns about avian influenza. The measures were imposed under the Indian Livestock Importation Act, 1898, and a statutory order issued by India's Department of Animal Husbandry, Dairying, and Fisheries under the Livestock Act. The United States claimed that the measures amounted to an import prohibition that was not based on the relevant international standard (the World Organisation for Animal Health [OIE] Terrestrial Code) or on a scientific risk assessment. It also claimed that India's measures appear to be inconsistent with certain articles of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures and with Articles I and XI of the GATT 1994. The United States requested consultations in this matter on March 6, 2012. On May 11, 2012, after consultations failed to resolve the dispute, the United States requested establishment of a panel. The DSB established a panel on June 25, 2012, and the Director-General composed the panel on February 18, 2013.

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<sup>265</sup> WTO, "Dispute Settlement: DS471; United States—Certain Methodologies and Their Application to Anti-Dumping Proceedings Involving China" (accessed March 16, 2015). See also USTR, *2015 Trade Policy Agenda*, 2015, 98.

<sup>266</sup> As opposed to panel and Appellate Body reports issued in subsequent compliance and other proceedings.

**Table 3.4:** WTO dispute settlement panel and Appellate Body (AB) reports circulated or adopted in 2014 in which the United States was a party

Case no.	Complainant	Respondent	Case name	Date of report circulation or adoption
DS429	Vietnam	United States	United States—Anti-Dumping Measures on Certain Frozen Warmwater Shrimp from Viet Nam	Panel report issued (November 17, 2014) Appealed to AB
DS430	United States	India	India—Measures Concerning the Importation of Certain Agricultural Products from the United States	Panel report issued (October 14, 2014) Appealed to AB
DS431	United States	China	China—Measures Relating to the Exportation of Rare Earths, Tungsten and Molybdenum	AB and panel reports adopted (August 29, 2014)
DS436	India	United States	United States—Countervailing Measures on Certain Hot-Rolled Carbon Steel Flat Products from India	AB and panel reports adopted (December 19, 2014)
DS437	China	United States	United States—Countervailing Duty Measures on Certain Products from China	AB report issued (Dec. 18, 2014) (adopted Jan. 16, 2015)
DS440	United States	China	China—Anti-Dumping and Countervailing Duties on Certain Automobiles from the United States	Panel report adopted (June 18, 2014)
DS444	United States	Argentina	Argentina—Measures Affecting the Importation of Goods	Panel report issued (August 22, 2014) Appealed to AB
DS449	China	United States	United States—Countervailing and Anti-dumping Measures on Certain Products from China	AB and panel reports adopted (July 22, 2014)

Source: Derived from WTO, “Dispute Settlement: The Disputes—Chronological List of Disputes” (accessed March 19, 2014).

The panel issued its report on October 14, 2014. In its report the panel found in favor of the United States. The panel found that India's measures breach its WTO obligations because (1) they are not based on international standards or a risk assessment that takes into account available scientific evidence; (2) they arbitrarily discriminate against U.S. products because India blocks imports while not similarly blocking domestic products; (3) they constitute a disguised restriction on international trade; (4) they are more trade restrictive than necessary, since India could reasonably adopt international standards for the control of avian influenza instead of imposing an import ban; (5) they fail to recognize the concept of disease-free areas and are not adapted to the characteristics of the areas from which products originate and to which they are destined; and (6) they were not properly notified in a manner that would allow the United States and other WTO members to comment on India's restrictions before they went into effect.

On January 26, 2015, India notified the DSB that it would appeal to the Appellate Body certain issues of law and legal interpretation in the panel report.<sup>267</sup>

### **China—Measures Relating to the Exportation of Rare Earths, Tungsten and Molybdenum (DS431)**

In this dispute, the United States challenged China’s restrictions on the export of various forms of rare earths, tungsten, and molybdenum. The restrictions included export duties, export quotas, minimum export price requirements, export licensing requirements, and additional requirements and procedures in connection with the administration of the quantitative restrictions. The United States claimed that these measures were inconsistent with Articles VII, VIII, X, and XI of the GATT 1994 and certain paragraphs of China's Protocol of Accession. The United States requested consultations on March 13, 2012. When consultations failed to resolve the dispute, on June 27, 2012, the United States requested establishment of a panel. On July 23, 2012, the DSB established a single panel to examine this dispute and disputes brought by the EU (DS432) and Japan (DS433). The Director-General composed the panel on September 24, 2012.

The panel issued its report on March 26, 2014. The panel found that the export quotas and export duties that China maintains on various forms of rare earths, tungsten, and molybdenum constitute a breach of WTO rules and that China failed to justify those measures as legitimate conservation measures or environmental protection measures. The panel also found that China's imposition of prior export performance and minimum capital requirements is inconsistent with WTO rules.

On April 8, 2014, the United States notified the DSB of its decision to appeal to the Appellate Body certain issues of law covered in the panel report and certain legal interpretations developed by the panel. On April 17, 2014, China filed an appeal that was limited only to certain aspects of the panel's reasoning and certain intermediate findings (the relationship between specific provisions in China's Accession Protocol and other WTO agreements, and the rights of WTO members to protect and conserve their exhaustible natural resources). China did not appeal any of the final conclusions of the panel.

The Appellate Body issued a report on August 7, 2014, upholding the panel's findings on all significant claims. In particular, the Appellate Body confirmed that China may not seek to justify its imposition of export duties as environmental measures. The Appellate Body also confirmed, while modifying some of the panel's original reasoning, that China had failed to demonstrate that its export quotas were justified as measures for conserving exhaustible natural resources.

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<sup>267</sup> WTO, “Dispute Settlement: DS430; India—Measures Concerning the Importation of Certain Agricultural Products from the United States” (accessed March 19, 2015). See also USTR, *2015 Trade Policy Agenda*, 2015, 74.

On August 29, 2014, the DSB adopted the panel and Appellate Body reports. At the DSB meeting on September 26, 2014, China stated that it intended to implement the DSB's recommendations and ruling, and, with the agreement of the United States, agreed to do so by December 8, 2014.<sup>268</sup>

### **China—Anti-Dumping and Countervailing Duties on Certain Automobiles from the United States (DS440)**

In this dispute the United States alleged that certain antidumping and countervailing duties imposed by China on certain automobiles from the United States appear to breach numerous articles in the Anti-Dumping Agreement and the SCM Agreement as well as Article VI of the GATT 1994. Specifically, the United States claimed that China failed to objectively examine the evidence, and made unsupported findings of injury to China's domestic industry. In addition, the United States claimed that China failed to disclose “essential facts” underlying its conclusions, failed to provide an adequate explanation of its conclusions, improperly used investigative procedures, and failed to provide non-confidential summaries of Chinese submissions. The United States requested consultations on July 5, 2012, and after consultations failed to resolve the dispute, on September 17, 2012, the United States requested the establishment of a panel. The DSB established a panel on October 23, 2012, and the Director-General composed the panel on February 11, 2013.

The panel issued its report on May 23, 2014. The panel found in favor of the United States on nearly all U.S. claims. With regard to substantive errors committed by China's Ministry of Commerce, the panel found that China breached its WTO obligations by improperly determining that U.S. exports were causing injury to the domestic Chinese industry, improperly analyzing the effects of U.S. exports on prices in the Chinese market, and calculating the “all others” dumping margin and subsidy rates for unknown U.S. exporters without a factual basis. In terms of procedural failings, the panel found that China breached its WTO obligations by failing to disclose essential facts to U.S. companies, including how their dumping margins were calculated, and by failing to provide non-confidential summaries of Chinese submissions containing confidential information.

Neither China nor the United States appealed the panel's findings. The DSB adopted the panel report at its meeting on June 18, 2014. In December 2013, after the parties had filed their submissions and the hearings had taken place, but before the panel had issued its report, the

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<sup>268</sup> WTO, “Dispute Settlement: DS431; China—Measures on Related to the Exportation of Rare Earths, Tungsten and Molybdenum” (accessed March 8, 2015). See also USTR, “United States Wins Victory in Rare Earths Dispute,” March 26, 2014; USTR, “U.S. Trade Representative Michael Froman Announces U.S. Victory,” August 7, 2014; and USTR, *2015 Trade Policy Agenda*, 2015, 65.

Ministry of Commerce announced the termination of the antidumping and countervailing duties on American-made cars and sport utility vehicles.<sup>269</sup>

### **Argentina—Measures Affecting the Importation of Goods (DS444)**

In this dispute the United States challenged certain measures imposed by Argentina, including various licensing requirements that have the effect of restricting U.S. exports, as well as burdensome trade-balancing commitments that Argentina required as a condition for authorization to import goods. The United States claimed that the measures appear to be inconsistent with portions of Articles III:4, X, and XI:1 of the GATT 1994; Article 2 of the TRIMs Agreement; portions of Articles 1, 3, and 5 of the Agreement on Import Licensing Procedures; and Article 11 of the Safeguards Agreement. Argentina repealed its product-specific non-automatic import licenses, which had been the subject of consultations and the U.S. panel request on January 25, 2013. But it continued to maintain a discretionary non-automatic import licensing requirement applicable to all goods imported into Argentina, as well as informal trade-balancing and similar requirements. The United States requested consultations on August 21, 2012, and after consultations failed to resolve the dispute, on December 6, 2012, the United States requested the establishment of a panel. On January 28, 2013, the DSB established a single panel to examine this dispute and similar disputes brought by the EU and Japan (DS438 and DS445, respectively), and the Director-General composed the panel on May 27, 2013.

The panel circulated its report to members on August 22, 2014. The panel found Argentina's import licensing requirement and its imposition of trade-balancing requirements to be inconsistent with Article XI of the GATT 1994.

On September 26, 2014, Argentina notified the DSB of its decision to appeal to the Appellate Body certain issues of law and legal interpretation in the panel report. On January 15, 2015, the Appellate Body issued its reports in DS438, DS444, and DS445. The Appellate Body upheld the panel's principal findings, including the panel's finding that Argentina's measure is inconsistent with Article XI:1 of the GATT 1994.<sup>270</sup>

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<sup>269</sup> WTO, "Dispute Settlement: DS440; China—Anti-Dumping and Countervailing Duties on Certain Automobiles from the United States" (accessed March 17, 2015). See also USTR, "United States Wins Trade Enforcement Case against China," May 23, 2014; USTR, "Fact Sheet: WTO Case Challenging Chinese Antidumping and Countervailing Duties," May 23, 2014; and USTR, *2015 Trade Policy Agenda*, 2015, 65.

<sup>270</sup> WTO, "Dispute Settlement: DS444; Argentina—Measures Affecting the Importation of Goods" (accessed March 17, 2015). See also USTR, "United States Prevails in WTO Trade Enforcement Dispute against Argentina's Import Licensing Restrictions," August 22, 2014; USTR, "WTO Appellate Body Affirms U.S. Victory in Trade Enforcement Dispute Against Argentina's Import Licensing Restrictions," January 15, 2015; and USTR, *2015 Trade Policy Agenda*, 2015, 59.



## Reports in which the United States was the Respondent

### United States—Anti-Dumping Measures on Certain Frozen Warmwater Shrimp from Viet Nam (DS429)

In this dispute Vietnam claimed that various U.S. laws, regulations, administrative proceedings, and practices relating to zeroing<sup>271</sup> are inconsistent with U.S. obligations under Articles I:1, VI:1, VI:2, and X:3(a) of the GATT 1994; Articles 1, 2.1, 2.4, 2.4.2, 6, 9, 11, 17.6(i), and Annex II of the Antidumping Agreement; Article XVI:4 of the WTO Agreement; Articles 3.7, 19.1, 21.1, 21.3, and 21.5 of the Dispute Settlement Understanding; and Vietnam’s Protocol of Accession. The request for consultations was filed on February 20, 2012. After consultations failed to resolve the dispute, on December 17, 2012, Vietnam requested the establishment of a panel. The DSB established a panel on February 27, 2013, and the panel was composed on July 12, 2013.

On November 17, 2014, the report of the panel was circulated to members. The panel found that certain of the U.S. Department of Commerce (USDOC) practices challenged by Vietnam are inconsistent with the GATT 1994 and the Antidumping Agreement, but also concluded that Vietnam had failed to establish its factual allegations with respect to a number of claims, including its claims with respect to section 129(c)(1) of the U.S. Uruguay Round Agreements Act (that the U.S. legislation is inconsistent with Articles 1, 9.2, 9.3, 11.1, and 18.1 of the Antidumping Agreement).

On January 6, 2015, Vietnam notified the DSB of its decision to appeal to the Appellate Body certain issues of law and legal interpretation in the panel report.<sup>272</sup>

### United States—Countervailing Measures on Certain Hot-Rolled Carbon Steel Flat Products from India (DS436)

In this dispute India claimed that the imposition of countervailing duties by the United States on certain hot-rolled carbon steel flat products from India was inconsistent with Articles I and VI of the GATT 1994 and with Articles 1, 2, 10–15, 19, 21, and 22 of the SCM Agreement. India requested consultations on April 12, 2012, and after consultations failed to resolve the dispute, on April 24, 2012, India requested establishment of a panel. The DSB established a panel on August 31, 2012, and the Director-General composed the panel on February 18, 2013.

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<sup>271</sup> Before 2006, the U.S. Department of Commerce engaged in a practice called “zeroing,” in which it treated non-dumped transactions as having a zero margin for purposes of computing a weighted average dumping margin for a class or kind of subject merchandise.

<sup>272</sup> WTO, “Dispute Settlement: DS429; United States—Anti-Dumping Measures on Certain Frozen Warmwater Shrimp from Viet Nam” (accessed March 19, 2015). See also USTR, *2015 Trade Policy Agenda*, 2015, 93–94.

The panel report was circulated to members on July 14, 2014. The panel rejected India's claims against U.S. laws and regulations concerning facts available and benchmarks under Articles 12.7 and 14(d) of the SCM Agreement. However, it found that the U.S. statute governing cumulation was inconsistent “as such” with Article 15 of the SCM Agreement because it required the cumulation of both dumped and subsidized imports in the context of countervailing-duty investigations. Consequently, the panel also found the U.S. International Trade Commission's injury determination breached U.S. obligations under Article 15. The panel rejected India's challenges under Article 1.1(a)(1) of the SCM Agreement to USDOC's “public body” findings in two instances, and also rejected most of India's claims concerning USDOC's application of facts available under Article 12.7 in the determination at issue. The panel also rejected most of India's claims against USDOC's specificity determinations under Article 2.1, and its calculation of certain benchmarks used in the proceedings under Article 14(d). The panel found that USDOC's determination that certain low-interest loans constituted “direct transfers” of funds was consistent with Article 1.1(a)(1), but that USDOC's determination that a captive mining program constituted a financial contribution was not consistent with Article 1.1(a). The panel also found that USDOC did not act inconsistently with Articles 11, 13, 21, and 22 of the SCM Agreement when it analyzed new subsidy allegations in the context of review proceedings.

On August 8, 2014, India notified the DSB of its decision to appeal to the Appellate Body certain issues of law and legal interpretation, and the United States filed an appeal on August 13, 2014. The Appellate Body circulated its report to members on December 8, 2014. The Appellate Body upheld the panel's findings regarding the U.S. benchmarks regulation, but found that certain instances of USDOC's application of these regulations was inconsistent with Article 14(d). The Appellate Body also upheld the panel's findings on cumulation, finding that the application of the U.S. statute in the injury determination at issue was inconsistent with Article 15 of the SCM Agreement, and that the U.S. statute was inconsistent with that provision, although on different grounds than those found by the panel. The Appellate Body rejected India's interpretation of “public body” under Article 1.1(a)(1), but reversed the panel's finding that USDOC acted consistently in making the public body determination at issue on appeal. With respect to specificity, the Appellate Body rejected each of India's appeals under Article 2.1(c), as it did with respect to India's challenge to the panel's finding under Article 1.1(a)(i) relating to “direct transfers of funds.” The Appellate Body also reversed the panel's finding that USDOC had acted inconsistently with Article 1.1(a)(1)(iii) in finding that a captive mining program constituted a provision of goods. Finally, the Appellate Body upheld the panel's rejection of India's claims under Articles 11, 13, and 21 regarding new subsidy allegations. The Appellate Body reversed the panel's findings under Article 22 of the SCM Agreement, but was unable to complete the analysis.

The DSB adopted the Appellate Body report and the panel report, as modified, at its meeting on December 19, 2014.<sup>273</sup>

### **United States—Countervailing Duty Measures on Certain Products from China (DS437)**

In this dispute China challenged various aspects of 17 U.S. countervailing-duty investigations on certain products from China, including USDOC's calculation of benchmarks, initiation standard, determination of specificity of the subsidies, use of facts available, and finding that export restraints were a countervailable subsidy. China also challenged USDOC's determination that various Chinese state-owned enterprises were a “public body.” China claimed that the U.S. measures were inconsistent with U.S. obligations under Article VI of the GATT 1994; Articles 1.1, 2, 11.2, 11.3, 12.7, and 14(d) of the SCM Agreement; and Article 15 of China's Accession Protocol. China requested consultations on May 25, 2012, and when consultations failed to resolve the dispute, on August 20, 2012, China requested establishment of a panel. A panel was established on September 28, 2012, and composed on November 26, 2012. The Chinese products covered by these investigations consisted of solar panels, wind towers, thermal paper, coated paper, tow-behind lawn groomers, kitchen shelving, steel sinks, citric acid, magnesia carbon bricks, pressure pipe, line pipe, seamless pipe, steel cylinders, drill pipe, oil country tubular goods, wire strand, and aluminum extrusions.

The panel report was circulated to members on July 14, 2014. The panel found that USDOC's determinations in 12 investigations that certain state-owned enterprises were “public bodies” were inconsistent with Article 1.1(a)(1) of the SCM Agreement, based on the Appellate Body's analysis in DS379. However, the panel found in favor of the United States with respect to China's claims regarding USDOC's calculation of benchmarks, initiation of investigations, and use of facts available, and the panel upheld most of USDOC's specificity determinations. The panel also found that China established that USDOC acted inconsistently with Article 11.3 of the SCM Agreement by initiating countervailing-duty investigations of export restraints.

On August 22, 2014, China appealed the panel's finding regarding USDOC's calculation of benchmarks, specificity determinations, and use of facts available, and on August 27, 2014, the United States appealed the panel's findings that a section of China's panel request setting forth claims related to USDOC's use of facts available was within the panel's terms of reference.

On December 18, 2014, the Appellate Body circulated its report. On benchmarks, the Appellate Body reversed the panel and found that USDOC's determination to use out-of-country

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<sup>273</sup> WTO, “Dispute Settlement: DS436; United States—Countervailing Measures on Certain Hot-Rolled Carbon Steel Flat Products from India” (accessed March 8, 2015). See also USTR, “WTO Rejects the Majority of India's Challenges to U.S. Countervailing Duties,” July 14, 2014; and USTR, *2015 Trade Policy Agenda*, 2015, 94–96.

benchmarks in four countervailing-duty investigations was inconsistent with Articles 1.1(b) and 14(d) of the SCM Agreement. On specificity, the Appellate Body rejected one of China's claims with respect to the order of analysis in de facto specificity determinations. However, the Appellate Body reversed the panel's findings that USDOC did not act inconsistently with Article 2.1 when it failed to identify the “jurisdiction of the granting authority” and “subsidy programme” before finding the subsidy specific. On facts available, the Appellate Body accepted China's claim that the panel's findings regarding facts available are inconsistent with Article 11 of the DSU, and reversed the panel's finding that USDOC's application of facts available was not inconsistent with Article 12.7 of the SCM Agreement. Finally, the Appellate Body rejected the U.S. appeal of the panel's finding that China's panel request failed to meet the requirement of Article 6.2 of the DSU to present an adequate summary of the legal basis to make its claim sufficient to present the problem clearly.<sup>274</sup>

### **United States—Countervailing and Anti-dumping Measures on Certain Products from China (DS449)**

In this dispute China challenged (1) new U.S. legislation in P.L. 112-99 that allows the application of countervailing measures to non-market economy countries; (2) U.S. countervailing-duty determinations or actions made between November 20, 2006, and March 13, 2012, with respect to Chinese products; (3) U.S. antidumping measures associated with the concerned countervailing-duty measures as well as the combined effect of these antidumping measures and the parallel countervailing-duty measures; and (4) the U.S. failure to provide USDOC with legal authority to identify and avoid the double remedies in investigations or reviews initiated between November 2006 and March 2012. China alleged that these measures are inconsistent with Articles 10, 15, 19, 21, and 32 of the SCM Agreement; Articles VI, X:1, X:2, and X:3 of the GATT 1994; and Articles 9 and 11 of the Antidumping Agreement. China filed its request for consultations on September 17, 2012, and after consultations failed to resolve the dispute, on November 30, 2012, China asked for the establishment of a panel. The DSB established a panel on December 17, 2012, and the Director-General composed the panel on March 4, 2013.

The panel issued its report on March 27, 2014. The panel rejected all of China's claims concerning the consistency of P.L. 112-99. However, the panel found that U.S. authorities failed to “investigate and avoid double remedies.” Therefore, the panel found that 25 countervailing-duty proceedings involving imports from China initiated between November 20, 2006, and March 13, 2012, were inconsistent with U.S. WTO obligations.

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<sup>274</sup> WTO, “Dispute Settlement: DS437; United States—Countervailing Duty Measures on Certain Products from China” (accessed March 8, 2015). See also USTR, “WTO Panel Issues a Mixed Result in China's Challenge to U.S. Countervailing Duties,” July 14, 2014; and USTR, *2015 Trade Policy Agenda*, 2015, 96.

On April 8, 2014, China appealed the panel's interpretation of Article X:2 of the GATT 1994. On April 17, 2014, the United States filed its own appeal, challenging the sufficiency of China's panel request under Article 6.2 of the DSU, and requesting reversal of the panel's findings relating to the 25 CVD proceedings involving imports from China.

The Appellate Body issued its report on July 7, 2014. The Appellate Body found that the panel erred in its legal interpretation of Article X:2 of the GATT, and reversed the panel's findings with respect to P.L. 112-99. The Appellate Body was unable to complete the analysis to determine the consistency of P.L. 112-99 with Article X:2 due to the lack of undisputed facts on the record. The Appellate Body found that China's panel request complied with Article 6.2 of the DSU.

On July 22, 2014, the DSB adopted the Appellate Body's recommendations and rulings in the dispute. On August 21, 2014, the United States stated its intention to comply with the DSB's findings.<sup>275</sup>

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<sup>275</sup> WTO, "Dispute Settlement: DS449; China—Countervailing and Anti-Dumping Measures on Certain Products from China" (accessed March 17, 2015). See also USTR, "United States Welcomes WTO's Rejection of China's Challenge to U.S. Countervailing Duty Law, Regrets Findings on Challenge to Specific Proceedings," March 27, 2014; USTR, "China Fails a Second Time in Its Challenge to U.S. Countervailing Duty Law," July 7, 2014; and USTR, *2015 Trade Policy Agenda*, 2015, 97–98.



## Chapter 4

# Other Trade Agreements and Regional Activities

This chapter summarizes trade-related activities during 2014 in two major multilateral organizations—the Organisation for Economic Co-operation and Development (OECD) and the Asia-Pacific Economic Cooperation (APEC) forum. It also covers developments during the year in the negotiation of a Trade in Services Agreement (TISA) and activities conducted under trade and investment framework agreements (TIFAs).

## Organisation for Economic Co-operation and Development

### Ministerial Council Meeting

The 2014 OECD Ministerial Council met May 6–7, 2014, focusing on broad themes pertaining to economic progress in the major advanced economies, as well as in the major emerging market economies. These themes touched on a range of issues, including how to promote resilient economies and inclusive societies, new approaches to economic challenges, environmentally sustainable growth, how to strengthen the multilateral trade system, promotion of a better business climate, outreach to global economic partners, economic development, and improving the efficiency and productivity of the OECD itself.<sup>276</sup>

On the subject of trade, ministers expressed concern that the 2008–09 global economic downturn has given way to weak trade and investment flows. This weak recovery, in turn, has economic and social implications for the functioning of global value chains, job creation, innovation, and economic growth. Among other points, ministers reiterated strong support for OECD's work on global value chains and for joint OECD-WTO work on the Trade in Value Added (TIVA) database. During the ministerial meeting, the OECD also launched its Services Trade Restrictiveness Index to help further trade analysis. Ministers stressed the need for continued government efforts to remove barriers both at the border and behind the border. They agreed

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<sup>276</sup> OECD, Council, “Meeting of the Council at Ministerial Level, 6–7 May 2014—2014 Ministerial Council Statement (Adopted at the Council Meeting at Ministerial Level on 7 May 2014),” C/MIN(2014)15/FINAL, May 7, 2014.

that domestic regulatory reform and policies to liberalize trade in services are vital to generating further economic benefits available through global value chains.<sup>277</sup>

## Trade Committee

The Trade Committee held three meetings in 2014: February 12, May 27–28, and November 5. At the 163rd session of the Trade Committee in February, the committee heard reports that included plans for completing the Services Trade Restrictiveness Index. The committee also heard an update on the status of the OECD Southeast Asia regional program, a global outreach strategy designed to engage countries in the region more systematically on trade as well as on other topics of mutual interest.<sup>278</sup>

At the committee's 164th session in May, the OECD Secretariat reported further on outreach efforts to Southeast Asian countries, particularly in the areas of global value chains, trade facilitation, and the Services Trade Restrictiveness Index with the APEC countries. The committee also discussed upcoming events under the auspices of the Trade Committee, notably the Global Forum on Trade, and planned activities with the Group of 20 (G20)<sup>279</sup> trade ministers. The secretariat also updated the committee on progress in the Market Openness Review of Colombia.<sup>280</sup>

In November, the Trade Committee held its 165th session. It gauged progress made on its 2013–14 work and budget program, and considered upcoming topics under its 2015–16 work program, notably on global value chains, the economics of the Internet, and aligning government policies toward transition to lower-carbon energy emissions.<sup>281</sup> In addition, on

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<sup>277</sup> OECD, Council, "Meeting of the Council at Ministerial Level, 6–7 May 2014—Chair's Summary," C/MIN(2014)16, May 7, 2014.

<sup>278</sup> OECD, TAD, TC, "Summary Record: 163rd Session of the Trade Committee—Confidential—12 February 2014," TAD/TC/M(2014)1, May 13, 2014.

<sup>279</sup> The Group of Twenty represents the 20 major advanced and emerging world economies. See G20, G20 Members, <http://g20.org/> (accessed March 12, 2014).

<sup>280</sup> OECD, TAD, TC, "Summary Record: 164th Session of the Trade Committee—Plenary Session, 27–28 May 2014," TAD/TC/M(2014)2, September 15, 2014; OECD, TAD, TC, "Summary Record: 164th Session of the Trade Committee—Confidential Session, 27–28 May 2014," TAD/TC/M(2014)2/ANN, September 15, 2014. Market Openness Reviews are conducted by the OECD Trade Committee as part of the OECD accession process. The process involves a review of the country's trade policy and identification of best practices. For example, in 2011, the OECD completed four country reviews (Chile, Estonia, Israel, and Slovenia), which examined domestic regulations and their direct or indirect effects on international competition. As a result of these reviews, the OECD recommended policy options for improving the domestic regulatory framework of international trade and investment liberalization. See OECD, "Reviews of Market Openness: Chile, Estonia, Israel and Slovenia" <http://www.oecd.org/tad/tradedev/reviewsofmarketopennesschileestoniaisraelandslovenia.htm> (accessed July 2, 2015).

<sup>281</sup> OECD, TAD, TC, "Summary Record: 165th Session of the Trade Committee—Plenary Session—6 November 2014," TAD/TC/M(2014)3, December 18, 2014.



November 5, 2014, the Trade Committee convened to discuss ongoing efforts to support the G20 trade policy agenda, including work undertaken jointly by the OECD and International Monetary Fund to assess the potential contribution of trade-related structural reform on boosting economic growth and employment.<sup>282</sup> The committee also discussed ongoing OECD work on the impact of fossil fuel subsidies, related policy reforms, and the trade implications of such subsidies.

## Asia-Pacific Economic Cooperation

### Background

Established in 1989 and composed of 21 member economies, the Asia-Pacific Economic Cooperation (APEC) is a regional economic forum.<sup>283</sup> Since its inception, APEC has aimed to increase prosperity in the region by accelerating regional economic integration and promoting inclusive and sustainable growth.<sup>284</sup> APEC decisions are made by consensus and commitments are undertaken voluntarily.<sup>285</sup>

The operational structure of APEC is divided into the policy level and the working level. At the policy level, the annual APEC Economic Leaders' Meeting sets overarching policy direction; an annual APEC ministerial meeting, sectoral ministerial meetings, and an APEC Business Advisory Council meeting provide strategic policy recommendations. At the working level, four core committees, including the Committee on Trade and Investment (CTI), carry out activities and projects. Subcommittees, experts' groups, working groups, and task forces support the activities and projects led by these four core committees.<sup>286</sup> The APEC Secretariat, based in Singapore, supports the APEC process by providing coordination, technical and advisory support, information management, communications, and public outreach services.<sup>287</sup>

In 1994, at a meeting in Bogor, Indonesia, member economies adopted the Bogor Goals of creating a free and open trade and investment area in the Asia-Pacific by 2010 for industrialized member economies and by 2020 for developing member economies. APEC works in three key areas toward the Bogor Goals: (1) trade and investment liberalization that reduces and

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<sup>282</sup> OECD, TAD, TC, "Summary Record: 165th Session of the Trade Committee—G20 Session—5 November 2014," TAD/TC/M(2014)4/ADD, December 18, 2014.

<sup>283</sup> In 2014, the 21 APEC member economies were Australia; Brunei Darussalam (Brunei); Canada; Chile; China; Hong Kong, China; Indonesia; Japan; South Korea; Malaysia; Mexico; New Zealand; Papua New Guinea; Peru; the Philippines; Russia; Singapore; Taiwan (Chinese Taipei); Thailand; the United States; and Vietnam. For further details, see "About APEC," <http://www.apec.org/About-Us/About-APEC.aspx> (accessed on February 24, 2015).

<sup>284</sup> APEC, *APEC at a Glance*, 2015.

<sup>285</sup> Ibid.

<sup>286</sup> APEC, "About Us: How APEC Operates" (accessed on February 24, 2015).

<sup>287</sup> APEC, *APEC at a Glance*, 2015.

eventually eliminates tariff and nontariff barriers to trade and investment; (2) business facilitation, which focuses on reducing business transaction costs, improving access to trade information, and aligning policy and business strategies to facilitate growth and free, open trade; and (3) economic and technical cooperation that provides training in all APEC member economies to build their capacities to take advantage of global trade.<sup>288</sup>

In order to make progress on achieving the Bogor Goals, APEC member economies follow the strategic roadmap agreed upon in Osaka, Japan, in 1995, also known as the Osaka Action Agenda. This agenda provides a framework and sets up these general principles: comprehensiveness; WTO-consistency; comparability; nondiscrimination; transparency; standstill (i.e., taking no measures that increase levels of protection); simultaneous start, continuous process, and differentiated timetables; flexibility; and cooperation.<sup>289</sup>

APEC member economies report progress towards achieving free and open trade and investment goals through Individual Action Plans, which each must submit to APEC annually. As specified in the Osaka Action Agenda, APEC member economies report progress in the following areas: tariffs, nontariff measures, services, investment, standards and conformance, customs procedures, intellectual property rights, competition policy, government procurement, deregulation/regulatory review, WTO obligations, dispute mediation, mobility of business people, information gathering and analysis, transparency, and regional trade agreements (RTAs) or free trade agreements (FTAs). APEC also issues Collective Action Plans, which detail the collective actions and progress in the above areas for all APEC member economies.<sup>290</sup>

Part of APEC's work toward the Bogor Goals is the Regional Economic Integration agenda. This multi-year program includes analysis of existing RTAs and FTAs, the establishment of model measures for FTAs, and an examination of the prospect for a single, region-wide FTA, commonly known as the Free Trade Area of the Asia-Pacific (FTAAP).<sup>291</sup>

## 2014 APEC Developments

In 2014, under the chairmanship of China, APEC focused on “advancing regional economic integration, promoting innovative development, economic reform and growth, and strengthening comprehensive connectivity and infrastructure development.”<sup>292</sup> At the 2014 APEC meetings, a variety of issues were addressed, including cross-border infrastructure

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<sup>288</sup> APEC, “About Us: Scope of Work” (accessed on February 24, 2015).

<sup>289</sup> APEC, “About Us: Action Plans” (accessed on February 25, 2015).

<sup>290</sup> Ibid.

<sup>291</sup> APEC, “Regional Economic Integration Agenda” (accessed on January 14, 2014).

<sup>292</sup> APEC, “APEC China 2014 Commences in Ningbo,” February 22, 2014.

investment; support for small, medium, and micro-enterprises; promoting a more active role for women in the economy; food security and trade; and green growth.<sup>293</sup>

The CTI reported substantial progress in the following areas in 2014: (1) building capacity to support member economies in implementing their commitments to reduce applied tariffs on the 54 products on the 2012 APEC List of Environmental Goods to 5 percent or less by the end of 2015; (2) establishing a model E-Port network to share best practices in applying information technology to improve maritime port efficiency; (3) agreeing in principle to extend the validity period of the APEC Business Travel Card from three to five years, with a target implementation date of August 2015; and (4) taking actions to support the adoption and maintenance of technical standards that will facilitate more trade in electric vehicles.<sup>294</sup> Progress in 2014 on the Bogor Goals, FTAAP, and global value chain (GVC) cooperation are described separately in the sections below.

## The Bogor Goals

In August 2014, APEC published the *2014 Bogor Goals Progress Report*, which assessed progress made by its 21 member economies toward achieving the Bogor Goals in recent years. The report cited the following major achievements as well as areas for improvement:

- *Tariffs*: the overall reduction of the APEC average MFN tariff rate since 2010 has been marginal. Average MFN tariff rates in non-agricultural products declined, while average MFN tariff rates for agricultural products increased;
- *Nontariff measures (NTMs)*: while there was progress in eliminating some NTMs, new NTMs were also imposed (e.g., export restrictions and taxes). The number of NTM measures affecting trade in APEC economies increased during the period mid-October 2012/mid-November 2013 compared to the similar period a year earlier;
- *Services*: APEC economies have eased some market access requirements for foreign firms and thus experienced increasing participation of foreign firms in a number of services sectors. However, restrictions in terms of market access, national treatment, local presence, and local content remain common in some services sectors;
- *Investment*: APEC economies have been implementing policies to improve investment conditions. Examples include relaxing conditions for foreign ownership in particular sectors; reducing restrictions on repatriation of capital, profits, or royalties; lowering taxes or avoiding double taxation; and simplifying administrative procedures. However, investment

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<sup>293</sup> APEC, "Events," <http://www.apec.org/Events-Calendar.aspx> (accessed on February 25, 2014).

<sup>294</sup> APEC, *APEC Committee on Trade and Investment 2014 Annual Report*, November 2014.

restrictions, such as the use of a negative list<sup>295</sup> and/or investment thresholds in certain sectors, remain persistent, undermining the overall investment environment.

- *Customs procedures:* APEC economies have reported progress in simplifying customs procedures and reducing time to export/import by implementing and expanding the Single Window, Authorized Economic Operator (AEO) programs, and non-intrusive inspection systems through modern scanners. As a result, in 2013, the average time to export/import a container in APEC economies was reduced by 0.5 day in comparison to 2011 and by 1.5 days in comparison to 2008.<sup>296</sup>

At the APEC Economic Leaders' Meeting in Beijing on November 10–11, participants noted the significant progress made towards achieving the Bogor Goals, reaffirmed their commitment to fully achieve the Bogor Goals by 2020, and urged all member economies, particularly developed ones, to take more concrete actions toward attaining the Bogor Goals.<sup>297</sup>

## Free Trade Area of the Asia-Pacific (FTAAP)

In 2006, APEC economies agreed to examine the long-term prospect of a FTAAP.<sup>298</sup> In 2010, APEC leaders instructed APEC members to take concrete steps toward the realization of FTAAP,<sup>299</sup> and that FTAAP should be pursued as a comprehensive free trade agreement.<sup>300</sup>

At the 2014 APEC Economic Leaders' Meeting, APEC leaders announced that “APEC should make more important and meaningful contributions as an incubator to translate the FTAAP from vision to reality,” and endorsed the Beijing Roadmap for APEC's Contribution to the Realization of the FTAAP. This roadmap lists the following steps to achieving the FTAAP:

- (1) Launching a collective strategic study on the issues related to realizing the FTAAP;
- (2) Increasing transparency of existing and recently concluded RTAs/FTAs by advancing work under the APEC Information Sharing Mechanism on RTAs/FTAs;
- (3) Continuing capacity-building activities in pursuit of the FTAAP under the Action Plan Framework of the second Capacity Building Needs Initiative;
- (4) Accelerating “at the border” trade liberalization and facilitation efforts, improving the business environment “behind the border,” and enhancing regional connectivity “across the border”; and

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<sup>295</sup> A “negative list” lists those sectors where investments are explicitly excluded from the terms of the agreement.

<sup>296</sup> APEC, *APEC's Bogor Goals Progress Report (as of 8 August 2014)*, August 2014.

<sup>297</sup> APEC, “2014 APEC Ministerial Meeting Joint Ministerial Statement,” November 8, 2014; *2014 Leaders' Declaration*, November 11, 2014.

<sup>298</sup> APEC, “Pathways to FTAAP,” November 14, 2010.

<sup>299</sup> APEC, “APEC Ministers Renew Commitment to Resist Protectionism,” November 11, 2010.

<sup>300</sup> APEC, “Pathways to FTAAP,” November 14, 2010.

(5) Strengthening engagement with the business sector via the APEC Business Advisory Council and other direct routes.<sup>301</sup>

## Advancing Global Value Chain Development and Supply Chain Connectivity

In 2014, APEC member economies endorsed the APEC Strategic Blueprint for Promoting Global Value Chains Development and Cooperation as the mechanism they would use to strengthen economic cooperation within the global and regional value chain network.<sup>302</sup> The blueprint responded to the agreement of APEC leaders in 2013 to promote global value chain (GVC) development and cooperation in the APEC region on the basis of previous work on connectivity.<sup>303</sup> The blueprint listed the actions that APEC economies agreed to take, including addressing trade and investment issues that impact GVCs, cooperating on improving statistics related to GVCs, maximizing the contribution of services and services trade to GVCs in the region, enabling developing economies to better participate in GVCs, helping small and medium-sized enterprises (SMEs) to benefit from GVCs, improving the investment climate for GVC development, adopting effective trade facilitation measures, enhancing GVCs' resiliency, encouraging private-public partnerships for GVCs, and strengthening collaboration with other stakeholders on GVCs.<sup>304</sup>

The CTI noted progress in several areas related to GVC initiatives in 2014. These included continuing the initiative on manufacturing services in supply chains/value chains; starting the initiative on developing the APEC Trade in Value Added database; making progress on integrating SMEs into GVCs in major industries such as IT/electronics, textiles, automotive, and agribusiness; finalizing the diagnostic reports on regional supply chain weaknesses/chokepoints; and beginning capacity-building activities to improve regional supply chain performance in the areas of pre-arrival processing, expediting shipments, release of goods, advance rulings, and electronic payments.<sup>305</sup>

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<sup>301</sup> APEC, "2014 Leaders' Declaration: Annex A: The Beijing Roadmap," November 11, 2014.

<sup>302</sup> The term global value chains (GVCs) refers to the phenomenon that different stages of production processes are located across different countries. For more information, see OECD, "Global Value Chains," n.d.

<sup>303</sup> APEC, "2014 Leaders' Declarations: Annex B: APEC Strategic Blueprint," November 11, 2014.

<sup>304</sup> Ibid.

<sup>305</sup> APEC, *APEC Committee on Trade and Investment 2014: Annual Report to Ministers*, November 2014.

## Negotiations on a Trade in Services Agreement

In April 2013, negotiations were launched on a Trade in Services Agreement (TISA) among a group of WTO members.<sup>306</sup> Taken together, this group represented roughly two-thirds of world services trade with a combined services market of over \$30 trillion, according to the U.S. State Department.<sup>307</sup> At the end of 2014, the 23 TISA participants were Australia; Canada; Chile; Colombia; Costa Rica; the EU; Hong Kong, China; Iceland; Israel; Japan; Korea; Liechtenstein; Mexico; New Zealand; Norway; Pakistan; Panama; Paraguay; Peru; Switzerland; Taiwan; Turkey; and the United States.<sup>308</sup>

After four negotiating rounds in 2013, participants had agreed on six major topics to be attached as annexes to a completed agreement. These six major areas initially covered domestic regulation and transparency; financial services; information and communications technology (ICT) services, including electronic commerce; movement of natural persons (temporary entry of business persons); professional services, including computer services; and transportation services, covering maritime transport.

The fifth round of TISA negotiations was held February 17–24, 2014, and was chaired by the EU. During this round, market-access negotiations were opened with 21 of 23 participants submitting initial offers.<sup>309</sup> In addition, participants continued discussions on the annexes, agreeing to draw up negotiating texts in these areas from proposals submitted to date.

The sixth round was held April 28–May 2, 2014, and was chaired by Australia. Market-access negotiations continued, with discussions focused on the six annexes. The participants agreed to add air transport to the transportation annex.

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<sup>306</sup> In early 2012, a group of WTO members opened exploratory talks on the possibility of a trade in services agreement to help advance the liberalization of services trade. Although active participation in the group has varied since these first discussions, the initial 16 participants included Australia; Canada; Chile; Colombia; the European Union; Hong Kong, China; Japan; South Korea; Mexico; New Zealand; Norway; Pakistan; Singapore (later left the group); Switzerland; Taiwan; and the United States. For further details, see USITC, *The Year in Trade 2013: Operation of the Trade Agreements Program, 65th Report*, July 2014, 100–101.

<sup>307</sup> USDOS, “Encouraging Active Participation in the Trade in Services Agreement (TISA) Negotiations (State 091920),” July 28, 2014, par. 3.

<sup>308</sup> Pakistan and Paraguay have attended TISA talks since 2013, although irregularly. USDOS, “Encouraging Active Participation in the Trade in Services Agreement (TISA) Negotiations (State 091920),” July 28, 2014, par. 4–6. USDOS, “Trade in Services Agreement (TISA) Negotiations Proceed While Substantive Issues Are Discussed in Ninth Round (State 000546),” January 5, 2015, par. 3. Uruguay joined the negotiations for the first time in February 2015, becoming the 24th participant.

<sup>309</sup> Government of Australia, DFAT, “Trade in Services Agreement,” n.d. (accessed February 26, 2015).

The seventh negotiating round was held June 23–27, 2014, and was chaired by the United States. Negotiations continued on the six annexes. Talks on the transportation sector covered air and maritime transport services, and new proposals covering road transport and competitive delivery services were considered.<sup>310</sup>

The eighth negotiating round was held September 21–25, 2014, and was chaired by the EU. Negotiators continued to make progress on the six annexes.<sup>311</sup> The participants agreed to expand the transportation service sector once again to now cover air, maritime, and road transport and competitive delivery services.<sup>312</sup> They also discussed possible new proposals that would address direct selling services, environmental services, and government procurement.<sup>313</sup> The participants further agreed to expand discussions on market access to include talks between negotiating sessions.

The ninth negotiating round was held December 1–5, 2014, and was chaired by Australia. Discussions continued on the six annexes. Participants considered proposals upcoming in 2015, notably those involving environmental and energy services, services facilitating patient mobility, and government procurement. Parties also reported on progress in bilateral market-access discussions, held since the eighth TISA round in September.<sup>314</sup>

## Trade and Investment Framework Agreements

At yearend 2014, the United States had entered into 50 trade and investment framework agreements (table 4.1). TIFAs provide a strategic framework and principles for dialogues on trade and investment issues between the United States and various trading partners. These TIFAs cover a range of issues, including market access, labor, the environment, IPR protection,

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<sup>310</sup> Government of Australia, DFAT, “Trade in Services Agreement,” n.d. (accessed February 26, 2015).

<sup>311</sup> Ibid.

<sup>312</sup> USDOS, “Trade in Services Agreement (TISA) Negotiations Make Slow Progress in Eighth Round (State 123984),” October 20, 2014, par. 2.

<sup>313</sup> Government of Australia, DFAT, “Trade in Services Agreement,” n.d. (accessed February 26, 2015).

<sup>314</sup> Ibid. The 10th round was held February 9–13, 2015, chaired by the United States, and was attended by Uruguay for the first time. Parties focused on the six annexes and also considered proposals put forward in new areas—environmental and energy services, services facilitating patient mobility, and government procurement. The 11th round was held April 13–17, 2015. Government of Australia, DFAT, “Trade in Services Agreement,” n.d. (accessed March 25, 2015); USDOS, “Trade in Services Agreement (TISA) Negotiations Make Slow Progress in Eighth Round (State 123984),” October 20, 2014, par. 1.

**Table 4.1:** United States Trade and Investment Framework Agreements in 2014

Type and name	Date signed
<b>Bilateral</b>	
U.S.-Afghanistan TIFA	September 21, 2004
U.S.-Algeria TIFA	July 13, 2001
U.S.-Angola TIFA	May, 2009
U.S.-Bahrain TIFA <sup>a</sup>	June 18, 2002
U.S.- Bangladesh TICFA	November 25, 2013
U.S.-Brunei TIFA	December 16, 2002
U.S.-Burma TIFA	May 21, 2013
U.S.-Cambodia TIFA	July 14, 2006
U.S.-Egypt TIFA	July 1, 1999
U.S.-Georgia TIFA	June 20, 2007
U.S.-Ghana TIFA	February 26, 1999
U.S.-Iceland TICF	January 15, 2009
U.S.-Indonesia TIFA	July 16, 1996
U.S.-Iraq TIFA	July 11, 2005
U.S.-Kuwait TIFA	February 6, 2004
U.S.-Lebanon TIFA	November 30, 2006
U.S.-Liberia TIFA	February 15, 2007
U.S.-Libya TIFA	May 20, 2010
U.S.-Malaysia TIFA	May 10, 2004
U.S.-Maldives TIFA	October 17, 2009
U.S.-Mauritius TIFA	September 18, 2006
U.S.-Mongolia TIFA	July 15, 2004
U.S.-Mozambique TIFA	June 21, 2005
U.S.-Nepal TIFA	April 15, 2011
U.S.-New Zealand TIFA	October 2, 1992
U.S.-Nigeria TIFA	February 16, 2000
U.S.-Oman TIFA <sup>a</sup>	July 7, 2004
U.S.-Pakistan TIFA	June 25, 2003
U.S.-Philippines TIFA	November 9, 1989
U.S.-Qatar TIFA	March 19, 2004
U.S.-Rwanda TIFA	June 7, 2006
U.S.-Saudi Arabia TIFA	July 31, 2003
U.S.-South Africa TIFA	February 18, 1999
U.S.-Sri Lanka TIFA	July 25, 2002
U.S.-Switzerland TICF	May 25, 2006
U.S.-Thailand TIFA	October 23, 2002
U.S.-Tunisia TIFA	October 2, 2002
U.S.-Turkey TIFA	September 29, 1999
U.S.-Ukraine TICA	April 1, 2008
U.S.-United Arab Emirates TIFA	March 15, 2004



Type and name	Date signed
U.S.-Uruguay TIFA <sup>b</sup>	January 25, 2007
U.S.-Vietnam TIFA	June 21, 2007
U.S.-Yemen TIFA	February 6, 2004
<b>Regional</b>	
U.S.-Association of Southeast Asian Nations (ASEAN) TIFA <sup>c</sup>	August 25, 2006
U.S.-Caribbean Community (CARICOM) TIFA <sup>d</sup>	May 28, 2013
U.S.-Central Asian TIFA (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan)	June 1, 2004
U.S.-Common Market for Eastern and Southern Africa (COMESA) TIFA <sup>e</sup>	October 29, 2001
U.S.-East African Community TIFA (Burundi, Kenya, Rwanda, Tanzania, and Uganda)	July 16, 2008
U.S.-Economic Community of West African States (ECOWAS) <sup>f</sup>	August 5, 2014
U.S.-GCC Framework Agreement for Trade, Economic, Investment, and Technical Cooperation (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates)	September 25, 2012
U.S.-West African Economic and Monetary Union (WAEMU) TIFA <sup>g</sup>	April 24, 2002

Source: USTR, "Trade and Investment Framework Agreements," n.d. (accessed March 5, 2015); USTR, "United States and West African Nations Sign Agreement Promoting Trade," April 24, 2002; USTR, "East African Community," n.d. (accessed April 8, 2015).

Note: TICF stands for Trade and Investment Cooperation Forum, TICA stands for Trade and Investment Cooperation Agreement, and TICFA stands for Trade and Investment Cooperation Forum Agreement. All are still considered TIFAs by USTR. For more information, see USTR, <https://ustr.gov/trade-agreements/trade-investment-framework-agreements>.

<sup>a</sup> Bahrain and Oman have both FTAs and TIFAs in effect with the United States.

<sup>b</sup> On October 2, 2008, the United States and Uruguay signed a TIFA protocol on Trade and Environment, and a TIFA protocol on Trade Facilitation.

<sup>c</sup> The 10 countries of ASEAN are Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand, and Vietnam.

<sup>d</sup> The 15 members of CARICOM are Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago. It also has 5 associate members: Anguilla, Bermuda, British Virgin Islands, Cayman Islands, and Turks and Caicos Islands.

<sup>e</sup> The 19 members of COMESA are Burundi, Comoros, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia, and Zimbabwe.

<sup>f</sup> The 15 members of ECOWAS are Benin, Burkina Faso, Cabo Verde, Côte d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo.

<sup>g</sup> The 8 members of WAEMU are Benin, Burkina Faso, Côte d'Ivoire, Guinea-Bissau, Mali, Niger, Senegal, and Togo.

and capacity building.<sup>315</sup> TIFA councils meet to discuss these issues on a regular basis (generally annually).<sup>316</sup> In 2014, one new TIFA was signed, and various TIFA councils met.

## Developments in New TIFAs during 2014

During the August 2014 U.S.-Africa Leaders' Summit, the United States announced that it had signed a TIFA with the Economic Community of West African States (ECOWAS). The aim of the TIFA is to provide a mechanism for expanding trade not only between the United States and the 15 members of ECOWAS, but also within the ECOWAS region.<sup>317</sup> U.S. imports from ECOWAS

<sup>315</sup> USTR, "Trade and Investment Framework Agreements," n.d. (accessed March 5, 2015).

<sup>316</sup> Ibid.

<sup>317</sup> USTR, "The United States and the Economic Community of West African States," August 5, 2015.

were valued at \$5.57 billion in 2014, and exports to the region totaled \$9.78 billion.<sup>318</sup> The top three imports were crude petroleum (\$2.7 billion), cocoa beans (\$966 million), and light oils (\$696 million), which made up over 77 percent of all U.S. imports from ECOWAS in 2014.<sup>319</sup> The top three U.S. exports to ECOWAS were crude petroleum (\$1.8 billion), light oils (\$1.5 billion), and passenger motor vehicles with cylinder capacity between 1,500 and 3,000 cc (\$887 million). These accounted for just over 42 percent of all U.S. exports to ECOWAS in 2014.<sup>320</sup>

## Developments in Existing TIFAs during 2014

During 2014, the following TIFA councils met:

- On March 5, the inaugural meeting of the U.S.-Iraq TIFA Council took place. The parties discussed various trade and investment issues, including the investment climate, business development, government procurement, import policies, labor, agricultural trade, and service sector issues.<sup>321</sup>
- On March 11, at the eighth meeting of the U.S.-Nigeria TIFA Council, discussions centered on improving market access, utilization of AGOA, IPR protection, implementation of the WTO Trade Facilitation Agreement, and improving the bilateral investment climate between the two countries.<sup>322</sup>
- On March 19–20, during the U.S.-Philippines TIFA Council meeting, the two countries agreed to a program of expanded engagement on bilateral, regional, and multilateral issues.<sup>323</sup> Specifically, agriculture, IPR, workers' rights, and the proposed Trans-Pacific Partnership agreement were discussed.
- On April 1, the United States hosted the second meeting of the U.S.-Angola TIFA Council. Trade and investment between the two countries, SMEs, AGOA utilization, IPR protection, agriculture, and bilateral investment opportunities were discussed.<sup>324</sup>
- On April 5, the eighth round of the U.S.-Taiwan TIFA Council meetings was held in Washington DC. The United States welcomed recent Taiwanese progress on improving

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<sup>318</sup> USITC, DataWeb (accessed March 13, 2015); data compiled from official statistics of the U.S. Department of Commerce for the 2010–14 period, reflecting all official revisions of previously published data up to June 2014.

<sup>319</sup> Ibid.

<sup>320</sup> Ibid.

<sup>321</sup> USTR, “United States and Iraq Hold Inaugural Trade and Investment Framework Agreement Meeting,” March 5, 2014.

<sup>322</sup> USTR, “United States and Nigeria Hold 8th Trade and Investment Framework Agreement Meeting,” March 11, 2014.

<sup>323</sup> USTR, “United States and Philippines Commit to Intensified Engagement on Trade,” March 20, 2014.

<sup>324</sup> USTR, “United States and Angola Hold Second Trade and Investment Framework Agreement Meeting,” April 1, 2014.

trade secrets protection and addressing various pharmaceutical issues. In addition, the two sides discussed various outstanding agricultural trade issues.<sup>325</sup>

- On May 14, at a U.S.-Pakistan TIFA Council meeting, the two sides agreed to a joint action plan to expand bilateral trade and investment flows over the next five years.<sup>326</sup> The plan's goals include (1) diversifying agricultural production; (2) enhancing intellectual property protection; (3) implementing the WTO Trade Facilitation Agreement; (4) engaging on Pakistan's accession to the WTO Government Procurement Agreement; (5) increasing trade in services; (6) outreach to U.S. state and local governments; (7) promoting entrepreneurship; and (8) increasing dialogue between the countries' respective private sectors.<sup>327</sup>
- On June 11, the ninth meeting of the U.S.-Central Asia TIFA Council met in Washington, DC, to discuss WTO membership, customs, investment, standards and sanitary measures, and procurement.<sup>328</sup>
- Lastly, on June 16, the U.S.-Tunisia TIFA Council met to discuss various key areas of trade and investment. Topics included market access, services, investment, IPR, product standards, export and investment promotion, SMEs, and female labor force participation.<sup>329</sup>

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<sup>325</sup> USTR, "United States and Taiwan Enhance Trade Ties," April 5, 2014.

<sup>326</sup> USTR, "Joint Statement from the Seventh Meeting of the U.S.-Pakistan TIFA Council," May 14, 2014.

<sup>327</sup> Ibid.

<sup>328</sup> USTR, "Joint Statement from the United States-Central Asia Trade and Investment Framework Agreement (TIFA) Council Meeting," June 19, 2014.

<sup>329</sup> USTR, "Joint Statement of the U.S.-Tunisia Council on Trade and Investment," June 15, 2014.



# Chapter 5

## U.S. Free Trade Agreements

This chapter summarizes developments related to U.S. free trade agreements (FTAs) during 2014. It describes trends in U.S. merchandise trade with FTA partners, the status of U.S. FTA negotiations during the year, and developments in FTAs already in force, including major activities and dispute settlement developments involving the North American Free Trade Agreement (NAFTA). The online interactive merchandise trade dashboards that accompany the *Year in Trade 2014* report can be used for further analysis of U.S. trade under various FTAs.

### U.S. Trade with FTA Partners in 2014

The United States was party to 14 FTAs as of December 31, 2014.<sup>330</sup> FTAs in force during 2014 were the U.S.-Panama Trade Promotion Agreement (TPA) (which entered into force in 2012); the U.S.-Colombia TPA (2012); the U.S.-Korea FTA (2012); the U.S.-Oman FTA (2009); the U.S.-Peru TPA (2009); a multiparty FTA with the countries of Central America and the Dominican Republic (CAFTA-DR) that includes the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua (entered into force 2006–07) and Costa Rica (2009); the U.S.-Bahrain FTA (2006); the U.S.-Morocco FTA (2006); the U.S.-Australia FTA (2005); the U.S.-Chile FTA (2004); the U.S.-Singapore FTA (2004); the U.S.-Jordan FTA (2001); NAFTA, with Canada and Mexico (1994); and the U.S.-Israel FTA (1985).<sup>331</sup>

### U.S. Total Merchandise Trade with FTA Partners

In 2014, two-way total merchandise trade between the United States and its 20 FTA partners amounted to \$1.6 trillion, accounting for 40.1 percent of total U.S. merchandise trade with the world. U.S. exports to FTA partners were valued at \$765.2 billion, a 4.3 percent increase from \$733.3 billion in 2013. U.S. imports from FTA partners were valued at \$826.9 billion, a 3.4 percent increase from \$799.9 billion in 2013 (table 5.1).

U.S. trade with FTA partners is dominated by trade with NAFTA countries (Canada and Mexico). In 2014, NAFTA countries accounted for 74.9 percent of total U.S. trade with its FTA partners, or \$1.2 trillion. Two-way trade with NAFTA countries increased by 4.5 percent from 2013, and the

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<sup>330</sup> Since the U.S.-Singapore FTA in 2004, the modifications to the Harmonized Tariff Schedule of the United States (HTS) required to implement each FTA can be found at USITC, Tariff Affairs, Modifications to the Harmonized Tariff Schedule, [http://www.usitc.gov/tariff\\_affairs/modifications\\_hts.htm](http://www.usitc.gov/tariff_affairs/modifications_hts.htm).

<sup>331</sup> USTR, “Free Trade Agreements” (accessed April 8, 2015).

U.S. merchandise trade deficit with its NAFTA partners increased by 2.8 percent to \$87.8 billion in 2014 (table 5.1).

**Table 5.1:** U.S. merchandise trade with FTA partners, by FTA partner, 2012–14

FTA partner	2012	2013	2014	% change 2013–14
	Million \$			
<b>U.S. total exports</b>				
NAFTA	508,558	527,689	552,451	4.7
Canada	292,651	301,610	312,125	3.5
Mexico	215,907	226,079	240,326	6.3
Non-NAFTA	189,050	205,636	212,757	3.5
Israel	14,271	13,747	15,074	9.6
Jordan	1,766	2,084	2,052	-1.5
Chile	18,772	17,515	16,630	-5.0
Singapore	30,526	30,672	30,532	-0.5
Australia	31,160	26,130	26,668	2.1
Morocco	2,175	2,482	2,068	-16.7
Bahrain	1,176	1,018	1,060	4.2
CAFTA-DR	29,899	29,644	31,330	5.7
Oman	1,747	1,571	2,014	28.2
Peru	9,349	10,102	10,070	-0.3
South Korea <sup>a</sup>	35,100	41,715	44,544	6.8
Colombia <sup>b</sup>	11,344	18,392	20,317	10.5
Panama <sup>c</sup>	1,764	10,564	10,398	-1.6
FTA partner total	697,608	733,323	765,208	4.3
World total	1,545,703	1,579,593	1,623,443	2.8
FTA partner share of world (percent)	45.1	46.4	47.1	1.5
<b>U.S. general imports</b>				
NAFTA	601,858	613,082	640,220	4.4
Canada	324,264	332,553	346,063	4.1
Mexico	277,594	280,529	294,157	4.9
Non-NAFTA	168,822	186,854	186,669	-0.1
Israel	22,131	22,809	23,051	1.1
Jordan	1,156	1,197	1,357	13.4
Chile	9,367	10,384	9,491	-8.6
Singapore	20,232	17,843	16,463	-7.7
Australia	9,567	9,272	10,670	15.1
Morocco	932	977	991	1.4
Bahrain	701	636	965	51.9
CAFTA-DR	30,891	30,130	28,387	-5.8
Oman	1,354	1,023	975	-4.6
Peru	6,418	8,122	6,079	-25.1
South Korea <sup>a</sup>	49,948	62,386	69,606	11.6
Colombia <sup>b</sup>	16,060	21,626	18,234	-15.7
Panama <sup>c</sup>	65	449	400	-10.8
FTA partner total	770,680	799,935	826,890	3.4
World total	2,276,302	2,268,321	2,345,187	3.4
FTA partner share of world (percent)	33.9	35.3	35.3	0.0

FTA partner	2012	2013	2014	% change 2013–14
Million \$				
<b>Merchandise trade balance</b>				
NAFTA	-93,300	-85,393	-87,768	2.8
Canada	-31,613	-30,943	-33,937	9.7
Mexico	-61,687	-54,450	-53,831	-1.1
Non-NAFTA	20,227	18,780	26,086	38.9
Israel	-7,860	-9,062	-7,977	-12.0
Jordan	611	886	695	-21.6
Chile	9,405	7,130	7,139	0.1
Singapore	10,294	12,829	14,068	9.7
Australia	21,593	16,858	15,998	-5.1
Morocco	1,243	1,505	1,077	-28.4
Bahrain	475	382	95	-75.1
CAFTA-DR	-992	-486	2,944	-705.8
Oman	392	549	1,039	89.3
Peru	2,931	1,980	3,991	101.6
South Korea <sup>a</sup>	-14,848	-20,672	-25,062	21.2
Colombia <sup>b</sup>	-4,716	-3,234	2,082	-164.4
Panama <sup>c</sup>	1,699	10,115	9,997	-1.2
FTA partner total	-73,073	-66,612	-61,682	-7.4
World total	-730,599	-688,728	-721,744	4.8

Source: USITC DataWeb (accessed February 12, 2015); data compiled from official statistics of the U.S. Department of Commerce.

<sup>a</sup> U.S.-Korea FTA entered into force March 15, 2012 (data reported for March 2012 forward).

<sup>b</sup> U.S.-Colombia TPA entered into force on May 15, 2012 (data reported for May 2012 forward).

<sup>c</sup> U.S.-Panama TPA entered into force October 31, 2012 (data reported for November 2012 forward).

U.S. trade with non-NAFTA FTA partners amounted to \$399.4 billion in 2014, representing an increase of 1.8 percent from 2013.<sup>332</sup> U.S. exports to non-NAFTA FTA partners increased by 3.5 percent to \$212.8 billion, while U.S. imports from these FTA partners decreased by 0.1 percent to \$186.7 billion. The United States registered a merchandise trade surplus of \$26.1 billion with all non-NAFTA FTA partners combined in 2014, compared to a trade surplus of \$18.8 billion in 2013 (table 5.1).

## U.S. Imports Entered under FTAs

The value of U.S. imports entered under FTAs increased 0.9 percent from \$410.8 billion in 2013 to \$414.6 billion in 2014. These imports accounted for 17.7 percent of total U.S. imports from the world and 50.1 percent of total imports from FTA partners in 2014. Among the United States' 20 FTA partners, high shares of total imports from Jordan (89.6 percent), Mexico

<sup>332</sup> Outside of NAFTA, the United States had 18 FTA partners with 13 FTAs in place during 2014, including FTAs with Australia, Bahrain, Chile, Colombia, Israel, Jordan, South Korea, Morocco, Oman, Panama, Peru, and Singapore, as well as CAFTA-DR (with six FTA partners).

(61.7 percent), and Oman (61.5 percent) entered under FTAs. By contrast, low shares of total imports from Panama (8.2 percent), Singapore (9.5 percent), and Israel (12.8 percent) entered under FTAs (table 5.2), as a large share (over 60 percent) of the imports from these U.S. FTA partners entered the United States free of duty under normal trade relations or column 1-general duty rates.

## Developments in FTA Negotiations during 2014

In 2014, the United States continued to participate in the Trans-Pacific Partnership (TPP) negotiations with 11 TPP partners, and in the Transatlantic Trade and Investment Partnership (TTIP) negotiations with the EU.

### Negotiations and Consultations toward the Trans-Pacific Partnership (TPP) Agreement

The TPP is a proposed regional FTA. Between March 2010 and yearend 2013, there were 19 rounds of formal TPP negotiations. In 2014, TPP negotiations were mainly carried out through ministerial and chief negotiator meetings. In 2014, 12 TPP countries participated in the TPP negotiations: Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States, and Vietnam. The evolution of TPP is shown in table 5.3.

South Korea expressed interest in joining the TPP negotiations in 2013, but as of May 2015 had not yet made a formal request.<sup>333</sup> Other countries expressing interest in joining the TPP include Colombia and Costa Rica.<sup>334</sup>

In 2014, the United States and its 11 TPP partners held four ministerial meetings, as well as numerous meetings at the chief negotiator level, working group meetings, and bilateral and small group meetings, to close gaps on specific issues in the proposed chapters of the agreement (table 5.4).<sup>335</sup>

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<sup>333</sup> CRS, *The Trans-Pacific Partnership (TPP) Negotiations and Partnership Issues for Congress*, January 30, 2015, 3. For more information, see chapter 6 section on South Korea.

<sup>334</sup> *Ibid.*, 4.

<sup>335</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 150; Government of Malaysia, Ministry of International Trade and Industry, "Brief on the Trans-Pacific Partnership (TPP)," n.d. [http://www.miti.gov.my/storage/documents/c94/com.tms.cms.document.Document\\_62357eea-c0a8156f-2c11008e-9a1ecbed/1/TPP%20-%20Briefing%20Notes.pdf](http://www.miti.gov.my/storage/documents/c94/com.tms.cms.document.Document_62357eea-c0a8156f-2c11008e-9a1ecbed/1/TPP%20-%20Briefing%20Notes.pdf) (accessed May 7, 2015).



**Table 5.2:** U.S. imports for consumption entered under FTAs, by FTA partner, 2012–14

	2012	2013	2014	% change 2013–14
<b>Imports</b>	Million \$			
NAFTA	343,670	349,614	355,877	1.8
Canada	175,230	178,010	174,362	-2.0
Mexico	168,440	171,605	181,515	5.8
Non-NAFTA	50,130	61,186	58,751	-4.0
Israel	2,953	2,976	2,951	-0.8
Jordan	1,012	1,075	1,216	13.1
Chile	5,666	6,165	4,949	-19.7
Singapore	1,066	1,744	1,569	-10.1
Australia	3,420	3,521	4,699	33.5
Morocco	165	188	242	28.9
Bahrain	425	418	540	29.2
CAFTA-DR	12,598	12,039	12,862	6.8
Oman	655	582	600	3.0
Peru	2,637	2,871	3,415	19.0
South Korea <sup>a</sup>	11,664	16,402	17,061	4.0
Colombia <sup>b</sup>	7,865	13,175	8,614	-34.6
Panama <sup>c</sup>	4	30	33	8.2
FTA partner total	393,800	410,801	414,628	0.9
<b>Ratio to U.S. general imports by partner</b>	Percent			
NAFTA	57.1	57.0	55.6	
Canada	54.0	53.5	50.4	
Mexico	60.7	61.2	61.7	
Non-NAFTA	29.7	32.7	31.5	
Israel	13.3	13.0	12.8	
Jordan	87.5	89.8	89.6	
Chile	60.5	59.4	52.1	
Singapore	5.3	9.8	9.5	
Australia	35.7	38.0	44.0	
Morocco	17.7	19.2	24.4	
Bahrain	60.6	65.8	56.0	
CAFTA-DR	40.8	40.0	45.3	
Oman	48.4	56.9	61.5	
Peru	41.1	35.3	56.2	
South Korea <sup>a</sup>	23.4	26.3	24.5	
Colombia <sup>b</sup>	49.0	60.9	47.2	
Panama <sup>c</sup>	6.2	6.7	8.3	
FTA partner total	51.1	51.4	50.1	

Source: USITC DataWeb (accessed February 12, 2015); data compiled from official statistics of the U.S. Department of Commerce.

<sup>a</sup> U.S.-Korea FTA entered into force March 15, 2012 (data reported for March 2012 forward).

<sup>b</sup> U.S.-Colombia FTA entered into force on May 15, 2012 (data reported for May 2012 forward).

<sup>c</sup> U.S.-Panama FTA entered into force October 31, 2012 (data reported for November 2012 forward).

**Table 5.3:** The evolution of the TPP

Year	Major Events
2002	Chile, New Zealand, and Singapore launch the Pacific Three Closer Economic Partnership negotiations.
2005	Brunei joins the negotiations; the agreement is concluded and subsequently renamed the Trans-Pacific Strategic Economic Partnership Agreement.
2008	The United States, Australia, Peru, and Vietnam join the negotiations, and the name of the agreement is shortened to the Trans-Pacific Partnership (TPP).
2010	The first round of TPP negotiations is launched; Malaysia joins the TPP negotiations.
2012	Canada and Mexico join the TPP negotiations.
2013	Japan joins the TPP negotiations. Nineteen rounds of TPP negotiations have been completed.

Source: Government of New Zealand, MFAT, “Trans-Pacific Strategic Economic Partnership Agreement National Interest Analysis,” July 2005; Government of New Zealand, MFAT, “Trans-Pacific Strategic Economic Partnership (P4) Agreement” (accessed April 13, 2015); USTR, “Trans-Pacific Partners and United States Launch FTA Negotiations,” September 2008; Government of Australia, DFAT, “Trans-Pacific Partnership Agreement: About the TPP Negotiations” (accessed April 13, 2015).

**Table 5.4:** Timetable of major TPP negotiation meetings, 2014

Date	TPP Negotiations
February 17–21	TPP meeting of chief negotiators, Singapore.
February 22–25	Ministerial meeting, Singapore.
May 12–15	TPP meeting of chief negotiators, Ho Chi Minh City, Vietnam.
May 19–20	Ministerial meeting, Singapore.
July 4–12	TPP meeting of chief negotiators, Ottawa, Canada.
September 1–10	TPP meeting of chief negotiators, Hanoi, Vietnam.
October 19–24	TPP meeting of chief negotiators, Canberra, Australia.
October 25–27	Ministerial meeting, Sydney, Australia.
November 8	Ministerial meeting, Beijing, China.
November 10	TPP leaders' meeting, Beijing, China.
December 7–12	TPP meeting of chief negotiators, Washington, DC.

Source: USTR, press releases, February 20, May 14, May 20, September 10, October 27, and November 10, 2014; Government of Australia, DFAT, “Trans-Pacific Partnership Agreement: News,” n.d. <http://dfat.gov.au/trade/agreements/tpp/news/Pages/news.aspx> (accessed April 14, 2014).

Following a meeting at the level of chief negotiators on February 17–21, 2014, in Singapore, TPP ministers and heads of delegations held plenary and bilateral meetings from February 22–25, 2014. TPP delegations intensified their drive to find mutually acceptable paths to resolve remaining issues and achieve a comprehensive and balanced agreement as soon as possible.<sup>336</sup> Reportedly, significant progress was made, but outstanding issues remain, particularly in market access, government procurement, environmental protection, and IPR.<sup>337</sup>

TPP ministers met again in Singapore on May 19–20, 2014, with a particular focus on making progress on market access and outstanding issues concerning rules to narrow the remaining differences. The meeting decided a pathway to intensify engagement on market access and

<sup>336</sup> USTR, “Statement of the Ministers and Heads of Delegations,” February 25, 2014.

<sup>337</sup> *Washington Trade Daily*, “Still Gaps in TPP,” February 26, 2014.

rules in the following weeks.<sup>338</sup> Before this meeting, chief negotiators and subject experts had met in Ho Chi Minh City on May 12–15, 2014.<sup>339</sup> Topics such as legal and institutional matters, intellectual property, medical and pharmaceutical transparency, investment, environment, textiles, financial services, services, and investment were discussed at the meetings.<sup>340</sup>

On July 3–12, 2014, chief negotiators met in Ottawa, Canada. According to the government of Canada, discussions centered on labor, state-owned enterprises, services, investment, and market access. Concurrently, a number of working-level technical group sessions were held, which covered intellectual property, investment, state-owned enterprises, and rules of origin for textiles.<sup>341</sup>

In September 2014, chief negotiators and working groups held meetings in Hanoi for 10 days. They reported progress made on issues related to state-owned enterprises, intellectual property, investment, rules of origin, transparency and anticorruption, and labor. They also moved forward with the work of constructing packages for preferential access to each other's markets for goods, services and investment, financial services, and government procurement.<sup>342</sup>

Following a week of chief negotiator and technical expert meetings in Canberra, ministers and heads of delegation met in Sydney on October 25–27, 2014. They reported progress on negotiations concerning both market access and trade and investment rules.<sup>343</sup> In a press conference at the end of the meeting, Ambassador Froman and other TPP leaders reported progress in some of the most difficult areas, such as IPR, environmental protection, and state-owned enterprises.<sup>344</sup>

Following a TPP ministers meeting on November 8, President Obama and the leaders from the other 11 TPP countries met in Beijing on November 10, 2014, at the margins of the APEC economic leaders' meeting.<sup>345</sup> Trade ministers submitted a report to leaders, outlining the progress made in the negotiations in the past year, as well as the remaining contentious issues.<sup>346</sup> TPP leaders welcomed progress made by ministers and negotiators toward the

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<sup>338</sup> USTR, “Joint Statement at the TPP Ministers' Meeting in Singapore,” May 20, 2014.

<sup>339</sup> USTR, “TPP Meetings in Vietnam,” May 2014; Government of Australia, DFTA, “TPP Chief Negotiators' Meeting, Ho Chi Minh City, Vietnam 12–15 May 2014.”

<sup>340</sup> USTR, “TPP Meetings in Vietnam,” May 2014.

<sup>341</sup> Government of Canada, DFATD, “TPP Officials Meeting (July 2014),” n.d. (accessed April 13, 2015).

<sup>342</sup> USTR, “TPP Negotiators Make Important Progress on Agreement,” September 2014.

<sup>343</sup> USTR, “Joint Statement of the Ministers and Heads of Delegation for the Trans-Pacific Partnership Countries,” October 27, 2014.

<sup>344</sup> A transcript of the press conference can be found at Government of Australia, DFAT, “Trans-Pacific Partnership (TPP) Agreement Ministerial Meeting—Concluding Press Conference,” October 27, 2014.

<sup>345</sup> USTR, “Trans-Pacific Partnership Leaders' Statement,” November 10, 2014.

<sup>346</sup> USTR, “Trans-Pacific Partnership, Trade Ministers' Report to Leaders,” November 10, 2014.

conclusion of an agreement, and noted that the end of the negotiation was coming into focus.<sup>347</sup>

TPP chief negotiators conducted meetings in Washington, DC, on December 7–12, 2014, where progress was reported in several areas of the text. According to the government of Canada, topics discussed included legal and institutional issues, textiles, rules of origin, state-owned enterprises, environment, goods market access, technical barriers to trade, and e-commerce.<sup>348</sup>

The United States conducted numerous rounds of bilateral negotiations with Japan in 2014, in addition to the plenary and bilateral engagement through formal TPP negotiations.<sup>349</sup> U.S.-Japan bilateral TPP negotiations focused on (1) agricultural market access issues and the treatment of agricultural products; and (2) nontariff measures (e.g., regulatory transparency, standards, certification, financial incentives, and distribution), as well as the dispute settlement procedure in the automotive sector. Other areas of interest included nontariff measures in insurance, transparency, investment, IPR, standards, government procurement, competition policy, express delivery, and sanitary and phytosanitary (SPS) measures.<sup>350</sup>

## U.S. Trade with TPP Partners

In 2014, U.S. exports to its 11 TPP partners were valued at \$727.0 billion, accounting for 44.8 percent of total U.S. exports to the world. U.S. imports from these partners were valued at \$881.9 billion, accounting for 37.6 percent of total U.S. imports from the world. The United States ran a merchandise trade deficit of \$154.9 billion in 2014 with TPP countries (table 5.5).

Six TPP countries (Canada, Mexico, Australia, Chile, Peru, and Singapore) have FTAs with the United States. Together they accounted for 87.5 percent of total U.S. exports to TPP countries and 77.4 percent of total U.S. imports from TPP countries in 2014. The United States ran a merchandise trade deficit of \$46.6 billion with these TPP partners with existing FTAs in 2014. NAFTA countries dominated U.S. trade with these TPP partners that already have FTAs with the United States (table 5.5).

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<sup>347</sup> USTR, “Trans-Pacific Partnership Leaders’ Statement,” November 10, 2014.

<sup>348</sup> Government of Canada, DFATD, “TPP Official’s Meeting: Washington, D.C. (December 2014),” n.d. (accessed April 13, 2015).

<sup>349</sup> Various USTR press releases, including “Ambassador Froman Meets with Japan’s Minister of State and Economic and Fiscal Policy Akira Amari,” February 14, 2014; “Readout of Meeting between Acting Deputy USTR Wendy Cutler and Ambassador Hiroshi Oe on TPP,” March 12, 2014; “Acting Deputy USTR Wendy Cutler to Host U.S.-Japan Bilateral Meeting on the Trans-Pacific Partnership,” March 24, 2014; and “Readout of Meeting between United States and Japanese Trade Negotiators Regarding TPP and Agriculture,” August 2014.

<sup>350</sup> USTR, “U.S.-Japan Bilateral Negotiations on Motor Vehicle Trade,” n.d. (accessed April 8, 2015). For more information, see chapter 6 section on Japan.

**Table 5.5:** U.S. merchandise trade with TPP partners, 2012–14

	2012	2013	2014	% change 2013–14
	Million \$			
<b>Trade with TPP partners:</b>				
U.S. total exports	689,155	699,140	726,988	4.0
U.S. general imports	843,604	852,726	881,906	3.4
Trade balance	-154,449	-153,586	-154,918	0.9
<b>U.S. total exports:</b>				
TPP partners with FTAs with U.S.	598,365	612,108	636,351	4.0
NAFTA only	508,558	527,689	552,451	4.7
TPP partners without FTAs with U.S.	90,791	87,032	90,636	4.1
Japan only	69,964	65,206	66,964	2.7
Share with FTAs (percent)	86.8	87.6	87.5	
<b>U.S. general imports:</b>				
TPP partners with FTAs with U.S.	647,442	658,703	682,923	3.7
NAFTA only	601,858	613,082	640,220	4.4
TPP partners without FTAs with U.S.	196,164	194,023	198,983	2.6
Japan only	146,438	138,573	133,939	-3.3
Share with FTAs (percent)	76.7	77.2	77.4	
<b>Merchandise trade balance:</b>				
TPP partners with FTAs with U.S.	-49,077	-46,596	-46,572	
NAFTA only	-93,300	-85,393	-87,768	
TPP partners without FTAs with U.S.	-105,373	-106,990	-108,346	
Japan only	-76,474	-73,368	-66,975	

Source: USITC DataWeb (accessed February 12, 2014); data compiled from official statistics of the U.S. Department of Commerce.

Five TPP countries (Brunei, Japan, Malaysia, New Zealand, and Vietnam) currently do not have FTAs with the United States. In 2014, the United States ran a merchandise trade deficit of \$108.3 billion with them. Japan dominated U.S. trade with these five TPP partners that do not have FTAs with the United States (table 5.5).

## Negotiations and Consultations toward the Transatlantic Trade and Investment Partnership (TTIP) Agreement

Launched in June 2013, the Transatlantic Trade and Investment Partnership (TTIP) is a proposed FTA currently under negotiation between the United States and the European Union (EU).<sup>351</sup> Three rounds of TTIP negotiations were held in 2013. In 2014, the United States and the EU

<sup>351</sup> For more background information, see the EU section in chapter 6.

concluded four rounds of TTIP negotiations alongside several high-level official meetings (table 5.6).

**Table 5.6:** Timetable of major TTIP negotiations, 2014

Date	TTIP Negotiations
February 17–18	Meeting between USTR and the EU Trade Commissioner, Washington, DC.
March 10–14	Fourth round of TTIP negotiations, Brussels.
May 19–23	Fifth round of TTIP negotiations, Arlington, Virginia.
July 14–18	Sixth round of TTIP negotiations, Brussels.
September 29– October 3	Seventh round of TTIP negotiations, Chevy Chase, Maryland.
November 16	TTIP leaders' meeting, G-20 Summit, Brisbane, Australia.

Source: USTR, press releases, February 18, March 10, May 23, July 18, September 26, and November 16, 2014; EC, Documents and Events, Negotiation Rounds - Press Material, n.d. [http://ec.europa.eu/trade/policy/in-focus/ttip/documents-and-events/index\\_en.htm#negotiation-rounds](http://ec.europa.eu/trade/policy/in-focus/ttip/documents-and-events/index_en.htm#negotiation-rounds).

U.S. Trade Representative Michael Froman and the EU Trade Commissioner Karel de Gucht met in Washington, DC, on February 17–18, 2014. They assessed progress made through the first three rounds of the negotiations, reviewed the most difficult issues, and gave the negotiators guidance on how to move forward with the negotiations.<sup>352</sup>

The fourth round of TTIP negotiations took place in Brussels on March 10–14, 2014.<sup>353</sup> According to the press conference following the fourth round, negotiators held discussions on three broad areas of the agreement: market access, regulatory cooperation, and rules issues.<sup>354</sup> In the market access area, negotiators discussed tariffs, trade in services, and public procurement. In the regulatory area, negotiators discussed technical barriers to trade, SPS measures, and regulatory coherence and compatibility (especially in certain key industries—e.g., pharmaceuticals, cosmetics, medical devices, automotive, and chemicals). In the rules area, negotiators discussed sustainable development, trade in energy and raw materials, and customs and trade facilitation.<sup>355</sup> In this fourth round, negotiators decided to create a separate chapter in the agreement on SMEs, which will include provisions intended to make it easier for SMEs to take advantage of TTIP.<sup>356</sup> Chief negotiators and their negotiating teams also hosted a

<sup>352</sup> USTR, “Statement by U.S. Trade Representative Michael Froman Following Meetings with EU Commissioner,” February 2014; European Parliament, Policy Department, “Transatlantic Trade and Investment Partnership (TTIP) Negotiations: State of Play,” August 2014.

<sup>353</sup> USTR, “Readouts from T-TIP Negotiating Rounds” (accessed May 7, 2015); European Commission, “Negotiators Meet for the Fourth Round of Transatlantic Trade and Investment Partnership (TTIP) Talks,” March 10, 2014.

<sup>354</sup> USTR, “Transcript: Chief Negotiators Dan Mullaney and Ignacio Garcia Bercero,” March 14, 2014.

<sup>355</sup> Ibid.

<sup>356</sup> USTR, “Transcript: Chief Negotiators Dan Mullaney and Ignacio Garcia Bercero,” March 14, 2014; “Transcript from the Closing Press Conference on the Fifth Round,” May 23, 2014.

series of meetings for stakeholders, including academia, business, labor, and environmental and consumer groups.<sup>357</sup>

The United States hosted the fifth round of TTIP negotiations in Arlington, Virginia, on May 19–23, 2014.<sup>358</sup> Negotiators and working groups continued to discuss and address a broad range of issues—for instance, tariffs, services, and government procurement; regulatory compatibility in a range of sectors, including medical devices, pharmaceuticals, cosmetics, information communication technologies, automobiles, pesticides, and chemicals; financial services regulation; regulatory issues in the textiles sector; and a horizontal framework for regulatory cooperation. Progress was reported on a number of topics, including technical barriers to trade, competition, and state-to-state dispute settlement.<sup>359</sup> As in previous rounds, chief negotiators held meetings with over 300 stakeholders during the round.<sup>360</sup>

The United States and EU held two additional rounds of TTIP negotiations in 2014. The sixth round was hosted by the EU in Brussels on July 14–18, 2014, and the seventh round was hosted by the United States on September 29–October 3, 2014, in Chevy Chase, Maryland.<sup>361</sup> During these rounds, nearly all of the negotiating groups met.<sup>362</sup> As in previous rounds, chief negotiators held meetings with stakeholder representatives during both of these rounds.<sup>363</sup> According to the U.S. chief negotiator, the sixth and seventh negotiating rounds were at the phase “in which our teams have progressed from discussing general approaches in the agreement to the spade work of reviewing the many proposals and text language that each side has put on the table.”<sup>364</sup>

On November 16, 2014, TTIP leaders met at the margins of the G20 summit and reaffirmed their commitment to “comprehensive and ambitious negotiations, in the spirit of mutual benefit, leading to a high standard TTIP agreement.” They also reiterated their commitment to build upon the strong foundation of six decades of economic partnership to promote stronger,

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<sup>357</sup> USTR, “Round Four: Brussels, Belgium,” n.d. (accessed May 7, 2015); USTR, “Transcript: Chief Negotiators Dan Mullaney and Ignacio Garcia Bercero,” March 14, 2014; EC, “EU, U.S. Trade Talks—Negotiators Hear from 90 Representatives,” March 11, 2014.

<sup>358</sup> USTR, “Readouts from T-TIP Negotiating Rounds” (accessed May 7, 2015); EC, “EU and US Negotiators Kick Off a Fifth Round,” May 20, 2014.

<sup>359</sup> USTR, “Transcript from the Closing Press Conference on the Fifth Round,” May 23, 2014.

<sup>360</sup> USTR, “Round Five: Arlington, Virginia,” n.d. (accessed April 15, 2015).

<sup>361</sup> USTR, “Readouts from T-TIP Negotiating Rounds” (accessed May 7, 2015).

<sup>362</sup> EC, “Sixth Round of Negotiations for the Transatlantic Trade and Investment Partnership (TTIP): Extract from the Joint Press Conference,” July 18, 2014; USTR, “Opening Remarks by U.S. and EU Chief Negotiators for T-TIP Round Seven Press Conference,” October 3, 2015.

<sup>363</sup> *Ibid.*

<sup>364</sup> USTR, “Opening Remarks by U.S. and EU Chief Negotiators for T-TIP Round Seven Press Conference,” October 3, 2015.

sustainable, and balanced growth; to support the creation of more jobs on both sides of the Atlantic; and to increase international competitiveness.<sup>365</sup>

The United States and the EU are each other's largest trading partners. U.S. merchandise exports to the EU were \$276.7 billion in 2014, accounting for 17.0 percent of total U.S. exports. U.S. merchandise imports from the EU were \$417.8 billion in 2014, accounting for 17.8 percent of total U.S. imports (table 5.7).<sup>366</sup> If the TTIP and TPP agreements are both concluded, U.S. trade with these partners would likely account for 61.8 percent of total U.S. exports and 55.4 percent of total U.S. imports.

**Table 5.7:** U.S. merchandise trade with the EU, 2012–14

Trade flow	2012	2013	2014	% change 2013–14
	Million \$			
U.S. total exports	265,686	262,151	276,698	5.5
U.S. general imports	382,197	387,591	417,837	7.8
Merchandise trade balance	-116,512	-125,441	-141,138	12.5

Source: USITC, DataWeb (accessed February 12, 2015); data compiled from official statistics of the U.S. Department of Commerce.

## Developments in the North American Free Trade Agreement<sup>367</sup>

The North American Free Trade Agreement (NAFTA) between the United States, Canada, and Mexico entered into force on January 1, 1994. All of the agreement's provisions were implemented by the three parties by January 1, 2008, with the exception of the NAFTA cross-border trucking provisions.<sup>368</sup> In 2014, total two-way (exports plus imports) U.S. merchandise trade with its NAFTA partners increased by 4.5 percent over 2013, with U.S.-Canada merchandise trade amounting to \$658.2 billion and U.S.-Mexico merchandise trade totaling \$534.5 billion (table 5.1). In 2014, imports valued at \$355.9 billion entered the United States duty free under NAFTA provisions.

NAFTA's central oversight body is the Free Trade Commission, established under Article 2001 of the agreement. It is chaired jointly by ministerial-level representatives or their designees from

<sup>365</sup> USTR, "Statement on the Transatlantic Trade and Investment Partnership," November 16, 2014.

<sup>366</sup> U.S. trade with the EU is described in more detail in chapter 6.

<sup>367</sup> U.S. bilateral trade relations with Canada and Mexico are described in chapter 6 of this report.

<sup>368</sup> The section on Mexico in chapter 6 provides an update on recent developments relating to NAFTA's cross-border trucking provisions. Additional information on the last remaining restrictions on U.S.-Mexico trade, which were removed on January 1, 2008, can be found in USITC, *The Year in Trade 2008*, 2009, 5-16. All product categories offer duty-free entry to originating goods from Mexico, and all shipments of goods from Canada are likewise eligible except those exceeding a TRQ.



the three member countries.<sup>369</sup> The commission is responsible for overseeing NAFTA's implementation and elaboration, as well as activities under its dispute settlement provisions.<sup>370</sup>

In past years, the Free Trade Commission met annually, but it did not meet in 2013 and 2014. At the commission's most recent meeting in April 2012 in Washington, DC, the parties agreed to further their work to liberalize the NAFTA rules of origin.<sup>371</sup>

On February 19, 2014, the Presidents of the United States and Mexico and the Prime Minister of Canada held the trilateral North American Leaders Summit in Toluca, Mexico. At the summit, the leaders of North America committed to promote inclusive broad-based economic growth, so that the 21st-century North America sets new global standards for trade, education, sustainable growth, and innovation. They also committed to develop a North American Competitiveness work plan and a North American Transportation Plan, and to streamline procedures and harmonize customs data requirements for traders and visitors.<sup>372</sup> On October 17, 2014, U.S. Customs and Border Protection (Customs) and Mexico's Tax Administration Service (SAT) signed a mutual recognition arrangement that allows stronger collaboration between Customs' Customs-Trade Partnership Against Terrorism (C-TPAT) and SAT's New Certified Companies Scheme (NEEC).<sup>373</sup> The arrangement aims to facilitate secure trade between the two countries and allows fewer examinations when shipping cargo, a faster validation process, common standards, efficiency for customs and business, transparency between customs administrations, front-of-the-line processing, and marketability.

The following sections describe the major activities of NAFTA's Commission for Labor Cooperation (CLC) and Commission for Environmental Cooperation (CEC) during 2014, as well as dispute settlement activities under NAFTA chapters 11 and 19 for the year.

## Commission for Labor Cooperation

The CLC, composed of a ministerial council and an administrative secretariat, was established under the North American Agreement on Labor Cooperation (NAALC). The NAALC is a supplemental agreement to NAFTA that aims to promote effective enforcement of domestic labor laws and foster transparency in administering them. The CLC is responsible for implementing the NAALC. Each NAFTA partner has established a national administrative office

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<sup>369</sup> The representatives are the U.S. Trade Representative, the Canadian Minister for International Trade, and the Mexican Secretary of the Economy.

<sup>370</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 133.

<sup>371</sup> For additional information see USITC, *The Year in Trade 2012, 2013*, 4-15; USTR, "Joint Statement from 2012 NAFTA," April 3, 2012.

<sup>372</sup> White House, "Joint Statement by North American Leaders—21st Century North America," February 19, 2014.

<sup>373</sup> USDHS, Customs, "U.S., Mexico Sign Mutual Recognition Arrangement," October 17, 2014.

(NAO) within its labor ministry to serve as the contact point with the other parties, the secretariat, other government agencies, and the public. The United States NAO is the USDOL's Office of Trade and Labor Affairs (OTLA).<sup>374</sup> Another NAO function is to receive and respond to public communications on labor law matters arising in another NAALC country. Each NAO establishes its own domestic procedures for reviewing and responding to public communications. The NAOs and the secretariat also carry out the cooperative activities of the CLC, including seminars, conferences, joint research projects, and technical assistance.<sup>375</sup>

In 2014, representatives of each country's NAO met to discuss ways to strengthen coordination and communications among them and to update information on pending public submissions.<sup>376</sup> In 2014, consultation on a set of submissions regarding certain U.S. visas began.<sup>377</sup> In 2013, the Mexican NAO requested ministerial consultations with the U.S. Department of Labor on issues raised in three public submissions filed with the Mexican Secretariat under the NAALC. The submissions concerned the rights of Mexican migrants working in the United States on H-2A and H-2B visas in sectors such as agriculture, forestry, food packing, fairs, and carnivals. In response to the Mexican NAO request, Mexico and the United States agreed to undertake educational activities in both countries to inform Mexican workers about their labor rights under U.S. laws.<sup>378</sup> In June 2014, the USDOL and the Mexican Secretariat of Labor and Social Welfare published the work plan for their agreement.<sup>379</sup> Educational activities under the plan have taken place in the United States and Mexico and are scheduled to conclude in 2015.<sup>380</sup>

In July 2014, at a meeting of the NAOs, the U.S. and Canadian NAOs updated their reviews of submissions accepted for review in 2012. The public submissions of January 2012, filed by the Mexican Union of Electrical Workers (Sindicato Mexicano de Electricistas), were filed on behalf of 93 other organizations concerning the Mexican government's obligations on workers' rights under the NAALC.<sup>381</sup> At the July 2014 meeting, the U.S. and Canadian NAOs reported that the Mexican Union of Electrical Workers is currently in negotiations with the government of Mexico

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<sup>374</sup> USDOL, ILAB, OTLA, "Division of Monitoring and Enforcement of Trade Agreements (META)" (accessed March 12, 2015).

<sup>375</sup> CLC, "The National Administrative Offices" (accessed March 18, 2014).

<sup>376</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 133.

<sup>377</sup> USDOL, ILAB, OTLA, "U.S. Response to Mexico's Request for Migrant Worker Outreach" (accessed March 12, 2015).

<sup>378</sup> USDOL, ILAB, OTLA, "Ministerial Consultations Joint Declaration between the Department of Labor of the United States of America and the Secretariat of Labor and Social Welfare of the United Mexican States" (accessed March 12, 2015).

<sup>379</sup> USDOL, ILAB, OTLA, "U.S. Response to Mexico's Request for Migrant Worker Outreach" (accessed March 12, 2015).

<sup>380</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 134.

<sup>381</sup> 77 Fed. Reg. 4366 (January 27, 2012). See also USDOL, OTLA, "Submissions under the Labor Provisions of Free Trade Agreements, Current Status, Review of Submissions: Mexico" (accessed March 12, 2015).

regarding these issues and that the NAOs were monitoring the negotiations before issuing a final report.<sup>382</sup>

## Commission for Environmental Cooperation

The CEC was established under article 8 of the North American Agreement on Environmental Cooperation (NAAEC). This supplemental agreement to NAFTA is designed to ensure that trade liberalization and efforts to protect the environment are mutually supportive. The CEC oversees the mandate of the NAAEC and is composed of (1) the Council—the governing body of the CEC—made up of the environmental ministers from the United States, Canada, and Mexico;<sup>383</sup> (2) the Joint Public Advisory Committee, made up of five private citizens from each of the NAFTA parties; and (3) the Secretariat, located in Montreal. The Secretariat provides technical, administrative, and operational support to the Council; prepares independent reports on environmental matters, along with information on the state of the environment throughout North America; and processes citizen submissions on enforcement matters.<sup>384</sup>

Articles 14 and 15 of the NAAEC provide citizens and nongovernmental organizations with a mechanism to help enforce environmental laws in the NAFTA countries.<sup>385</sup> Article 14 governs alleged violations submitted for review by the CEC. It sets forth guidelines regarding criteria for submissions and parties that can file complaints. Article 15 outlines the Secretariat’s obligations in considering the submissions and publishing findings in the factual record.<sup>386</sup> At the end of 2014, three complaint files remained active under Articles 14 and 15, none of which was submitted in 2014. In 2014, all of the three active files involved Mexico (table 5.8).

At the 21st regular session of the CEC Council on July 17, 2014, in Yellowknife, Northwest Territories, Canada, the Council agreed to a 2015–20 strategic plan. The plan focuses on collaborative actions in three priority areas: climate change mitigation and adaptation, green growth, and sustainable communities and ecosystems.<sup>387</sup> These priorities are in line with the commitments made at the North American Leaders' Summit meeting in Toluca, Mexico, in February 2014.<sup>388</sup>

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<sup>382</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 134.

<sup>383</sup> The CEC Council consists of the U.S. Environmental Protection Agency Administrator, Canadian Environment Minister, and Mexican Secretary for Environment and Natural Resources.

<sup>384</sup> CEC, Secretariat, “Three Countries Working Together” (accessed March 12, 2015).

<sup>385</sup> CEC, “Submissions on Enforcement Matters” (accessed March 12, 2015).

<sup>386</sup> CEC, “Part Three, Article 14 and Article 15” (accessed March 12, 2015).

<sup>387</sup> CEC, “CEC Ministerial Statement: Twenty-first Regular Session” (accessed March 13, 2015); USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 134.

<sup>388</sup> CEC, “CEC Ministerial Statement: Twenty-first Regular Session” (accessed March 13, 2015).

**Table 5.8:** Active files as of yearend 2014 under Articles 14 and 15 of the North American Agreement on Environmental Cooperation

Name	Case	First filed	Country <sup>a</sup>	Status
Wetlands in Manzanillo	SEM-09-002	Feb. 4, 2009	Mexico	The Secretariat posted a request for information relevant to the factual record on its website on August 15, 2014.
Sumidero Canyon II	SEM-11-002	Nov. 29, 2011	Mexico	The Secretariat posted a request for information relevant to the factual record on its website on November 29, 2014.
Tourism Development in the Gulf of California	SEM-13-001	Apr. 11, 2013	Mexico	The Secretariat informed the Council that the Secretariat considers that the submission warrants development of a factual record on September 5, 2014.

Source: CEC, "Submission on Enforcement Matters: Active Submissions" (accessed March 12, 2015).

<sup>a</sup> Refers to the country against which an allegation was filed.

Also at the 2014 CEC Council meeting, the Council implemented a new reporting approach for Submissions on Enforcement Matters (SEM) as part of the CEC's continued commitment to transparency and to the SEM modernization process.<sup>389</sup>

In November 1993, the United States and Mexico agreed on arrangements to support border communities with environmental infrastructure projects to advance the goals of NAFTA and the NAAEC. The Border Environment Cooperation Commission (BECC) and the North American Development Bank (NADB) are working with communities throughout the U.S.-Mexico border region to address their environmental infrastructure needs.<sup>390</sup> As of December 31, 2014, the NADB had contracted a cumulative total of \$2.4 billion in loans and grants, of which \$2.2 billion had already been disbursed. These funds helped finance 204 projects certified by the BECC, with an estimated total cost of \$6.9 billion.<sup>391</sup> Types of projects under way include renewable energy development and water and wastewater improvements.<sup>392</sup>

## Dispute Settlement

The dispute settlement provisions of NAFTA Chapters 11 (Investment) and 19 (Review and Dispute Settlement in Antidumping/Countervailing Duty Matters) cover a variety of areas.<sup>393</sup> The sections below describe developments during 2014 in NAFTA Chapter 11 investor-state disputes and Chapter 19 binational reviews of final determinations of antidumping and

<sup>389</sup> CEC, "CEC Ministerial Statement: Twenty-first Regular Session" (accessed March 13, 2015).

<sup>390</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 134.

<sup>391</sup> BECC and NADB, Quarterly Status Report, December 31, 2014; NADB, "Summary of Project Implementation Activities: Active Projects," December 31, 2014.

<sup>392</sup> NADB, "Summary of Project Implementation Activities: Active Projects," December 31, 2014.

<sup>393</sup> NAFTA Secretariat, "Overview of the Dispute Settlement Provisions" (accessed March 13, 2015).

countervailing cases. Appendix table A.23 presents an overview of developments in NAFTA Chapter 19 dispute settlement cases to which the United States was a party in 2014.

## Chapter 11 Dispute Settlement Developments

Chapter 11 of NAFTA includes provisions designed to protect cross-border investors and ease the settlement of investment disputes. Under subpart B of Chapter 11, an individual investor who alleges that a NAFTA country has breached its investment obligations under Chapter 11 may pursue arbitration through internationally recognized channels or remedies available in the host country's domestic courts.<sup>394</sup> A key feature of the Chapter 11 arbitral provisions is the enforceability in domestic courts of final awards made by arbitration tribunals.<sup>395</sup> In 2014, there were four active Chapter 11 cases filed against the United States, three of them filed by Canadian investors and one filed by Mexican investors;<sup>396</sup> six filed by U.S. investors against Canada;<sup>397</sup> and one filed against Mexico by U.S. investors.<sup>398</sup>

## Chapter 19 Dispute Panel Reviews

Chapter 19 of NAFTA contains a mechanism that provides for a binational panel to review final determinations made by national investigating authorities in antidumping and countervailing duty cases. Such a panel serves as an alternative to judicial review by domestic courts and may be established at the request of any involved NAFTA country.<sup>399</sup> At the end of 2014, the NAFTA Secretariat listed four binational panels active under Chapter 19 (table 5.9). Two of the four active cases challenged the Mexican agency's determinations on products from the United States, and two challenged U.S. agencies' determinations on products from Mexico.<sup>400</sup>

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<sup>394</sup> Internationally recognized arbitral mechanisms include the International Centre for the Settlement of Investment Disputes (ICSID) at the World Bank, ICSID's Additional Facility Rules, and the rules of the United Nations Commission on International Trade Law (UNCITRAL Rules). NAFTA Secretariat, "Overview of the Dispute Settlement Provisions" (accessed March 13, 2015).

<sup>395</sup> *Ibid.*

<sup>396</sup> USDOS, "NAFTA Investor-State Arbitrations: Cases Filed against the United States" (accessed March 13, 2015).

<sup>397</sup> USDOS, "NAFTA Investor-State Arbitrations: Cases Filed against the Government of Canada" (accessed March 13, 2015).

<sup>398</sup> USDOS, "NAFTA Investor-State Arbitrations: Cases Filed against the United Mexican States" (accessed March 13, 2015).

<sup>399</sup> NAFTA Secretariat, "Overview of the Dispute Settlement Provisions" (accessed March 13, 2015). Such reviews involve the parties and designated agencies, rather than individuals or firms.

<sup>400</sup> NAFTA Secretariat, "NAFTA—Chapter 19 Active Cases" (accessed March 13, 2015).

**Table 5.9:** NAFTA Chapter 19 binational panels, active reviews as of yearend 2014

Country <sup>a</sup>	Case number	National agencies' final determination <sup>b</sup>	Case title
<b>Mexico</b>			
	MEX-USA-2012-1904-01	SE Antidumping Administrative Review	Chicken Thighs and Legs
	MEX-USA-2012-1904-02	SE Antidumping Administrative Review	Ethylene Glycol Monobutyl Ether
<b>United States</b>			
	USA-MEX-2014-1904-01 <sup>c</sup>	USDOC Antidumping Administrative Review	Steel Concrete Reinforcing Bar
	USA-MEX-2014-1904-02	USITC Injury Determination	Steel Concrete Reinforcing Bar

Source: NAFTA Secretariat, "Status Report of Dispute Settlements Proceedings" (accessed March 13, 2015).

<sup>a</sup> The United States filed the first two cases contesting Mexico's determinations, and Mexico filed the remaining two cases contesting U.S. determinations.

<sup>b</sup> In Canada, final dumping and subsidy determinations are made by the Canada Border Services Agency (CBSA), and injury determinations are made by the Canadian International Trade Tribunal (CITT). In Mexico, all determinations are made by the Secretariat of the Economy (SE). In the United States, dumping and subsidy determinations are made by the U.S. Department of Commerce (USDOC), and injury determinations are made by the U.S. International Trade Commission. NAFTA Secretariat, "Overview of the Dispute Settlement Provisions" (accessed March 13, 2015).

<sup>c</sup> The request for panel review was subsequently withdrawn and the status of the case changed to "terminated." See notice of the U.S. NAFTA Secretariat published in the *Federal Register* on May 29, 2015, 80 Fed. Reg. 30661.

## Developments in Other FTAs Already in Force during 2014

In 2014, U.S. officials held consultations with the United States' FTA partners to discuss a variety of matters, including labor issues, the environment, implementation and functioning of the agreements, and dispute settlement. Highlights of these developments are presented below.

Thirteen of the 14 U.S. FTAs have provisions on labor rights.<sup>401</sup> In 2014, the U.S. Department of Labor (USDOL) and other agencies acted on labor complaints made by interested parties from six FTA partners: the Dominican Republic, Honduras, Guatemala, Bahrain, Peru, and Mexico.<sup>402</sup> Of the 14 FTAs entered into by the United States, 12 contain investment provisions designed to protect foreign investors and their investments and to facilitate the settlement of investment disputes.<sup>403</sup> According to the U.S. Department of State, among the U.S. FTAs that provide for investor-state dispute settlement, there are ongoing investor disputes under NAFTA,<sup>404</sup> the

<sup>401</sup> USDOL, ILAB, "Free Trade Agreement Administration" (accessed April 6, 2015).

<sup>402</sup> For more information on Mexico, see the previous section on NAFTA in this chapter.

<sup>403</sup> CRS, *U.S. International Investment Agreements: Issues for Congress*, April 29, 2013, "Summary."

<sup>404</sup> For more information on dispute settlement under NAFTA, see the section on NAFTA earlier in the chapter.

U.S.-Chile FTA, CAFTA-DR, and the U.S.-Peru TPA.<sup>405</sup> Highlights of some of these actions are included below.

## CAFTA-DR

### Dispute Settlement

#### Investor-State Disputes

USTR and the U.S. Department of State engaged with the CAFTA-DR country coordinators on issues related to the administration of investor-state dispute settlement on December 2, 2014, with a follow-on discussion being planned for 2015.<sup>406</sup> Investment cases under CAFTA-DR have been filed against Costa Rica, Dominican Republic, Guatemala, El Salvador, and the United States.<sup>407</sup>

#### Labor Rights Disputes

On July 30, 2010, the United States requested cooperative labor consultations with Guatemala under Article 16.6.1 of CAFTA-DR concerning Guatemala's failure to meet its obligations to effectively enforce Guatemalan labor laws.<sup>408</sup> On August 9, 2011, the United States requested the establishment of an arbitral panel under the CAFTA-DR dispute settlement chapter to address the issue.<sup>409</sup> The United States engaged with Guatemala extensively in an effort to improve labor enforcement, including the signing of an 18-point Labor Enforcement Plan (the Enforcement Plan) between the two parties in April 2013.<sup>410</sup> As a result of the agreement on the Enforcement Plan, the work of the arbitral panel handling the dispute was suspended. In 2014, the United States monitored Guatemala's implementation of the Enforcement Plan, and conducted two interagency technical monitoring trips and a high-level trip. To support Guatemala's effort, in 2014, the U.S. State Department also provided additional funding to assist capacity building, personnel training, and tripartite (government, employers, and workers) engagement support.<sup>411</sup> After Guatemala failed to implement the Enforcement Plan

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<sup>405</sup> For more information, see U.S. Department of State, International Claims and Investment Disputes, <http://www.state.gov/s/l/c3433.htm>.

<sup>406</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 124.

<sup>407</sup> USDOS, "CAFTA-DR Investor-State Arbitrations," n.d. (accessed April 14, 2015).

<sup>408</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 180.

<sup>409</sup> USTR, "United States Proceeds with Labor Enforcement Case against Guatemala," September 18, 2014.

<sup>410</sup> USTR, "Ambassador Froman Travels to Guatemala to Continue to Push," August 1, 2014.

<sup>411</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 121.

fully, USTR moved ahead with the dispute settlement proceedings, reconvened the arbitral panel,<sup>412</sup> and filed its first written submission in the case on November 3, 2014.<sup>413</sup>

In addition, the United States also continued to evaluate submissions concerning the Honduran government's failure to effectively enforce its labor law and meet its obligation under the CAFTA-DR labor chapter in 2014.<sup>414</sup>

## Dehydrated Ethyl Alcohol Dispute

On April 1, 2014, Costa Rica requested formal consultations under the dispute settlement provisions of the CAFTA-DR regarding the tariff treatment by the United States of ethyl alcohol (ethanol) dehydrated in Costa Rica from non-originating feedstock. On April 8, 2014, El Salvador notified the United States that it had a substantial trade interest in the matter and would therefore participate in the consultations. Formal consultations were held on June 11, 2014. On September 29, 2014, Costa Rica requested a meeting of the Free Trade Commission, which took place on November 6, 2014. The United States continued to engage with these countries on the matter.<sup>415</sup>

## Environment

The officials responsible for trade and the environment under CAFTA-DR met twice in 2014 to discuss priorities for environmental capacity building programming, the implementation of obligations under the environment chapter, and the preparation for senior-level meetings of the Environmental Affairs Council (the Council) in 2014 and 2015.<sup>416</sup> In April 2014, the Council met in New Orleans, and Council members reported progress made in their countries to implement core commitments of the CAFTA-DR environment chapter, including efforts to improve levels of environmental protection, strengthen environmental laws and enforcement, and promote public participation in environmental decision making.<sup>417</sup>

## Rules of Origin

In 2014, CAFTA-DR partners continued to work on updating the agreement's product-specific rules of origin to maintain existing tariff treatment following changes to the International Convention on the Harmonized Commodity Description and Coding System in 2012. The parties

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<sup>412</sup> USDOL, ILAB, "Guatemala Submission under CAFTA-DR," n.d. (accessed on April 6, 2015).

<sup>413</sup> USTR, "In the Matter of Guatemala," n.d. (accessed on April 6, 2014).

<sup>414</sup> USDOL released a public report that raised concerns regarding the effective enforcement of labor laws in Honduras under the labor chapter of CAFTA-DR on February 27, 2015. USDOL, ILAB, "Honduras Submission under CAFTA-DR" (accessed April 6, 2014).

<sup>415</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 181.

<sup>416</sup> *Ibid.*, 122.

<sup>417</sup> *Ibid.*, 122–123.



also discussed modifications of certain rules of origin for textiles and apparel goods that had been agreed to by the CAFTA-DR Free Trade Commission in 2011. The amendments were aimed at enhancing the competitiveness of the region's textile sector through regional sourcing and integration. During 2014, technical level staff also discussed countries' respective domestic processes and proposed rules of origin modifications under Article 4.14 in order to create additional opportunities for trade under the agreement.<sup>418</sup>

## U.S.-Colombia TPA

In 2014, the United States and Colombia continued to work together to carry out initiatives launched at the November 2012 meeting of the U.S.-Colombia Free Trade Commission, such as consideration of accelerating tariff elimination, establishment of certain dispute settlement mechanisms, and possible updates of rules of origin.<sup>419</sup> The two governments also continued intensive engagement to support Colombia's efforts to improve the protection of workers' rights, prevent violence against trade unionists, and ensure the persecution of the perpetrators of such violence.<sup>420</sup>

## U.S.-Jordan FTA

### Labor Rights

The Labor Subcommittee under the U.S.-Jordan FTA convened in June 25, 2014.<sup>421</sup> The Subcommittee works to promote labor rights and enhance technical cooperation on labor matters, such as improving working conditions for foreign workers in Jordan's growing garment sector. At the subcommittee meeting, the parties reviewed implementation of the labor obligations under the agreement and discussed areas of technical cooperation and capacity building. A key objective of the meeting was to support and advance the Labor Implementation Plan, which was signed in 2013 by the two governments to address concerns in Jordan's garment factories, including anti-union discrimination against foreign workers, poor living conditions, and gender discrimination and harassment. The parties also discussed a memorandum of understanding signed by the U.S. Department of Labor and the government of Jordan in December 2013 that set up a labor cooperation mechanism with priorities for cooperative activities on labor matters. The meetings concluded with a public session and

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<sup>418</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 124.

<sup>419</sup> *Ibid*, 126.

<sup>420</sup> *Ibid*, 127.

<sup>421</sup> USTR, "Joint Statement Labor Subcommittee of the United States-Jordan Free Trade Agreement," June 26, 2014.

roundtable discussion with stakeholders from Jordan's worker organizations and businesses, as well as international buyers and other interested parties.<sup>422</sup>

## Environment

In 2014, the United States and Jordan signed the 2014–2017 Work Program for Environmental Technical Cooperation. They also continued their cooperation on strengthening institutions for the effective enforcement of environmental laws, conserving biodiversity, improving cleaner production processes, and increasing public participation and transparency in environmental decision making and enforcement. In 2014, the U.S. Forest Service launched a nursery and watershed management improvement program with Jordan's Forestry Ministry.<sup>423</sup>

## U.S.-Korea FTA (KORUS)

On December 15, 2014, the United States and Korea convened the third Joint Committee meeting in Washington, DC, and discussed issues important to both parties, including the automotive industry and financial services.<sup>424</sup> The Joint Committee is the central oversight committee under the FTA, responsible for supervising its implementation, coordinating the work of its other committees, and resolving issues that may arise.<sup>425</sup> In 2014, other KORUS-related issues that were discussed at various meetings and through inter-sessional consultations included the operation of investor-state dispute settlement and Korea's implementation of its obligations with regard to legal services, origin verification, financial services data transfer, automotive trade, and medical devices.<sup>426</sup>

## U.S.-Morocco FTA

### Labor Rights

The Labor Subcommittee of the U.S.-Morocco FTA convened its second meeting in September 2014 in Morocco.<sup>427</sup> At the meeting, officials from both countries reviewed implementation of the obligations each side had undertaken under the FTA's labor chapter, and clarified the domestic mechanisms, institutions, and procedures that each party had established to advance

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<sup>422</sup> USTR, "The United States and the Hashemite Kingdom of Jordan," July 2, 2014.

<sup>423</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 130.

<sup>424</sup> USTR, "Statement on Meeting of the U.S.-Korea Free Trade Agreement (KORUS) Joint Committee," December 15, 2014; USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 131.

<sup>425</sup> USTR, "Statement on Meeting of the U.S.-Korea Free Trade Agreement (KORUS) Joint Committee," December 15, 2014.

<sup>426</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 130, 131. For more information on the KORUS FTA, see the Korea section of chapter 6.

<sup>427</sup> USTR, "Joint Statement of the Labor Subcommittee of the United States-Morocco Free Trade Agreement," September 26, 2014.

implementation. The subcommittee also discussed issues related to labor laws and implementation, such as institutional capacity, labor law enforcement and compliance, child labor prevention, youth employment promotion, protections against gender discrimination and sexual harassment in the workplace, and the promotion of tripartite social dialogue. Further technical cooperation was also considered.<sup>428</sup>

## Environment

On October 28, 2014, the United States and Morocco held a meeting of the Subcommittee on Environmental Affairs to discuss implementation of their commitments under the environment chapter of the agreement, as well as a meeting of the Working Group on Environmental Cooperation to review ongoing cooperation projects.<sup>429</sup> At the Working Group meeting, the two governments finalized and subsequently signed a 2014–2017 Plan of Action that established specific priority areas and objectives for cooperation that reflect national priorities for each government.<sup>430</sup>

## U.S.-Panama TPA

The first meeting of the United States–Panama Free Trade Commission was held in Panama City on May 28, 2014.<sup>431</sup> The commission was established by the TPA to supervise the implementation and further elaboration of the TPA.<sup>432</sup> At the commission's meeting, the parties reviewed the trade and economic impact of the agreement on both countries,<sup>433</sup> and acknowledged the trade and investment opportunities that have resulted from its implementation.<sup>434</sup> Recognizing the importance of an effective dispute settlement procedure to ensure both countries' rights and benefits under the TPA, the Free Trade Commission adopted model rules of procedures for the settlement of disputes, as well as a code of conduct and expense payments for the panelists.<sup>435</sup>

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<sup>428</sup> Ibid.

<sup>429</sup> USDOS, "Joint Communiqué of United States–Morocco Environmental Meetings," October 28, 2014.

<sup>430</sup> USDOS, "U.S.–Morocco 2014–2017 Plan of Action for Environmental Cooperation," October 28, 2014.

<sup>431</sup> USTR, "United States and Panama Hold Inaugural Meeting," January 28, 2014.

<sup>432</sup> United States–Panama Trade Promotion Agreement: Chapter Nineteen, Administration of the Agreement and Trade Capacity Building, Article 19.1.

<sup>433</sup> USTR, "Joint Statement from the First Meeting of the United States–Panama Free Trade Commission," May 29, 2014.

<sup>434</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 136.

<sup>435</sup> USTR, "Joint Statement from the First Meeting of the United States–Panama Free Trade Commission," May 29, 2014.

## Labor Rights

On January 27–28, 2014, the United States and Panama convened the inaugural meeting of the Labor Affairs Council (LAC) under the U.S.-Panama TPA. The LAC is responsible for overseeing the implementation of the labor chapter of the TPA,<sup>436</sup> and works to promote labor rights and enhance technical cooperation on labor matters.<sup>437</sup> At the meeting, the officials reviewed and clarified the domestic mechanisms, institutions, and procedures that each party had created to advance the implementation of the labor chapter’s provisions.<sup>438</sup> They also discussed the labor obligations of the agreement, as well as areas of technical cooperation and capacity building, including promoting fundamental labor rights, reducing child labor, improving labor inspections, and monitoring temporary work contracts and subcontracting arrangements.<sup>439</sup>

## Environment

The United States and Panama held inaugural meetings of the U.S.-Panama Environmental Affairs Council (EAC) and the Environmental Cooperation Commission (ECC) in Panama City on January 29, 2014.<sup>440</sup> At the EAC meeting, the two governments reviewed progress in meeting obligations in the TPA’s Environment Chapter. These included actions taken by both countries to increase levels of environmental protection, effectively enforce environmental laws, and provide opportunities for public participation in environmental governance and the trade policy-setting processes. The two governments also set concrete next steps to establish the U.S.-Panama Secretariat for Environmental Matters, an independent secretariat intended to receive submissions from the public asserting that one or both parties are not effectively enforcing their environmental laws.<sup>441</sup>

At the ECC meeting, the two governments highlighted achievements from ongoing environmental cooperative activities.<sup>442</sup> They also approved and signed the U.S.-Panama Environmental Cooperation Work Plan, which establishes priorities for cooperative activities and provides a framework for advancing environmental cooperation in the coming years.<sup>443</sup>

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<sup>436</sup> USTR, “Joint Statement of the Labor Affairs Council of the United States-Panama Trade Promotion Agreement,” January 28, 2014.

<sup>437</sup> USTR, “United States and Panama Hold Inaugural Meeting,” January 28, 2014.

<sup>438</sup> USTR, “Joint Statement of the Labor Affairs Council of the United States-Panama Trade Promotion Agreement,” January 28, 2014.

<sup>439</sup> USTR, “United States and Panama Hold Inaugural Meeting,” January 28, 2014.

<sup>440</sup> USTR, “USTR Participates in Inaugural Environment Meetings with Panama,” February 2014.

<sup>441</sup> USTR, “Joint Communiqué of the U.S.-Panama Environmental Affairs Council and Environmental Cooperation Commission,” January 29, 2014.

<sup>442</sup> Ibid.

<sup>443</sup> USTR, “USTR Participates in Inaugural Environment Meetings with Panama,” February 2014.

## U.S.-Peru TPA

In 2014, the United State continued to engage extensively with the government of Peru about progress on the implementation of the labor chapter of the TPA. In August 2014, U.S. officials held two meetings on labor issues with the Peruvian government as well as a wide range of labor stakeholders.<sup>444</sup> In October, the Labor Affairs Council of the Peru-United States TPA held its second meeting in Peru. Participants exchanged information on the implementation of the labor chapter of the TPA, including such matters as institutional capacity for labor law enforcement and labor administration. They also discussed ongoing cooperation on labor matters (e.g., the prevention and abolition of child labor, combating forced labor, and capacity building for labor inspections).<sup>445</sup> In December, the U.S. government awarded funding to a project that would help build the labor law enforcement capacity of the Peruvian labor inspectorate.<sup>446</sup>

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<sup>444</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 139.

<sup>445</sup> USTR, "Joint Statement of the Labor Affairs Council Peru-United States Trade Promotion Agreement (TPA)," October 17, 2014.

<sup>446</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 139.



# Chapter 6

## U.S. Relations with Selected Major Trading Partners

This chapter reviews U.S. bilateral trade relations with nine selected trading partners during 2014: the EU, Canada, China, Mexico, Japan, South Korea, Brazil, Taiwan, and India (ordered by value of two-way merchandise trade) (figure 6.1). For each trading partner, U.S. bilateral trade is described, including total two-way trade, the U.S. trade balance, U.S. exports, and U.S. imports. This section is followed by descriptions of the major bilateral trade-related developments during 2014. The links to each trading partner are provided in the column on the right. The online interactive merchandise trade dashboards that accompany this report can be used for further analysis of U.S. trade with all of its trading partners.

**European Union**

**Canada**

**China**

**Mexico**

**Japan**

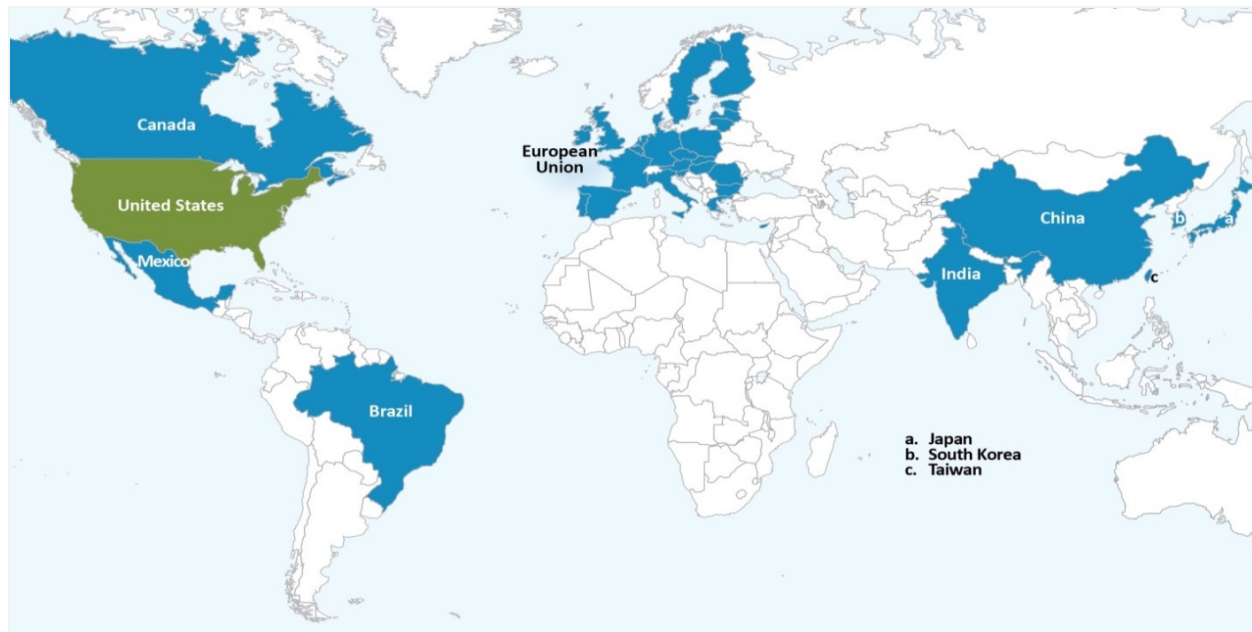
**South Korea**

**Brazil**

**Taiwan**

**India**

**Figure 6.1:** Map of selected major U.S. trading partners



Source: USITC staff.

## European Union

The EU as a single entity<sup>447</sup> is the largest two-way (exports plus imports) U.S. trading partner in terms of both goods and services. The value of U.S. merchandise trade with the 28 member states of the EU rose 6.9 percent in 2014 to \$694.5 billion, accounting for 17.5 percent of total U.S. trade. The U.S. merchandise trade deficit with the EU grew by \$15.7 billion in 2014 to \$141.1 billion as the growth in U.S. imports continued to outpace U.S. export growth (figure 6.2). On the other hand, the U.S. trade surplus in private services increased \$7.1 billion in 2014 to \$57.5 billion (figure 6.3). The EU accounted for 33.1 percent of U.S. two-way trade in services in 2014, with the United Kingdom as the EU's largest services trader (with 29.5 percent of the EU total), followed by Germany and France.<sup>448</sup>

The EU continued to be the second-largest market (after Canada) for U.S. exports in 2014. U.S. exports to the EU rose 5.5 percent to \$276.7 billion, surpassing the previous record set in 2008. Leading U.S. exports included aircraft and parts, petroleum-related products, medicaments (medicines), medical instruments, passenger motor vehicles, and blood fractions (e.g., antiserum) and vaccines. All of the top 25 leading U.S. exports to the EU increased in value in 2014 except energy-related products.

The EU was also the second-largest source of U.S. imports, following China. U.S. imports from the EU increased 7.8 percent in 2014 to \$417.8 billion, also a new record. Leading U.S. imports were passenger motor vehicles, medicaments, petroleum-related products, turbojets and parts, blood fractions and vaccines, and airplanes and parts. Like U.S. exports, U.S. imports in 2014 increased in value in all major product categories except energy-related products. Among the top imports, the most notable increase in value was in medicaments, which rose by over \$6 billion. U.S.-EU merchandise trade data are shown in appendix tables A.24 through A.26.

The major focus of the U.S.-EU trade relationship in 2014 was negotiations to conclude the Transatlantic Trade and Investment Partnership agreement.<sup>449</sup> Progress was also made on lifting U.S. restrictions on imports of beef from the EU. Additional information on these topics is presented below.

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<sup>447</sup> The 28 member states of the EU in 2014 were Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.

<sup>448</sup> The services trade data by country reported in this chapter are based on trade in private services, which exclude government sales and purchases of services.

<sup>449</sup> For more detailed information on TTIP, see chapter 5.

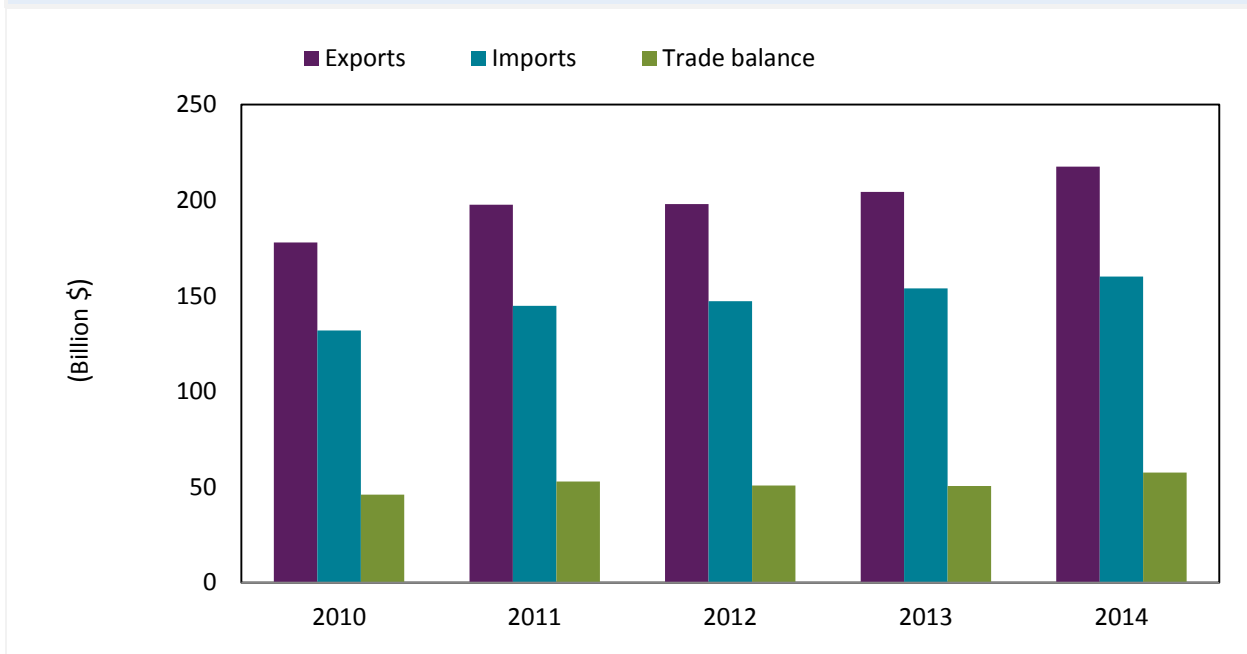


**Figure 6.2:** U.S. merchandise trade with the EU, 2010–14



Source: USITC DataWeb (accessed February 12, 2015); data compiled from official statistics of the U.S. Department of Commerce.

**Figure 6.3:** U.S. private services trade with the EU, 2010–14<sup>a</sup>



Source: USDOC, BEA, U.S. International Transactions Accounts Data, March 19, 2015, tables 1.2 and 1.3.

<sup>a</sup> Data for 2014 are preliminary.

There were also developments in WTO dispute settlement cases involving the United States and the EU in 2014. On December 19, 2014, the EU requested consultations with the United States regarding conditional tax incentives established by the state of Washington in relation to the development, manufacture, and sale of large civil aircraft.<sup>450</sup> The two WTO cases involving long-running U.S. and EU complaints about each other's measures affecting trade in large civil aircraft remained in the compliance panel phase in 2014. For more information about developments in WTO dispute settlement, see chapter 3 and appendix table A.22.

## Transatlantic Trade and Investment Partnership (TTIP)

In June 2013, the United States and EU launched negotiations to conclude a TTIP agreement.<sup>451</sup> The major U.S. goals for the negotiations included:<sup>452</sup>

- eliminate tariffs on trade in goods;
- improve market access for trade in services;
- strengthen rules-based investment;
- reduce nontariff barriers, including sanitary and phytosanitary (SPS) barriers and technical barriers to trade (TBT);
- reduce the cost of regulatory differences;
- develop globally relevant rules, principles, and new modes of cooperation in areas such as intellectual property, state-owned enterprises, and localization barriers to trade;<sup>453</sup> and
- promote the global competitiveness of small and medium-sized enterprises.

Four rounds of negotiations were held in 2014, for a total of seven rounds since the launch of negotiations in 2013.<sup>454</sup> According to USTR, in 2014 negotiations moved beyond discussion of general approaches in the agreement to reviewing the many complex proposals and draft text language provided by both sides, including some consolidated texts.<sup>455</sup>

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<sup>450</sup> WTO, “Dispute Settlement: DS487; United States—Conditional Tax Incentives for Large Civil Aircraft” (accessed February 24, 2014).

<sup>451</sup> For background on the launch of the negotiations, see USITC, *Year in Trade 2013*, July 2014, 129–31. Also, for more detailed information on TTIP, see chapter 5.

<sup>452</sup> White House, “Transatlantic Trade and Investment Partnership (T-TIP),” June 2013.

<sup>453</sup> Localization barriers to trade are measures designed to protect, favor, or stimulate domestic industries, service providers, and/or intellectual property at the expense of goods, services, or intellectual property from other countries. For more information, see USTR, “Localization Barriers to Trade,” <http://www.ustr.gov/trade-topics/localization-barriers>.

<sup>454</sup> For more information on the negotiating rounds, see chapter 5.

<sup>455</sup> USTR, “Opening Remarks by U.S. and EU Chief Negotiators for T-Tip Round Seven,” October 3, 2014.

U.S. and EU leaders met several times during the year and reaffirmed their commitment to “comprehensive and ambitious negotiations, leading to a high standard Transatlantic Trade and Investment Partnership agreement.”<sup>456</sup> In November 2014, USTR Michael Froman and new EU Trade Commissioner Cecilia Malmström committed to working on a “fresh start” in the TTIP negotiations.<sup>457</sup> In December, the two leaders met to review the state of negotiations and agreed to have regular stocktaking exercises as negotiations progress.<sup>458</sup>

## Beef

In March 2014, new U.S. import regulations on bovine spongiform encephalitis (BSE) entered into effect, ending restrictions on U.S. imports of EU beef that have been in place since the late 1990s.<sup>459</sup> The new regulations permit imports from a particular country based on the same criteria and risk categories that the World Organization for Animal Health (OIE)<sup>460</sup> uses to rate a country’s BSE risk status.<sup>461</sup> However, before EU producers can export to the United States, national meat inspection systems in EU member states must be approved by the USDA as providing protection for human health equivalent to U.S. procedures.<sup>462</sup>

Several EU member states applied for an equivalency determination in 2014, including Ireland, the Netherlands, and Great Britain. Ireland was the first EU member state to receive an equivalency determination.<sup>463</sup> According to a letter dated December 30, 2014, from USDA’s Food Safety and Inspection Service (FSIS), Ireland’s beef slaughter inspection system was determined to be equivalent with the U.S. system.<sup>464</sup> However, before Ireland can actually ship beef carcasses, it must provide notification of the establishments certified to export beef carcasses to the United States.<sup>465</sup>

## Canada

Canada was the United States’ largest single-country merchandise trading partner in 2014, and the second-largest U.S. partner for trade in services, after the United Kingdom. Total U.S. two-

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<sup>456</sup> White House, “Statement on the Transatlantic Trade and Investment Partnership,” November 16, 2014.

<sup>457</sup> USTR, “Readout of Ambassador Froman’s Call with EU Commissioner for Trade,” November 3, 2014.

<sup>458</sup> USTR, “Transcript of Press Gaggle,” Washington, D.C., December 8, 2014.

<sup>459</sup> 78 Fed. Reg. 72980–73008 (December 4, 2013).

<sup>460</sup> The OIE is an international body that sets standards related to animal health.

<sup>461</sup> USDA, APHIS, “APHIS Finalizes Bovine Import Regulations,” November 1, 2013.

<sup>462</sup> USDA, FSIS, *Ireland Beef Equivalence Reinstatement Audit*, December 2014, 2.

<sup>463</sup> Irish Government News Service, “Coveney Secures Access for Irish Beef in US,” January 5, 2015.

<sup>464</sup> USDA, FSIS, letter to Mr. Martin Blake, Chief Veterinary Officer, Department of Food, Agriculture, and the Marine, Government of Ireland, December 30, 2014.

<sup>465</sup> USDA, FSIS, letter to Mr. Martin Blake, Chief Veterinary Officer, Department of Food, Agriculture, and the Marine, Government of Ireland, December 30, 2014; USDA, FSIS, *Ireland Beef Equivalence Reinstatement Audit*, December 2014.

way merchandise trade with Canada was valued at \$658.2 billion in 2014, representing 16.6 percent of U.S. merchandise trade with the world. The merchandise trade deficit with Canada was \$33.9 billion, approximately 10 percent greater than in 2013 (\$30.9 billion), as imports grew faster than exports (figure 6.4).

U.S. two-way trade in private services with Canada was valued at \$92.8 billion in 2014, accounting for 8.1 percent of U.S. trade in services with the world. The U.S. surplus on services trade with Canada was \$32.3 billion in 2014, down 1.2 percent from 2013, but still the largest U.S. surplus among the United States' single-country trading partners (figure 6.5).

Canada was the foremost single-country market for U.S. goods in 2014. The value of goods exports to Canada was nearly 30 percent greater than that of goods exports to Mexico, the United States' second-largest single-country export market. In 2014, U.S. exports to Canada amounted to \$312.1 billion, an increase of 3.5 percent from 2013. Leading U.S. exports to Canada in 2014 were crude petroleum (\$11.5 billion) and light oils (\$8.2 billion), followed by aircraft and spacecraft (\$7.1 billion). Passenger and transport motor vehicles and parts were also major U.S. exports to Canada in 2014.

U.S. imports from Canada amounted to \$346.1 billion in 2014, an increase of 4.1 percent over imports in 2013. In 2014, the top U.S. imports from Canada were energy-related products, including petroleum-related products and natural gas, followed by transportation equipment, particularly passenger motor vehicles and parts. U.S.-Canada merchandise trade data are shown in appendix tables A.27 through A.29.

In 2014, the United States and Canada continued to address a range of trade topics. They consulted on agricultural and industrial goods matters, through forums such as the Canada-United States Consultative Committee on Agriculture and the Canada-United States Regulatory Cooperation Council. The aim was to facilitate trade by focusing on particular trade distortions caused by behind-the-border measures.

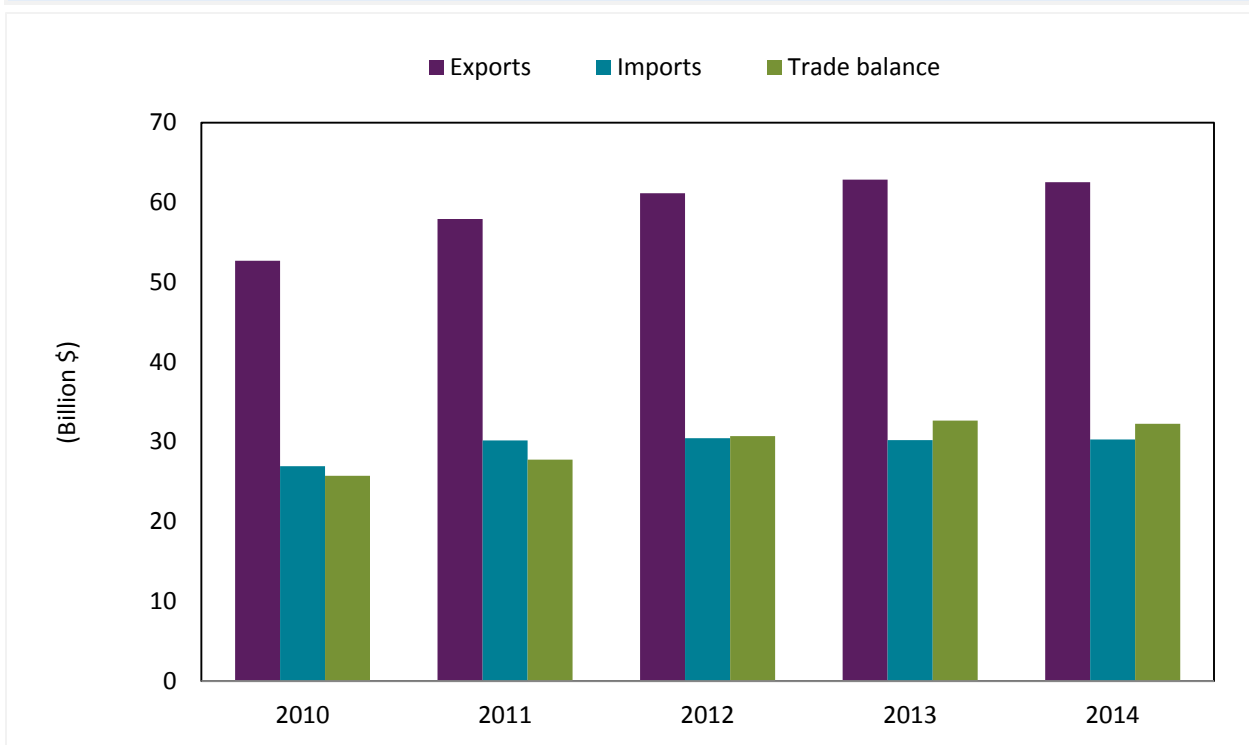
In March 2014, the dispute settlement body under the 2006 Canada-United States Softwood Lumber Agreement (SLA 2006) came to a decision in a major 2011 case involving provincial export subsidies. The body determined that Canada was no longer required to collect compensatory adjustments in the case once the SLA 2006 expired on October 12, 2013, despite the two-year extension of the agreement to October 12, 2015. More details on this case appear later in this section.

**Figure 6.4:** U.S. merchandise trade with Canada, 2010–14



Source: USITC DataWeb (accessed February 12, 2015); data compiled from official statistics of the U.S. Department of Commerce.

**Figure 6.5:** U.S. private services trade with Canada, 2010–14<sup>a</sup>



Source: USDOC, BEA, U.S. International Transactions Accounts Data, March 19, 2015, tables 1.2 and 1.3.

<sup>a</sup> Data for 2014 are preliminary.

## Agriculture

### Regulatory Cooperation Council

In February 2011, the Regulatory Cooperation Council (RCC) was formed to identify specific regulatory issues where technical collaboration between the two governments might lessen regulatory differences that hinder cross-border trade and investment. In December 2011, the RCC released its Joint Action Plan on Regulatory Cooperation, with 29 initiatives. In June 2013, the RCC met to review progress on the initiatives, as well as to open a public comment process on how to advance U.S.-Canadian regulatory cooperation.<sup>466</sup>

Following its review, the RCC began to focus on harmonizing rules addressing trade in meat products between the two countries, in particular: (1) the equivalence of meat safety systems, (2) meat and poultry product export certification, and (3) meat cut nomenclature. (See box 6.1 for the RCC regulatory initiatives taken in the agriculture and food sector under the plan.)

On February 24, 2014, Canada and the United States agreed to adopt the U.S. Institutional Meat Purchase Specifications (IMPS) as the standard nomenclature used to classify wholesale cuts of meat.<sup>467</sup> Previously, differences in names for cuts and labeling requirements could hinder trade between the two countries as a result of red tape and regulatory uncertainty.<sup>468</sup>

On November 12, 2014, documents using the IMPS classifications were released as the North American approach to standard meat nomenclature, covering fresh beef, lamb, veal, and pork.<sup>469</sup> The bilateral adoption of the IMPS represented the first regulatory revision brought about as a result of the 2011 RCC initiatives, according to the U.S. State Department.<sup>470</sup>

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<sup>466</sup> White House, *United States-Canada Regulatory Cooperation Council—Joint Forward Plan—August 2014*, n.d. (accessed March 10, 2015), 2.

<sup>467</sup> USDOS, U.S. Embassy, Ottawa, “U.S., Canada Harmonize Names of Meat Cuts,” February 24, 2014; USDOC, ITA, “U.S.-Canada Regulatory Cooperation Council—United States and Canada Release RCC Joint Forward Plan,” n.d. (accessed March 10, 2015).

<sup>468</sup> USDA, AMS, “U.S. and Canada Harmonize Names of Meat Cuts,” February 24, 2014; Perimeter Security and Economic Competitiveness (Canada), “Canada-United States Regulatory Cooperation Council News,” May 2014.

<sup>469</sup> USDOS, U.S. Embassy, Ottawa, “24 February 2014: U.S., Canada Harmonize Names of Meat Cuts to Facilitate Trade,” February 24, 2014.

<sup>470</sup> *Ibid.*

**Box 6.1:** Regulatory initiatives under the RCC Joint Action Plan undertaken in the agriculture and food sector

Food safety:

- Develop common approaches to food safety while minimizing inspection activities;
- Enhance the compatibility of meat safety systems to reduce administrative procedures while maintaining public health outcomes;
- Establish mutually acceptable food safety laboratory recognition criteria, test results, and methodologies; and
- Streamline the certification requirements for meat and poultry shipped between the two countries.

Agricultural production:

- Further align crop protection product (e.g., pesticides) approvals and establishment of maximum pesticide residue limits/tolerances;
- Further align marketing application, submission, and review processes for veterinary drugs, including efforts to establish identical maximum drug residue limits/tolerances;
- Develop a "perimeter approach" to plant protection to leverage each country's mutual advantage and streamline certification requirements for cross-border shipments; and
- Work towards a common approach to zoning of foreign animal diseases.

Marketing:

- Create a common meat cut nomenclature system and regulatory alignment tool; and
- Develop comparable financial risk mitigation tools to protect fresh produce sellers from buyers that default.

Source: White House, *United States-Canada Regulatory Cooperation Council—Joint Action Plan—December 2011* (accessed March 10, 2015).

In addition, the RCC released its Joint Forward Plan (JFP) on August 29, 2014, as the next step in better regulatory alignment.<sup>471</sup> Based on numerous inputs—discussions in the RCC, discussions between relevant U.S. and Canadian agencies, the 2013 review of progress, and stakeholder comments submitted—the JFP outlined three future areas of work:

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<sup>471</sup> White House, *United States-Canada Regulatory Cooperation Council—Joint Forward Plan—August 2014*, n.d. (accessed March 10, 2015), 1–41.

- (1) **Regulatory Partnership Statements (RPSs).** These will outline the structure for managing ongoing agency-to-agency cooperation. Although varying in structure and format, the RPSs will (1) aim to foster high-level commitment on the part of the two governments for their agencies to work together; (2) offer a means for stakeholders to help list priorities and discuss implementation of the initiatives, and (3) provide for an annual review mechanism to provide updates and consider adjustments.<sup>472</sup>
- (2) **Department-to-Department Commitments and Work Plans.** While the RPSs are being developed, the JFP sets out a number of bilateral commitments between select agencies in specific regulatory areas, focused on a 3- to 5-year timeframe.
- (3) **Cross-Cutting Issues.** Experience has shown that some laws and policies concerning international regulatory cooperation are more challenging to address than others. Joint funding of new initiatives or sharing information with foreign governments are examples of these challenging areas. These are subjects that the RCC expects to explore in greater detail.

## Softwood Lumber Agreement

On March 26, 2014, the London Court of International Arbitration (LCIA) released its determination concerning the joint request for arbitration submitted by Canada and the United States in September 2013 under the 2006 Canada-United States Softwood Lumber Agreement (SLA 2006).<sup>473</sup> The determination addressed the remedy awarded to the United States in January 2011 in LCIA case no. 81010, where the United States contended that certain forestry programs in the Canadian provinces of Ontario and Quebec violated the anti-circumvention clause of the SLA 2006<sup>474</sup> by providing subsidies on softwood lumber exports to the United States. Because the tribunal determined that a number of these forestry programs violated the anti-circumvention clause, it directed Canada to either “cure the breaches” of the agreement within 30 days, or apply additional export charges to shipments of softwood lumber by Canadian exporters as compensation in an amount equivalent to the loss to U.S. producers as a result of these programs. The tribunal calculated this amount to approximate US\$58.85 million. Canada began to apply these compensatory adjustments starting March 1, 2011.

In January 2012, Canada and the United States agreed to extend the SLA 2006 for an additional two years, from its original expiration on October 12, 2013, to its new expiration date of

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<sup>472</sup> For further details, visit the U.S. and Canadian RCC websites found at [www.trade.gov/rcc](http://www.trade.gov/rcc) and <http://actionplan.gc.ca/rcc>.

<sup>473</sup> LCIA No. 81010, “The United States of America and Canada—AWARD,” April 2, 2014, par. 17. For further details, see USITC, *The Year in Trade 2013*, July 2014, 134–35.

<sup>474</sup> LCIA No. 81010, “The United States of America and Canada—AWARD,” April 2, 2014, par. 1–3.



October 12, 2015.<sup>475</sup> As the original 2013 expiration date of the agreement approached, the United States raised the point that Canada had collected less than half the amount awarded under the 2011 determination. For its part, Canada indicated that it considered the obligation to apply compensatory adjustments ended with the expiration of the original agreement. As a consequence, the two parties requested clarification from the original tribunal in September 2013 regarding the time period for these compensatory adjustments.

In its March 2014 determination,<sup>476</sup> the tribunal found that “Canada has no obligation to continue to apply the Compensatory Adjustments beyond October 12, 2013.” In its award dated April 2, 2014, the tribunal indicated its reasoning that the compensatory adjustments specified in the January 2011 award applied to the agreement in effect at the time, and therefore, the adjustments awarded at the time expired on the date that the original SLA expired, that is, October 12, 2013.<sup>477</sup>

## Procurement

Canada and the United States have both made a number of plurilateral and bilateral commitments granting access to one another's procurement markets. These commitments include the revised WTO Agreement on Government Procurement, which entered into force in 2014; NAFTA (1994); and the 2010 Canada-United States Agreement on Government Procurement.<sup>478</sup> Although U.S. businesses have access under these agreements to most Canadian federal departments, as well as a number of provincial and municipal entities in Canada, U.S. suppliers reportedly have access to only a small number<sup>479</sup> of more than 40 Crown Corporations in Canada. (While Crown Corporations operate largely as private commercial companies, they are government-owned and have public policy objectives.) In February 2014, Canada announced a new procurement strategy for defense projects that gives greater flexibility to the federal government to improve economic outcomes from defense procurement projects.<sup>480</sup> In particular, federal departments in Canada can now delegate

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<sup>475</sup> The initial Canada-United States Softwood Lumber Agreement was in force from 1991 to 2001. A second SLA was signed in 2006, and entered into force on October 12, 2006, for a term of seven years. This SLA was originally set to expire October 12, 2013, with the possibility of a two-year extension.

<sup>476</sup> The March 2014 determination is dated March 21, 2014, and was “communicated to the Parties” on March 26, 2014. LCIA No. 81010, “The United States of America and Canada—DETERMINATION,” March 21, 2014, 3; LCIA No. 81010, “The United States of America and Canada—AWARD,” April 2, 2014, par. 17.

<sup>477</sup> LCIA No. 81010, “The United States of America and Canada—AWARD,” April 2, 2014, par. 102.

<sup>478</sup> USTR, *2014 National Trade Estimate Report on Foreign Trade Barriers*, March 31, 2014, 51.

<sup>479</sup> USDOS, Bureau of Western Hemisphere Affairs, “U.S. Relations with Canada,” September 10, 2014; USTR, “Canada,” *2014 National Trade Estimate Report on Foreign Trade Barriers*, March 31, 2014, 51.

<sup>480</sup> USDOS, Bureau of Western Hemisphere Affairs, “U.S. Relations with Canada,” September 10, 2014.

purchasing authorities to the Crown Corporations—the large majority of which are not bound by procurement rules under bilateral or plurilateral agreements.<sup>481</sup>

## China

In 2014, China remained the United States' second-largest single-country trading partner based on two-way merchandise trade, accounting for 14.9 percent of total U.S. merchandise trade. U.S. two-way merchandise trade with China amounted to \$590.7 billion in 2014, an increase of 5.1 percent over \$562.2 billion in 2013. The U.S. merchandise trade deficit with China, which rose by 7.5 percent, or \$23.9 billion, to \$342.6 billion in 2014, remained higher than the U.S. merchandise trade deficit with any other trading partner. The expansion of this deficit with China was mostly attributable to an increase in U.S. merchandise imports from China, which more than offset an accompanying increase in U.S. exports to China (figure 6.6). In 2014, China was the United States' fourth-largest single-country trading partner based on two-way services trade, accounting for 4.9 percent of total U.S. services trade. The U.S. services trade surplus with China increased by 14.4 percent, from \$23.2 billion in 2013 to \$26.5 billion in 2014 (figure 6.7).

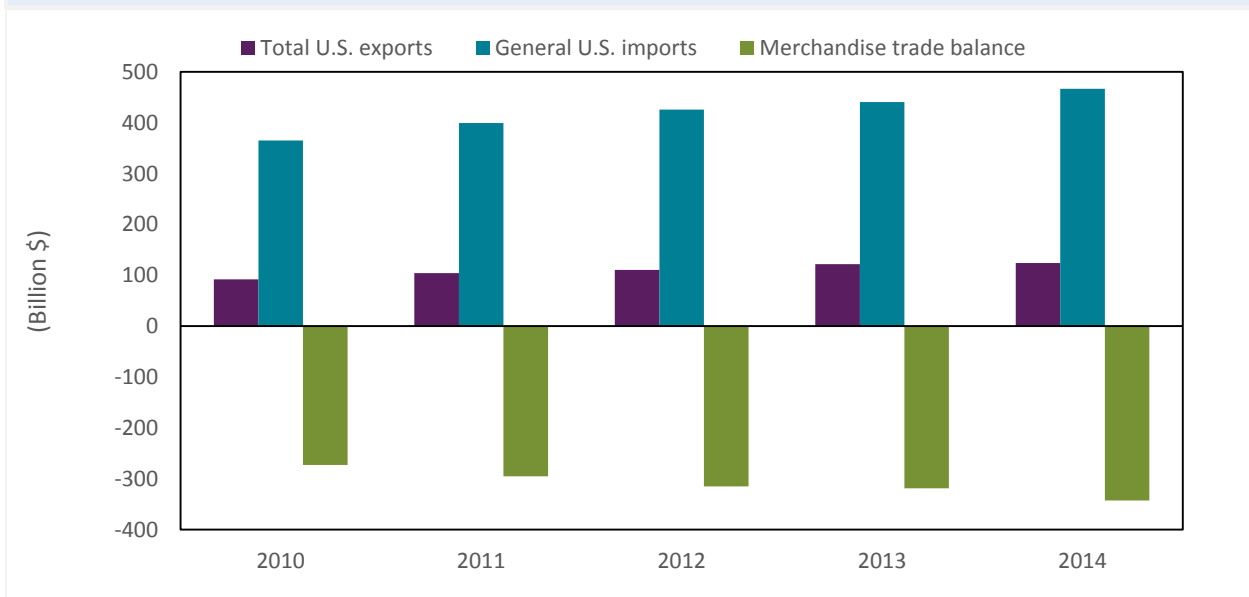
China was the third-largest single-country destination for U.S. merchandise exports in 2014, behind Canada and Mexico. U.S. merchandise exports to China amounted to \$124.0 billion in 2014, a 1.9 percent increase over 2013. Leading U.S. exports to China in 2014 were soybeans (11.9 percent of total U.S. exports to China), aircraft and parts (11.2 percent), and passenger motor vehicles (8.7 percent). Other leading U.S. exports to China included metal waste and scrap, processors or controllers, and grain sorghum. The increase in the value of U.S. exports to China in 2014 was led by a \$2.4 billion increase in exports of passenger motor vehicles, a \$1.5 billion increase in exports of soybeans, a \$1.4 billion increase in exports of grain sorghum, and a \$1.3 billion increase in exports of aircraft and parts.

In 2014, China remained the largest source of U.S. imports. U.S. merchandise imports from China amounted to \$466.7 billion, an increase of 6.0 percent over 2013. Leading U.S. imports from China in 2014 were computers and parts, cellphones, telecommunications equipment, toys, video games, and electrical static converters. The increase in the value of U.S. imports in 2014 was led by growth in imports of cellphones, computer parts, telecommunication equipment, and color televisions. U.S.-China merchandise trade data are shown in appendix tables A.30 through A.32.

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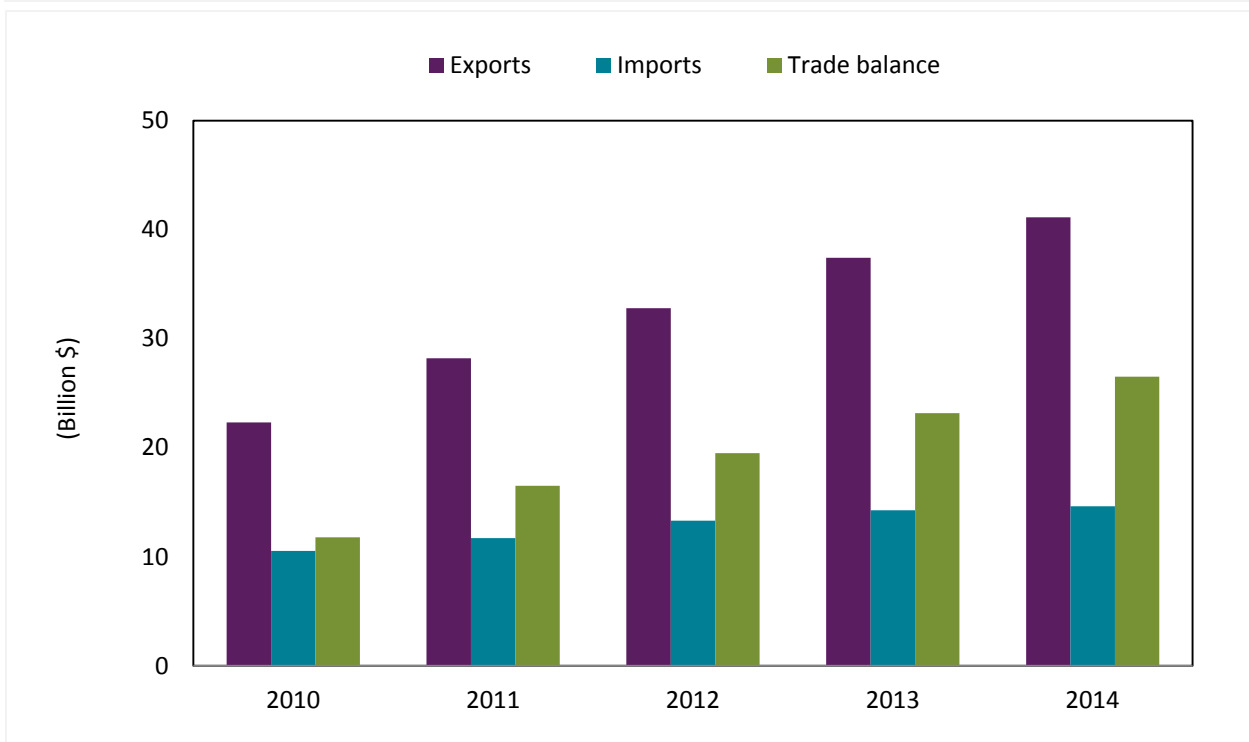
<sup>481</sup> Ibid.

**Figure 6.6:** U.S. merchandise trade with China, 2010–14



Source: USITC DataWeb (accessed February 12, 2015); data compiled from official statistics of the U.S. Department of Commerce.

**Figure 6.7:** U.S. private services trade with China, 2010–14<sup>a</sup>



Source: USDOC, BEA, U.S. International Transactions Accounts Data, March 19, 2015, tables 1.2 and 1.3.

<sup>a</sup> Data for 2014 are preliminary.

In 2014, U.S.-China trade relations focused on the following topics: China's intellectual property rights (IPR) protection and enforcement; access to China's agricultural market; access to China's medical devices and pharmaceuticals market; and Bilateral Investment Treaty (BIT) negotiations. These topics were among the principal themes of the July 2014 session of the U.S.-China Strategic and Economic Dialogue (S&ED)<sup>482</sup> and the December 2014 Joint Commission on Commerce and Trade (JCCT),<sup>483</sup> as well as other high-level bilateral official meetings. The S&ED, established in 2009, is a high-level forum in which the United States and China can discuss a wide range of bilateral, regional, and global political, strategic, security, and economic issues.<sup>484</sup> The JCCT, established in 1983, is a forum for high-level dialogue on bilateral trade issues and a vehicle for promoting commercial relations. Both the S&ED and the JCCT meet annually.

Since China's accession to the WTO, the United States has filed 16 complaints under the WTO Dispute Settlement Understanding against China, and China has filed 9 such complaints against the United States.<sup>485</sup> In 2014, there were major developments in a number of ongoing WTO dispute settlement proceedings involving the United States and China. In a proceeding brought by the United States regarding China's measures related to the exportation of rare earths, tungsten, and molybdenum (DS431), in August 2014, the WTO DSB adopted the Appellate Body and panel reports.<sup>486</sup> In September 2014, China stated that it intended to implement the DSB's recommendations and rulings in this matter.<sup>487</sup> In July 2014, the WTO DSB adopted the Appellate Body and panel reports in a proceeding brought by China against the United States regarding U.S. countervailing and antidumping measures on certain products from China (DS449);<sup>488</sup> in August, the United States stated that it intended to implement the DSB's recommendations and rulings.<sup>489</sup> Developments in these and other WTO dispute settlement proceedings during 2014 are described in more detail in chapter 3 and appendix table A.22.

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<sup>482</sup> U.S. Department of the Treasury, "Updated: U.S.-China Joint Factsheet Sixth Meeting of the Strategic and Economic Dialogue," July 11, 2014.

<sup>483</sup> USDOC, "25th U.S.-China Joint Commission on Commerce and Trade," December 19, 2014.

<sup>484</sup> The establishment of the S&ED was announced in 2009 by U.S. President Obama and Chinese President Hu Jintao. The S&ED replaced the former Senior Dialogue and Strategic Economic Dialogue (SED) under the George W. Bush administration.

<sup>485</sup> On February 11, 2015, the United States filed the latest WTO dispute settlement case against China (DS489) regarding certain Chinese measures providing subsidies contingent upon export performance to enterprises in several industries in China. WTO, "Chronological List of Dispute Cases" (accessed March 16, 2015).

<sup>486</sup> USTR, "U.S. Trade Representative Michael Froman Announces U.S. Victory in Challenge to China's Rare Earth Export Restraints," August 2014.

<sup>487</sup> WTO, "Dispute Settlement: DS431; China—Measures Related to the Exportation of Rare Earths, Tungsten and Molybdenum" (accessed January 22, 2015).

<sup>488</sup> USTR, "United States Welcomes WTO's Rejection of China's Challenge to U.S. Countervailing Duty Law, Regrets Findings on Challenge to Specific Proceedings," March 2014.

<sup>489</sup> WTO, "Dispute Settlement: DS449: United States—Countervailing and Anti-dumping Measures on Certain Products from China" (accessed January 22, 2015).

## Intellectual Property Rights Enforcement

The United States and China have had lengthy and long-standing consultations on IPR issues, particularly since China's accession to the WTO and its acceptance of the WTO Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement.<sup>490</sup> As a result, China has undertaken wide-ranging revisions to its laws, but much work reportedly remains to be done.<sup>491</sup>

USTR's *2014 Special 301 Report* again placed China on the priority watch list for countries with particular problems with respect to IPR protection, enforcement, or market access for persons relying on intellectual property.<sup>492</sup> USTR noted significant concerns with the theft of U.S. firms' trade secrets, forced transfer of IPR and technology, the difficulty of obtaining legal redress, and problems with non-deterrent IPR enforcement in general. However, USTR also cited improvements in China's IPR landscape through increased judicial resources devoted to IPR cases and through notable efforts to update major intellectual property laws. For example, in August 2013, the National People's Congress enacted amendments to China's Trademark Law, including provisions to combat trademark squatting, expand protection to sound marks, permit multiclass registration, and streamline application and appeal procedures.<sup>493</sup> In May 2014, the revised Trademark Law and implementing regulations went into effect.<sup>494</sup>

USTR's *2014 Out-of-Cycle Review of Notorious Markets*, which identified Internet and physical markets that reportedly engage in substantial copyright and trademark infringement, also highlighted developments in China, including some encouraging trends.<sup>495</sup> In 2014, the Chinese website Xunlei made several notable improvements, including shutting down its problematic affiliated service, GouGou, and transitioning another affiliated service, KanKan, to a legitimate format. Xunlei also created a mechanism for reporting unauthorized content and entered into agreements with several rights holder organizations to distribute licensed content. In recognition of Xunlei's effort, USTR removed Xunlei from the list of notorious markets in 2014.<sup>496</sup> USTR also noted that a number of online markets in China have been the subject of deterrent enforcement actions in China's courts, such as Kuaibo.com/QVOD, a previously listed online market, which closed as a result of enforcement efforts.<sup>497</sup> Serious online problems are still reported, however.

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<sup>490</sup> For more information on the effect of China's IPR infringement, see USITC, *China: Intellectual Property Infringement*, November 2010; USITC, *China: Effects of Intellectual Property Infringement*, May 2011.

<sup>491</sup> USTR, *2014 Special 301 Report*, April 2014, 30–31.

<sup>492</sup> *Ibid.*, 8.

<sup>493</sup> USTR, *2014 Special 301 Report*, April 2014, 10.

<sup>494</sup> *Ibid.*, 31.

<sup>495</sup> For more information about this USTR report, see chapter 2.

<sup>496</sup> USTR, *2014 Out-of-Cycle Review of Notorious Markets*, March 5, 2015, 4.

<sup>497</sup> *Ibid.*, 4.

In its review, USTR said that while Chinese authorities engage in routine enforcement actions in physical markets, a number of Chinese markets still sell counterfeit goods and/or facilitate the distribution of significant quantities of counterfeit merchandise for consumption in China and abroad. The following Chinese markets were named as key contributors to counterfeiting: Jin Long Pan Foreign Trade Garment Market and Jinshun Garment Market in Guangzhou; the Qi Pu Market in Shanghai; and the Silk Market in Beijing.<sup>498</sup>

## Agricultural Market Access

Although China remained the United States' largest agricultural export market in 2014,<sup>499</sup> U.S. agricultural exports to China have declined continuously for three years, falling from \$25.9 billion in 2012 to \$25.5 billion in 2013 and \$24.6 billion in 2014. In 2014, China accounted for 16.3 percent of total U.S. agricultural exports.<sup>500</sup>

U.S. producers of agricultural products continue to face a number of Chinese nontariff barriers, particularly in the areas of SPS measures and inspection-related requirements.<sup>501</sup> In 2014, China continued to block U.S. beef over concerns related to bovine spongiform encephalopathy (BSE). This exclusion remained in place even though the United States has been recognized by the World Organization for Animal Health (OIE) as being in the lowest-risk category for this disease<sup>502</sup>—that is, U.S. beef poses a negligible risk of transmitting BSE.<sup>503</sup> In 2014, China also continued to block imports of U.S. pork due to China's zero-tolerance policy for ractopamine. Again, China maintained this policy despite the fact that U.S. pork had been declared safe to trade under the international scientific guidelines.<sup>504</sup> In 2014, citing concerns about avian influenza, China also continued to impose import suspensions on poultry from Arkansas,

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<sup>498</sup> USTR, *2014 Out-of-Cycle Review of Notorious Markets*, March 5, 2015, 20, 21.

<sup>499</sup> For more information on the conditions of competition in China's agricultural market and trade, see USITC, *China's Agricultural Trade: Competitive Conditions*, March 2011.

<sup>500</sup> USDA, "Top 15 U.S. Agricultural Export Destinations, by Calendar Year, \$U.S. Value," March 20, 2015.

<sup>501</sup> USTR, *2014 Report to Congress on China's WTO Compliance*, December 2014, 97.

<sup>502</sup> *Ibid.*, 17.

<sup>503</sup> OIE guidelines recommend no restrictions on imports of beef from a negligible risk country other than presenting a veterinary certificate attesting to the BSE risk status. Source: OIE.

<sup>504</sup> Ractopamine is a veterinary drug used in animal feed to promote muscle growth in pigs, cattle, and, to a limited extent, heavy turkeys. It was approved for use in cattle by the U.S. Food and Drug Administration in 2003. FAO, "Information Sheet: Discussion on Ractopamine in Codex," April 26, 2012. A maximum residue limit (MRL) or allowable tolerance for ractopamine in pork was established by the Codex Alimentarius Commission, a UN food standards-setting body, in 2012.

California, New Jersey, New York, and Wisconsin,<sup>505</sup> although China lifted its import ban on poultry and poultry products from Virginia in May 2014.<sup>506</sup>

## Agricultural Biotechnology

Under China's regulations on agricultural biotechnology, any foreign company that exports raw materials or products using genetically engineered (GE) organisms or containing GE ingredients must apply to China's Ministry of Agriculture (MOA) for a GE safety certificate. China has also listed GE products subject to labeling rules, requiring that if these products are sold in China, they must be clearly labeled with the name of the GE materials as well as any applicable special restrictions. Such GE products include soybeans and soybean-related products, as well as corn and corn-related products.<sup>507</sup>

Because soybeans and corn are among the top U.S. agricultural exports to China, increased delays in China's agricultural biotechnology approval process in 2014 not only disrupted trade but also created uncertainty among U.S. exporters.<sup>508</sup> Since November 2013, China has repeatedly refused shipments of U.S. corn on the grounds that some contained a genetic modification developed by Syngenta AG that China has not approved.<sup>509</sup> The U.S. National Grain and Feed Association (NGFA) estimated that China's zero-tolerance policy on Syngenta's corn technology caused up to \$2.9 billion of economic losses for U.S. agriculture.<sup>510</sup> A similar problem affected U.S. hay exports in 2014. Since summer 2014, shipments of U.S. hay to China have plunged, and some deliveries have been rejected, because Chinese inspectors detected the presence of hay made from a biotech alfalfa that China has not approved.<sup>511</sup>

Agricultural biotechnology was among the top issues discussed at high-level bilateral meetings in 2014. In November 2014, the United States and China agreed to intensify science-based agricultural innovation for food security, and committed to strengthen dialogue to enable increased use of innovative technologies in agriculture.<sup>512</sup> Both sides agreed to conduct an annual Strategic Agricultural Innovation Dialogue at the vice-ministerial level within the

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<sup>505</sup> The import bans on poultry from California and New Jersey took effect beginning in May 2014 and September 2014, respectively. The import bans on poultry from Arkansas, New York, and Wisconsin took effect in 2013. USDA, "Export Requirements for the People's Republic of China," February 17, 2015.

<sup>506</sup> Responding to an outbreak of high-pathogenic avian influenza in Oregon and Washington State, China banned all poultry imports from the United States, effective January 9, 2015. USDA, "Export Requirements for the People's Republic of China," February 17, 2015.

<sup>507</sup> Library of Congress, "Restrictions on Genetically Modified Organisms: China" (accessed January 23, 2015).

<sup>508</sup> USTR, *2014 Report to Congress on China's WTO Compliance*, December, 2014, 17.

<sup>509</sup> Bunge, "U.S. Corn Exports to China Dry Up," April 11, 2014.

<sup>510</sup> NGFA, "NGFA Estimates Up to \$2.9 Billion Loss," April 2014.

<sup>511</sup> Newman, "China's Hard Line on Biotech Burns U.S. Hay," December 15, 2014.

<sup>512</sup> White House, "U.S.-China Economic Relations," November 12, 2014.

framework of the JCCT, with the first meeting to be held in early 2015.<sup>513</sup> In December 2014, China announced that import approvals were pending for three biotechnology products of significant importance to U.S. farmers, including two soybean events and one corn event.<sup>514</sup>

## Medical Devices and Pharmaceuticals Market Access

China is the world's second-largest market for medical devices and pharmaceutical products, with promising growth potential.<sup>515</sup> The United States is among China's major suppliers, exporting billions of dollars of medical devices and pharmaceutical products to China every year.<sup>516</sup>

China imposes strict requirements for accessing its medical devices and pharmaceuticals market. To export medical devices to China, an exporter is required to submit documents covering instructions for use, quality standards, test methods, and other relevant information for the inspection and approval of China's drug regulatory authority. Before applying for customs formalities, the exporter must also receive an import product registration certificate.<sup>517</sup> Similarly, foreign pharmaceutical manufacturers are required to apply for a license for manufacturing or marketing pharmaceutical products in China.<sup>518</sup>

At the JCCT meeting in December, the two sides made important progress in streamlining China's regulatory process, cutting red tape in China's approval procedures, and reducing the time for medical devices and innovative pharmaceutical products to reach Chinese markets.<sup>519</sup> In particular, China agreed to push forward the reform of its medical device and pharmaceutical regulatory review and approval system. It also agreed to make efforts to eliminate its drug application backlog by adding personnel and funds, streamlining the relevant mechanisms, and speeding the review process. China further promised to carry out measures to prevent duplicative testing in clinical trials and to allow clinical trials of a drug to be conducted in China at the same time they are conducted in another country. It also agreed to take measures loosening the rules around clinical trials to improve the efficiency of exporting medical devices

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<sup>513</sup> USDOC, "25th U.S.-China Joint Commission on Commerce and Trade," December 19, 2014.

<sup>514</sup> Ibid. An event is a genotype produced from a single transformation of a plant species using a specific genetic construct. For example, two lines of the same plant species that are transformed with the same or different constructs constitute two events. ETS, Glossary, n.d. <http://excellencethroughstewardship.org/resources/glossary/> (accessed May 7, 2015).

<sup>515</sup> China Briefing, "Market Overview: The Medical Device Industry in China," December 3, 2014.

<sup>516</sup> USDOC, "25th U.S.-China Joint Commission on Commerce and Trade," December 19, 2014.

<sup>517</sup> CFDA, "Regulations for the Supervision and Administration of Medical Devices," December 19, 1992.

<sup>518</sup> CFDA, "Regulations for Implementation of the Drug Administration Law," August 4, 2002.

<sup>519</sup> USTR, "U.S.-China Joint Factsheet on the 25th U.S.-China Joint Commission on Commerce and Trade," December 2014.



to China. Lastly, China and the United States agreed to engage in high-level dialogue in 2015 to further promote efficient access to the Chinese pharmaceutical and medical devices markets.<sup>520</sup>

The United States and China also made significant progress in promoting access to safe and high-quality medicines in China. At the July S&ED, China promised to consider amending its Drug Administration Law,<sup>521</sup> which would address a gap in regulatory oversight of manufacturers (including “export only” producers and distributors) of bulk chemicals that can be used as active pharmaceutical ingredients.<sup>522</sup> China also agreed to create a multi-ministerial work mechanism focusing on developing a regulatory and enforcement framework for high-quality medicines.<sup>523</sup>

## U.S.-China Bilateral Investment Treaty

Building upon both countries' mutual interests in supporting and promoting open investment and market-based competition, the United States and China agreed to launch negotiations for a bilateral investment treaty (BIT) on June 18, 2008.<sup>524</sup> However, negotiations were delayed due to a review of the United States' 2004 model BIT, which concluded in April 2012 with the release of the revised 2012 model BIT.<sup>525</sup> U.S.-China negotiations have been based on the new model BIT, which provided investors with “improved market access; protection from discriminatory, expropriatory, or otherwise harmful government treatment; and a mechanism to pursue binding international arbitration for breaches of the treaty.”<sup>526</sup> In 2013, the two countries agreed to negotiate a BIT on the basis of pre-establishment national treatment<sup>527</sup> with a “negative list” approach. Such a BIT would provide national treatment at all phases of investment, including market access (i.e., the “pre-establishment” phase of investment), and in

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<sup>520</sup> USTR, “U.S.-China Joint Factsheet on the 25th U.S.-China Joint Commission on Commerce and Trade,” December 2014.

<sup>521</sup> U.S. Department of the Treasury, “Sixth Meeting of the U.S.-China Strategic and Economic Dialogue U.S. Fact Sheet – Economic Track,” July 11, 2014.

<sup>522</sup> USTR, *Fiscal Year 2016 Budget*, February 2015, 70.

<sup>523</sup> *Ibid.*

<sup>524</sup> U.S. Department of the Treasury, “Fourth Cabinet-level Meeting of the U.S.-China Strategic Economic Dialogue,” June 18, 2008.

<sup>525</sup> The United States negotiates BITs on the basis of a “model” text. In 2009, the United States initiated a review of the United States' 2004 model BIT to ensure that it was consistent with the public interest and the Obama Administration's overall economic agenda. The review was concluded in April 2012 with the release of the revised 2012 model BIT. USTR, “United States Concludes Review of Model Bilateral Investment Treaty,” April 2012.

<sup>526</sup> USTR, “United States Concludes Review of Model Bilateral Investment Treaty,” April 2012.

<sup>527</sup> National treatment is the principle of giving others the same treatment as one's own nationals. WTO, “An informal press guide to ‘WTO speak’,”

[https://www.wto.org/english/thewto\\_e/minist\\_e/min01\\_e/brief\\_e/brief22\\_e.htm](https://www.wto.org/english/thewto_e/minist_e/min01_e/brief_e/brief22_e.htm) (accessed May 7, 2015).

all sectors of the Chinese economy, except where explicitly excluded on a negative list.<sup>528</sup> According to the U.S. Department of the Treasury, this was the first time that China agreed to negotiate a BIT on this scale—one that will help in “eliminating market barriers, and leveling the playing field for U.S. businesses in China.”<sup>529</sup>

In 2014, the United States and China continued to pursue BIT negotiations as a top priority in their economic relations.<sup>530</sup> At the July 2014 S&ED meeting, the two sides agreed to intensify BIT negotiations with the aim of reaching agreement on core issues and major articles of the treaty text by the end of the year. They also agreed to begin the “negative list” negotiations early in 2015, to identify exceptions based on each other’s “negative list” offers.<sup>531</sup> In November 2014, U.S. and China leaders met in Beijing and agreed again to speed up the U.S.-China BIT negotiation.<sup>532</sup>

## Mexico

In 2014, Mexico was the United States’ third-largest single-country merchandise trading partner, following Canada and China. Merchandise trade between the two countries increased by 5.5 percent to \$534.5 billion in 2014, accounting for 13.5 percent of U.S. trade with the world. The U.S. merchandise trade deficit with Mexico fell by \$0.6 billion in 2014, to \$53.8 billion, as U.S. exports grew faster than U.S. imports. It was the United States’ fourth-largest merchandise trade deficit with any single country after China, Germany, and Japan (figure 6.8); the U.S. trade deficit with China, for example, was more than six times that with Mexico. At the same time, the U.S. trade surplus in services with Mexico decreased by 21.9 percent to \$9.2 billion in 2014 (figure 6.9). Mexico was the United States’ sixth-largest single-country trading partner for services in 2014, after the United Kingdom, Canada, Japan, China, and Germany.

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<sup>528</sup> U.S. Department of the Treasury, “Economic Track Fifth Meeting,” July 12, 2013; USTR, *2013 Report to Congress on China’s WTO Compliance*, December, 2013, 77. A “negative list” lists those sectors where investments would be explicitly excluded from the terms of the BIT.

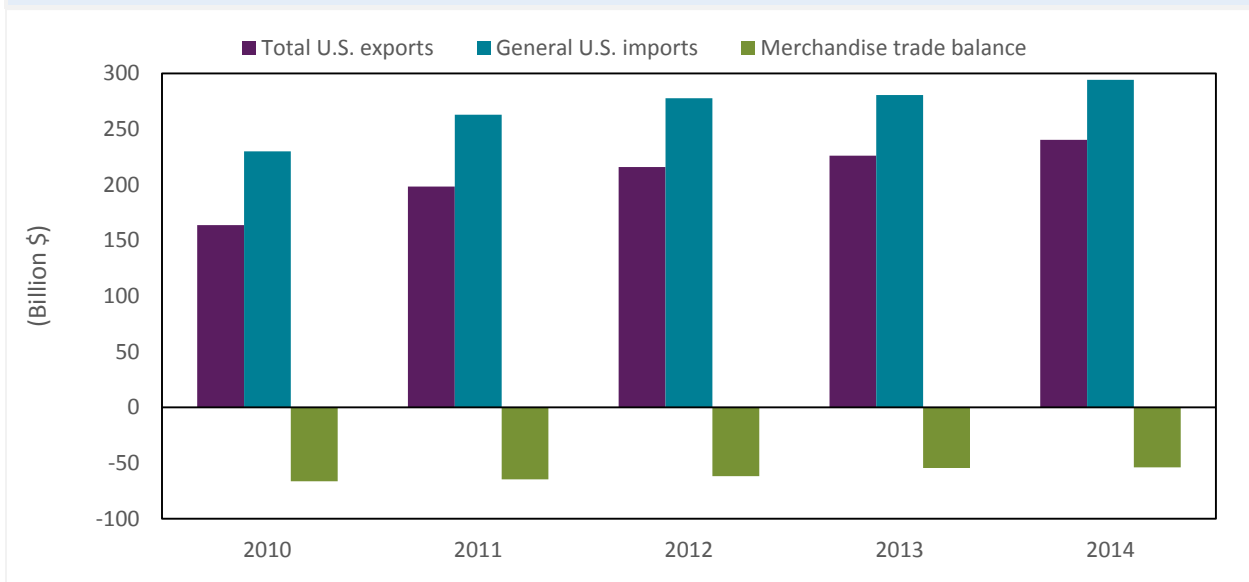
<sup>529</sup> U.S. Department of The Treasury, “U.S. and China Breakthrough Announcement,” July 15, 2013.

<sup>530</sup> White House, “U.S.-China Economic Relations,” November 12, 2014.

<sup>531</sup> U.S. Department of the Treasury, “Updated: U.S.-China Joint Fact Sheet; Sixth Meeting of the Strategic and Economic Dialogue,” July 11, 2014.

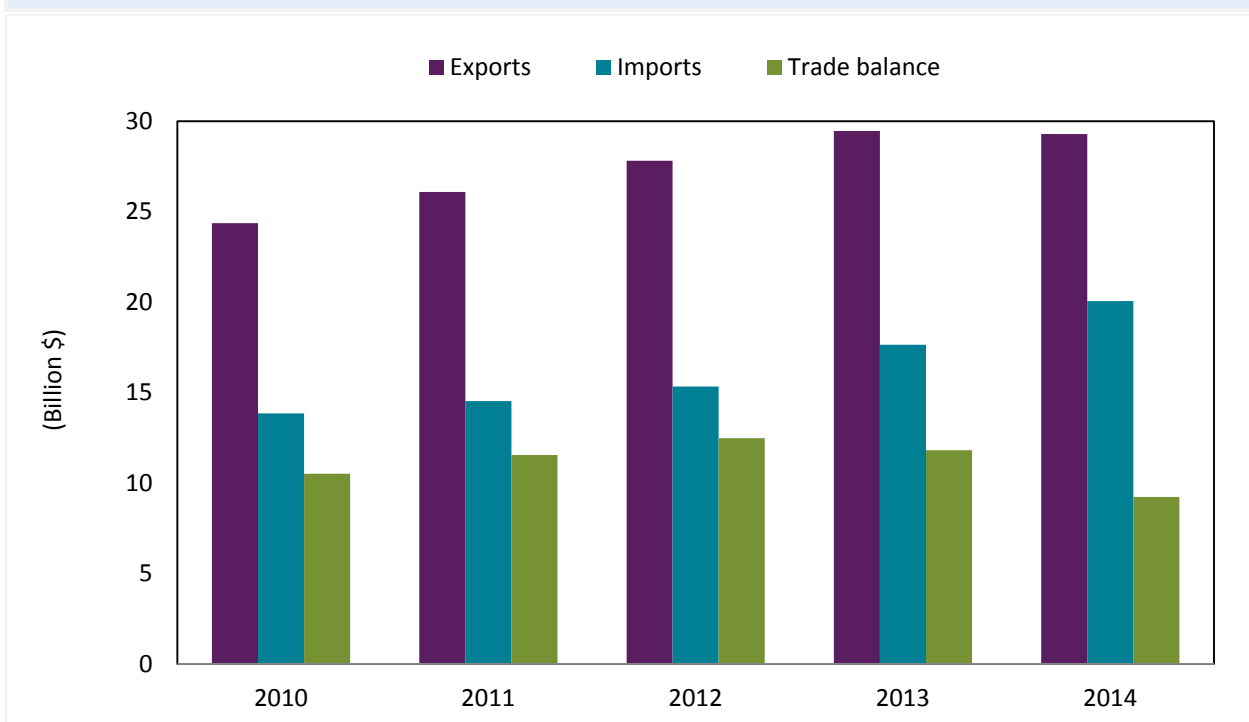
<sup>532</sup> Government of the UK, British Embassy, Beijing, “China Politics Update—End of 2014 Special Edition” (accessed April 2, 2015). It was reported that the United States and China had missed their goal of reaching agreement on the core text of the U.S.-China BIT by the end of 2014; that the United States was still waiting for China’s proposed negative list offer; and that China would likely submit its offer within the first quarter of 2015. See *Inside U.S. Trade*, “U.S.-China BIT ‘Core Text’ Outstanding,” January 30, 2015; *Inside U.S. Trade*, “China Draft Law Would Revamp Investment Review,” February 12, 2015.

**Figure 6.8:** U.S. merchandise trade with Mexico, 2010–14



Source: USITC DataWeb (accessed February 12, 2015); data compiled from official statistics of the U.S. Department of Commerce.

**Figure 6.9:** U.S. private services trade with Mexico, 2010–14<sup>a</sup>



Source: USDOC, BEA, U.S. International Transactions Accounts Data, March 19, 2015, tables 1.2 and 1.3.

<sup>a</sup> Data for 2014 are preliminary.

U.S. merchandise exports to Mexico totaled \$240.3 billion in 2014, an increase of 6.3 percent from 2013. In 2014, the leading U.S. exports to Mexico were electronic products—computer parts and accessories, cellphones, processor controllers, and parts for electrical apparatus for electrical circuits. These were followed by transportation equipment (particularly parts and accessories for motor vehicles, and aircraft and aircraft parts), chemicals and related products, energy-related products, and machinery. Other leading exports to Mexico included oil, articles of plastic, corn, copper ores, and soybeans.

In 2014, U.S. merchandise imports from Mexico increased by 4.9 percent to \$294.2 billion. Leading U.S. imports from Mexico included transportation equipment (passenger motor vehicles and parts, trucks, and road tractors for semi-trailers), electronic products (televisions, computers, and cellphones), and energy-related products. Other leading imports from Mexico were medical instruments and nonmonetary gold. Particularly important in the increase of U.S. imports from Mexico was the rise in the value of vehicles and vehicle parts and accessories. U.S.-Mexico merchandise trade data are shown in appendix tables A.33 through A.35.

U.S.-Mexican trade relations are governed in large part by NAFTA, which provides duty-free treatment to a sizable portion of the goods traded between the two countries (table 5.2).<sup>533</sup> In 2014, Mexico continued to take part in the ongoing negotiations under the Trans-Pacific Partnership (TPP), a prospective regional trade agreement between the United States and 11 other countries (including Mexico).<sup>534</sup> To strengthen the U.S.-Mexico commercial and economic relationship, a new High Level Economic Dialogue (HLED) was established in 2013. Developments in 2014 regarding the HLED, NAFTA's cross-border trucking provisions, and the sugar trade agreement between the United States and Mexico are described below.

## High Level Economic Dialogue

On September 20, 2013, U.S. and Mexican officials launched the HLED, a cabinet-level group that meets annually. The HLED work plan has three pillars: promoting competitiveness and connectivity; fostering economic growth, productivity, entrepreneurship, and innovation; and partnering for regional and global leadership.<sup>535</sup>

In 2014, under the HLED, the governments of the United States and Mexico (1) initialed an air transport agreement aimed at competitive pricing and more convenient air service; (2) improved infrastructure at the border to cut wait times significantly for people crossing into the

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<sup>533</sup> For more information on NAFTA, see chapter 5. Originating goods of Mexico are eligible under every rate line in HTS chapters 1–97.

<sup>534</sup> Mexico officially joined the ongoing negotiations under TPP in October 2012. The TPP is discussed in chapter 5.

<sup>535</sup> White House, "U.S.-Mexico Partnership," May 2, 2013; White House, "U.S.-Mexico High Level Economic Dialogue," September 20, 2013. For more information on the HLED, see USITC, *The Year in Trade 2013, 2014*, 146.

United States at San Diego, CA, and Nogales, AZ; (3) signed an agreement for mutual recognition of the “trusted trader” programs to ease the flow of goods across borders; and (4) signed a memorandum of intent to promote investment.<sup>536</sup> On January 6, 2015, at the second cabinet-level meeting of the HLED in Washington, DC, the two governments agreed to work to continue advancing their shared interests; strengthen their close and productive bilateral economic and commercial ties; enhance competitiveness; create additional trade and economic opportunities; and promote increased regional and global cooperation. The strategic goals for 2015 include six key areas: energy, modern borders, workforce development, regulatory cooperation, partnering in regional and global leadership, and stakeholder engagement.<sup>537</sup>

## Cross-Border Trucking between the United States and Mexico

Under the cross-border trucking commitments found in Chapter 12 of NAFTA, Mexican trucks were allowed to provide cross-border truck services throughout the United States beginning in 2000. The implementation of these provisions was delayed because of U.S. safety concerns.<sup>538</sup> To address these concerns and to meet its obligations under NAFTA, the U.S. Department of Transportation (USDOT) and the Federal Motor Carrier Safety Administration (FMCSA) initiated the U.S.-Mexico Cross-Border Long-Haul Trucking Pilot Program (Pilot Program).<sup>539</sup>

The Pilot Program was launched on October 14, 2011, and concluded on October 10, 2014.<sup>540</sup> To implement the program, the USDOT Secretary and his counterpart from Mexico established an agreement that also suspended the approximately \$2.4 billion annually in retaliatory tariffs imposed by Mexico on U.S. agricultural and manufacturing goods between 2009 and 2011.<sup>541</sup>

After the Pilot Program's conclusion, FMCSA analyzed and evaluated its results. It found “evidence that Mexico-domiciled motor carriers operating beyond the commercial zone had safety records that were equal to or better than the national average for U.S. and Canadian

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<sup>536</sup> USDOC, “U.S.-Mexico High Level Economic Dialogue,” January 6, 2015; USDOC, “Joint Statement: United States-Mexico High Level Economic Dialogue,” January 6, 2015; USDOC, “Progress Report on the U.S.-Mexico High Level Economic Dialogue” (accessed March 18, 2015).

<sup>537</sup> USDOC, “Joint Statement: United States-Mexico High Level Economic Dialogue,” January 6, 2015.

<sup>538</sup> Developments in cross-border truck services between the United States and Mexico are reported in USITC, *The Year in Trade 2008*, 2009, 5-16; USITC, *The Year in Trade 2009*, 2010, 5-16; USITC, *The Year in Trade 2010*, 2011, 5-12; USITC, *The Year in Trade 2011*, 2012, 5-14; USITC, *The Year in Trade 2012*, 2013, 5-13; USITC, *The Year in Trade 2013*, 2014, 149.

<sup>539</sup> 76 Fed. Reg. 20807 (April 13, 2011).

<sup>540</sup> Details of the program are reported in USITC, *The Year in Trade 2011*, 2012, 5-14.

<sup>541</sup> USDOT, FMCSA, “United States-Mexico Cross-Border Long-Haul Trucking Pilot Program Report to Congress,” January 2015.

motor carriers operating in the United States.”<sup>542</sup> FMCSA concluded “that the Pilot Program successfully demonstrated that Mexican motor carriers can and do operate throughout the United States at a safety level equivalent to U.S and Canada-domiciled motor carriers.”<sup>543</sup> As a result, on October 10, 2014, FMCSA authorized the 13 carriers that were participating in the Pilot Program at its completion to continue long-haul operations in the United States.

Effective on January 15, 2015, USDOT announced that it had submitted the required report on the Pilot Program to Congress and was accepting applications from Mexico-domiciled motor carriers interested in conducting long-haul operations in the United States.<sup>544</sup>

## Sugar Suspension Agreements between the United States and Mexico

On March 28, 2014, domestic sugar producers filed complaints under the U.S. antidumping and countervailing duty laws with the Commission and the USDOC. The petitioners claimed that sugar from Mexico was being dumped in the U.S. market and received unfair subsidies from the Mexican government, thereby injuring U.S. sugar producers. In response, the Commission instituted antidumping and countervailing duty investigations<sup>545</sup> and on May 12, 2014, made preliminary affirmative determinations in both investigations.<sup>546</sup>

On April 24, 2014, the USDOC initiated both an antidumping duty investigation<sup>547</sup> and a countervailing duty investigation on sugar from Mexico.<sup>548</sup> On August 26, 2014, the USDOC announced its affirmative preliminary determination in the countervailing duty investigation and calculated a preliminary subsidy rate of 2.99 to 17.01 percent. As a result, the USDOC instructed U.S. Customs and Border Protection (Customs) to require cash deposits based on these preliminary rates.<sup>549</sup> On October 27, 2014, the USDOC announced its affirmative preliminary determination in the antidumping duty investigation and determined that sugar from Mexico has been sold in the United States at dumping margins ranging from 39.54 percent to 47.26 percent. As a result, the USDOC instructed Customs to require cash deposits based on these preliminary rates, adjusted for export subsidies as appropriate.<sup>550</sup> On the same day, the USDOC announced that it had initialed two draft agreements with the government of Mexico

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<sup>542</sup> *Ibid.*, 1.

<sup>543</sup> *Ibid.*, 2.

<sup>544</sup> 80 Fed. Reg. 2179 (January 15, 2015).

<sup>545</sup> 79 Fed. Reg. 18697 (April 3, 2014).

<sup>546</sup> USITC, *Sugar from Mexico: Investigation Nos. 701-TA-513 and 731-TA-1249 (Preliminary)*, USITC publication 4467, May 2014.

<sup>547</sup> 79 Fed. Reg. 22795 (April 24, 2014).

<sup>548</sup> 79 Fed. Reg. 22790 (April 24, 2014).

<sup>549</sup> USDOC, “Commerce Preliminarily Finds Countervailable Subsidization of Import of Sugar,” August 26, 2014.

<sup>550</sup> USDOC, “Commerce Preliminarily Finds Dumping of Import of Sugar,” October 27, 2014.

and Mexican sugar exporters, respectively. If finally adopted, the agreements would suspend antidumping and countervailing duty investigations of imports of Mexican sugar, allowing Mexican sugar to continue to enter the U.S. market without antidumping or countervailing duties.<sup>551</sup>

On December 19, 2014, the USDOC and Mexican government officials and exporters signed agreements suspending the countervailing duty and antidumping duty investigations on sugar from Mexico, without issuance of final determinations.<sup>552</sup> The countervailing duty agreement contains provisions to prevent an oversupply of sugar in the U.S. market, to prevent imports from being concentrated during certain times of the year, and to limit the amount of refined sugar that may enter the U.S. market from Mexico. Mexico's export limit is set at 100 percent of U.S. needs after accounting for U.S. production and U.S. imports from tariff-rate quota countries.<sup>553</sup> The antidumping duty agreement establishes reference prices, or minimum prices, to guard against undercutting or suppression of U.S. prices. These minimum prices are \$0.26 per pound for refined sugar and \$0.22 per pound for all other sugar.<sup>554</sup> USDOC instructed Customs to refund any cash deposits collected as a result of the preliminary determinations of August 23, 2014, and October 27, 2014.<sup>555</sup>

## Japan

In 2014, Japan remained the United States' fourth-largest single-country trading partner in terms of two-way merchandise trade, accounting for 5.1 percent of total U.S. merchandise

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<sup>551</sup> USDOC, "Antidumping and Countervailing Duty Suspension Agreements on Sugar from Mexico," October 27, 2014; USDOC, "Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico," October 27, 2014; USDOC, "United States and Mexico Reach Deal on Sugar Import Investigations," October 27, 2014.

<sup>552</sup> 79 Fed. Reg. 78039 (December 29, 2014); USDOC, "Fact Sheet: Antidumping and Countervailing Duty Suspension Agreements on Sugar from Mexico," December 19, 2014; USDOC, "United States and Mexico Finalize Deal on Sugar Import Investigations," December 19, 2014.

<sup>553</sup> 79 Fed. Reg. 78039 (December 29, 2014); USDOC, "Agreement Suspending the Countervailing Duty Investigation on Sugar," December 19, 2014.

<sup>554</sup> 79 Fed. Reg. 78039 (December 29, 2014); USDOC, "Agreement Suspending the Antidumping Duty Investigation on Sugar," December 19, 2014.

<sup>555</sup> On January 8, 2015, Imperial Sugar Company, Sugar Land, Texas (Imperial), and AmCane Sugar LLC, Taylor, Michigan (AmCane), filed petitions regarding the suspension agreements on Mexican sugar imports with the Commission. The petitioners claimed that the suspension agreements of December 19, 2014, do not completely eliminate the injurious effects of U.S. imports of sugar from Mexico. In response, the Commission instituted investigations no. 704-TA-1 and 734-TA-1. On March 19, 2015, the Commission determined that the injurious effect of imports of sugar from Mexico on the domestic industry as a whole is completely eliminated by the suspension agreements of December 19, 2014, agreed to by the USDOC and the government of Mexico and Mexican exporters of sugar. On May 4, 2015, the USDOC announced that, having received timely requests to continue from Imperial and AmCane, it would resume the antidumping and countervailing duty investigations of sugar from Mexico. See USITC, "USITC Determines That Injurious Effect of Imports of Sugar," March 19, 2015; USITC, *Sugar from Mexico: Investigation Nos. 704-TA-1 and 734-TA-1 (Review)*, April 2015; 80 Fed. Reg. 25278 (May 4, 2015).

trade. U.S. merchandise trade with Japan declined by 1.4 percent from 2013 to 2014, from \$203.8 billion in 2013 to \$200.9 billion in 2014. The decline was driven primarily by a decrease in U.S. imports from Japan, which fell by \$4.6 billion (3 percent) from 2013 to 2014. Meanwhile, the U.S. merchandise trade deficit with Japan declined 8.7 percent to \$67.0 billion in 2014, the third-largest U.S. bilateral deficit for the year after those with China and Germany (figure 6.10). The reduction of the U.S. trade deficit with Japan was driven by an increase in U.S. exports to Japan and a decrease of U.S. imports from Japan in value terms. In 2014, U.S. services exports to Japan rose 1.0 percent to \$46.3 billion, while imports of services from Japan rose 3.0 percent to \$28.3 billion. The result was a \$352 million decrease in the U.S. services surplus with Japan, to \$18.0 billion in 2014 (figure 6.11).

Japan remained the fourth-largest destination for U.S. merchandise exports, accounting for 4.1 percent of global U.S. exports (table A.5). Between 2013 and 2014, U.S. total exports to Japan increased by 2.7 percent, from \$65.2 billion in 2013 to \$67.0 billion in 2014 (table A.36). Leading U.S. exports to Japan were aircraft and parts, corn, and certain medicaments. The increase in U.S. exports was driven mainly by the rise of exports in major sectors, such as aircraft and parts (which increased by \$0.4 billion) and corn (which increased by \$0.8 billion). The increase in U.S. exports of other leading products, such as liquefied propane (which increased by \$0.4 billion, or 66.6 percent) and acyclic ethers (which increased by \$0.2 billion, or 28.0 percent), also contributed to the overall increase. Lower U.S. corn prices in 2014 resulted in a significant rise in U.S. exports of corn to Japan.<sup>556</sup> Moreover, the dramatic increase in U.S. production of propane, coupled with its competitive price compared to that of other Japanese import sources, led the United States to gain market share in Japan's propane import market.<sup>557</sup>

Japan remained the fourth-largest source of U.S. merchandise imports, accounting for 5.7 percent of global U.S. imports (table A.5). The value of U.S. imports from Japan declined by 3.3 percent to \$133.9 billion in 2014, down from \$138.6 billion in 2013. Leading U.S. imports from Japan were passenger motor vehicles, parts of airplanes and helicopters, gearboxes and parts for motor vehicles, and parts for printers and copying machines. The decline in U.S. imports from Japan was led by a variety of products, including imports of passenger motor vehicles, gearboxes and parts for motor vehicles, and television and digital cameras. Imports of certain airplane parts, however, increased by 26.7 percent from 2013 to 2014. The decline in U.S. imports of passenger motor vehicles from Japan was principally driven by Japanese auto companies shifting their production to North America. For instance, Mazda opened new plants

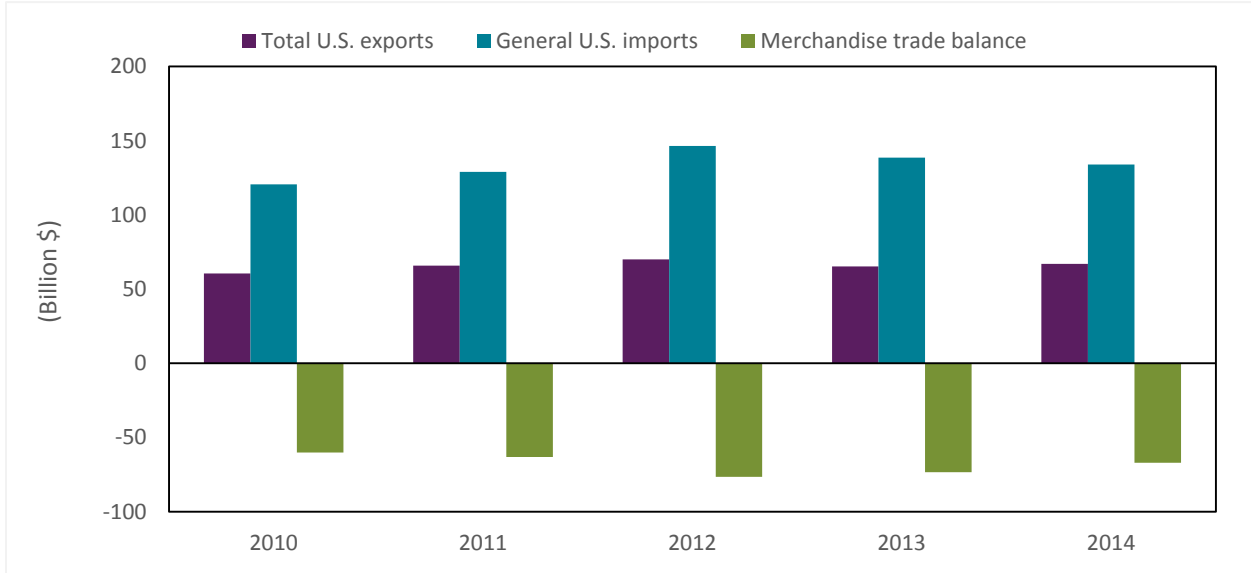
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<sup>556</sup> USDA, FAS, *Japan: Grain and Feed Update—January 2015*, January 29, 2015.

<sup>557</sup> USDOE, EIA, "U.S. Gas Plant Production of Propane and Propylene," n.d. (accessed March 17, 2015); GTIS, Global Trade Atlas database (accessed March 17, 2015).

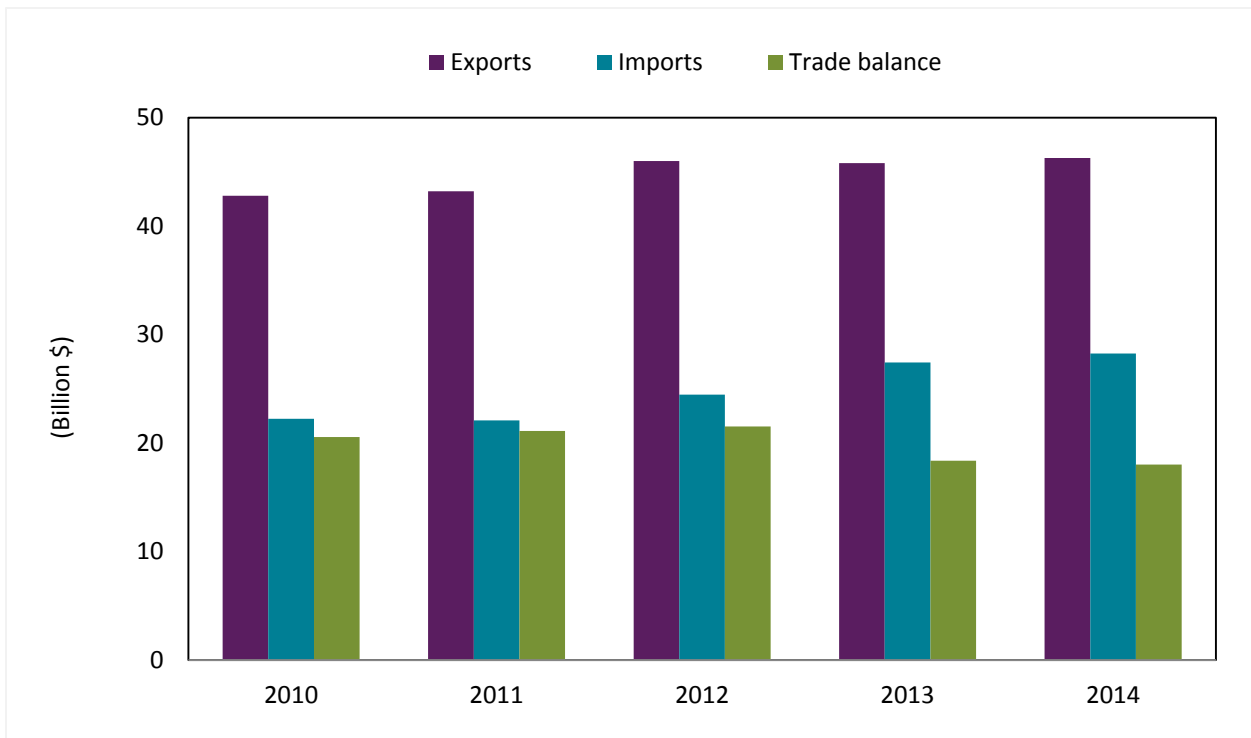


**Figure 6.10:** U.S. merchandise trade with Japan, 2010–14



Source: USITC DataWeb (accessed February 12, 2015); data compiled from official statistics of the U.S. Department of Commerce.

**Figure 6.11:** U.S. private services trade with Japan, 2010–14<sup>a</sup>



Source: USDOC, BEA, U.S. International Transactions Accounts Data, March 19, 2015, tables 1.2 and 1.3.

<sup>a</sup> Data for 2014 are preliminary.

and started producing Mazda 2 and Mazda 3 in Mexico in 2014. Honda also launched its Fit production in Mexico in the same year.<sup>558</sup> The decrease of U.S. imports of television and digital cameras from Japan, on the other hand, reflects changes in consumer demand, as U.S. consumers increasingly use smartphones to take pictures. U.S.-Japan merchandise trade data are shown in appendix tables A.36 through A.38.

Economic dialogue between the United States and Japan in 2014 centered on trying to break new ground in the Trans-Pacific Partnership (TPP) negotiations. The United States held many meetings to negotiate with Japan in the context of the TPP negotiations in 2014, which Japan officially joined in July 2013.<sup>559</sup> In particular, the two countries addressed issues of concern in the passenger motor vehicle, agricultural, and insurance sectors, as well as other nontariff measures in areas such as express delivery, transparency, government procurement, and SPS measures.<sup>560</sup> TPP negotiations with Japan are described in more detail below. In addition, the United States worked closely with Japan over other trade issues of common interest, including coordinating on WTO dispute settlement matters, working towards successfully expanding the WTO Information Technology Agreement, and working together under the Asia-Pacific Economic Cooperation (APEC) forum framework to address localization barriers to trade.<sup>561</sup>

## TPP Negotiations and Dialogue

Japan joined the TPP negotiations in July 2013.<sup>562</sup> During 2014, negotiations between the United States and Japan focused on Japan's import protection mechanisms for several categories of sensitive agriculture products, and U.S. concerns over nontariff measures in the Japanese passenger motor vehicle market that limit exports of U.S.-made motor vehicles to Japan.<sup>563</sup>

### Passenger Vehicle Market Access

U.S. exporters have faced a broad range of nontariff measures in Japan's automotive market.<sup>564</sup> The United States and Japan agreed to address nontariff measures in Japan's passenger motor vehicle market through parallel negotiations to TPP.<sup>565</sup> Specifically, USTR announced that the United States seeks to (1) establish enforceable commitments relevant to the automotive

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<sup>558</sup> Autoweek, "Mazda Opens New Plant in Salamanca, Mexico," February 27, 2014; *Autoblog*, "2015 Honda Fit Production Gets Underway in Mexico," February 25, 2014.

<sup>559</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 145.

<sup>560</sup> *Ibid.*

<sup>561</sup> *Ibid.*, 145–46.

<sup>562</sup> CRS, *The Trans-Pacific Partnership (TPP) Negotiations and Issues for Congress*, March 20, 2015, 3.

<sup>563</sup> *Ibid.*, 4.

<sup>564</sup> USTR, "U.S.-Japan Bilateral Negotiations on Motor Vehicle Trade," n.d. (accessed May 14, 2015).

<sup>565</sup> *Ibid.*

sector that will address a broad range of nontariff measures in Japan's passenger vehicle market, including regulatory transparency, standards, certification, financial incentives, and distribution; and (2) establish an accelerated dispute settlement procedure that would apply to the automotive sector and include a mechanism to “snap back” tariffs as a potential remedy, as well as a special motor vehicle safeguard.<sup>566</sup>

In November 2014, during TPP-related bilateral talks on passenger motor vehicle trade, the United States reportedly proposed a “tariff delay mechanism” as part of the special auto dispute settlement procedures. This mechanism would allow the United States to extend the phaseout of its auto tariff beyond the framework that the United States commits to abide by in a final TPP agreement, if a special dispute settlement panel were to find that Japan had imposed nontariff measures that materially affected the sales or use of U.S. motor vehicles or motor vehicle parts in Japan.<sup>567</sup> Though the two sides reportedly made some progress during these talks, a number of issues remain.<sup>568</sup>

## Agricultural Products

Japan is the United States' fourth-largest market for agricultural exports.<sup>569</sup> During 2014, the United States and Japan negotiated over several agricultural market access issues.<sup>570</sup> According to USTR, the two sides “continued to make some progress in narrowing the gaps on treatment of a range of agricultural products.”<sup>571</sup> Meanwhile, recent Japanese press reports suggested that the Japanese government improved its market access offers to the United States on pork, beef, and rice during bilateral negotiations parallel to the TPP, though issues remain.<sup>572</sup>

## Japan Post

In 2014, the United States continued to press Japan on the competitive position held by Japan Post Holdings Co. (Japan Post or JP), a government-owned company in the banking, insurance, and express delivery sectors of the Japanese economy.<sup>573</sup> Though the U.S. government remains neutral as to whether Japan Post should be privatized, the United States continued to call on the Japanese government to ensure that all necessary measures are taken to achieve a level

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<sup>566</sup> USTR, “U.S.-Japan Bilateral Negotiations on Motor Vehicle Trade,” n.d. (accessed March 19, 2015).

<sup>567</sup> *Inside U.S. Trade*, “USTR Cites Progress in Japan TPP Auto Talks,” November 4, 2014.

<sup>568</sup> *Ibid.*

<sup>569</sup> USTR, “Japan” (accessed May 14, 2015).

<sup>570</sup> USTR, “Readout of Meeting between United States and Japanese Trade Negotiators,” August 2014.

<sup>571</sup> USTR, “Readout of Meeting between Acting Deputy USTR Wendy Cutler and Ambassador Hiroshi Oe,” July 2014; USTR, “Readout of Meeting between United States and Japanese Trade Negotiators,” August 2014.

<sup>572</sup> CRS, *The Trans-Pacific Partnership (TPP) Negotiations and Issues for Congress*, March 20, 2015, 23.

<sup>573</sup> USTR, *2015 National Trade Estimate Report on Foreign Trade Barriers*, March 2015, 213; Reuters, “Japan Post: IPO to Include Separate Listings,” December 26, 2014.

playing field between the Japan Post companies and private sector participants in the above-mentioned sectors.<sup>574</sup>

In 2014, Japan made some progress in privatizing Japan Post. On October 1, 2014, the Japanese Ministry of Finance (MOF) announced the selection of 11 lead manager security firms for the initial public offering (IPO) of Japan Post Holdings.<sup>575</sup> The IPO is a process in which the stock holdings of JP Holdings will be sold to institutional investors, which in turn can sell the stock to the general public. On December 26, 2014, Japan Post announced that three entities, JP Holdings (the parent company) and its two financial subsidiaries, JP Bank and JP Insurance, would go public at the same time in the “latter half of” Japanese fiscal year 2015, which begins April 1, 2015.<sup>576</sup> USTR reported that it anticipates that JP Group will submit a preliminary application for the stock listings to the Tokyo Stock Exchange in March 2015. It is also expected that the IPO will take place in fall 2015.<sup>577</sup>

Though announcements have been made on JP Holdings' determination to initiate the IPO process, the precise timing as well as the pace and volume of the share sales of the three companies remain unknown. The United States stated that it would continue to monitor the developments and urge that the IPO process proceed in a fully transparent manner.<sup>578</sup>

## Republic of Korea

The Republic of Korea (South Korea) was the United States' sixth-largest single-country merchandise trading partner in 2014. Two-way merchandise trade was valued at \$114.2 billion in 2014, accounting for 2.9 percent of U.S. trade with the world. The United States recorded a \$25.1 billion merchandise trade deficit with South Korea in 2014, a 21.2 percent increase from \$20.7 billion in 2013 (figure 6.12). At the same time, the U.S. trade surplus in services with South Korea remained stable between 2013 and 2014, at \$12.3 billion (figure 6.13).

U.S. merchandise exports to South Korea were valued at just over \$44.5 billion in 2014, an increase of 6.8 percent from 2013. Leading U.S. exports to South Korea during the year included processors or controllers; machines for the production of semiconductor devices or electronic integrated circuits; aircraft and parts; corn; and medicaments.

Among the top exports to South Korea, the largest increases occurred in machines for the production of semiconductor devices or electronic integrated circuits (up by 65.2 percent or

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<sup>574</sup> USTR, *2015 National Trade Estimate Report on Foreign Trade Barriers*, March 2015, 215.

<sup>575</sup> Ibid.

<sup>576</sup> Ibid.

<sup>577</sup> USTR, *2015 National Trade Estimate Report on Foreign Trade Barriers*, March 2015, 213.

<sup>578</sup> Ibid., 214.

\$861 million), and corn (up by 334.8 percent or \$815 million). U.S. corn exports to South Korea rebounded sharply, rising from \$243 million in 2013 to \$1.1 billion in 2014 (after dropping 60.6 percent from 2012 to 2013) as corn prices reached a five-year low.<sup>579</sup> The most significant decrease in value among top exports was in aircraft and parts, which fell by 23.4 percent or \$612 million.

U.S. merchandise imports from South Korea totaled \$69.6 billion in 2014, an increase of 11.6 percent from 2013. About 20.9 percent of U.S. merchandise imports from South Korea were passenger motor vehicles, which also experienced the largest increase at 20.5 percent or \$2.5 billion in 2014. Other leading U.S. imports from South Korea included cellphones, petroleum-related products, and computer parts. U.S.-South Korea merchandise trade data are shown in appendix tables A.39 through A.41.

U.S. trade relations with South Korea continued to focus on the U.S.-Korea FTA (KORUS), which celebrated its second anniversary in 2014. South Korea also announced its intent to complete an initial round of preliminary consultations with the 12 TPP countries regarding its interest in joining that trade initiative.<sup>580</sup> These topics, as well as a new bilateral agreement on organic equivalency,<sup>581</sup> are addressed further below.

There were also developments in WTO dispute settlement proceedings involving the United States and South Korea in 2014. At the request of South Korea, the WTO established a panel on January 22, 2014, regarding U.S. antidumping and countervailing duty measures imposed on large residential washers from South Korea. In December the panel informed the DSB that the panel's work was delayed, and its final report is expected to be issued by the end of 2015.<sup>582</sup> South Korea also requested that the United States enter into WTO consultations regarding U.S. antidumping measures on certain oil country tubular goods from South Korea and the investigation methodology underlying such measures in December.<sup>583</sup>

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<sup>579</sup> Newman, "U.S. Corn Prices Fall to Five-Year Low," September 30, 2014.

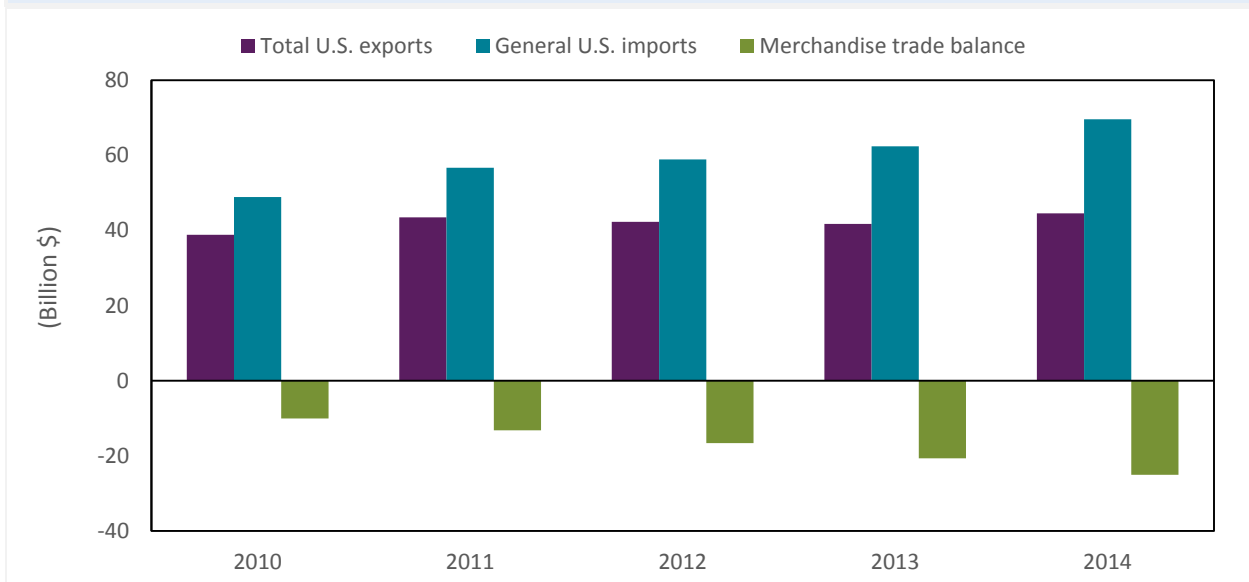
<sup>580</sup> *Inside U.S. Trade*, "Korea Plans to Complete Initial Round," February 3, 2014.

<sup>581</sup> USTR, "United States and Korea Streamline Organic Trade," July 1, 2014.

<sup>582</sup> WTO, "Dispute Settlement: DS464; United States—Anti-dumping and Countervailing Measures on Large Residential Washers from Korea" (accessed February 18, 2015).

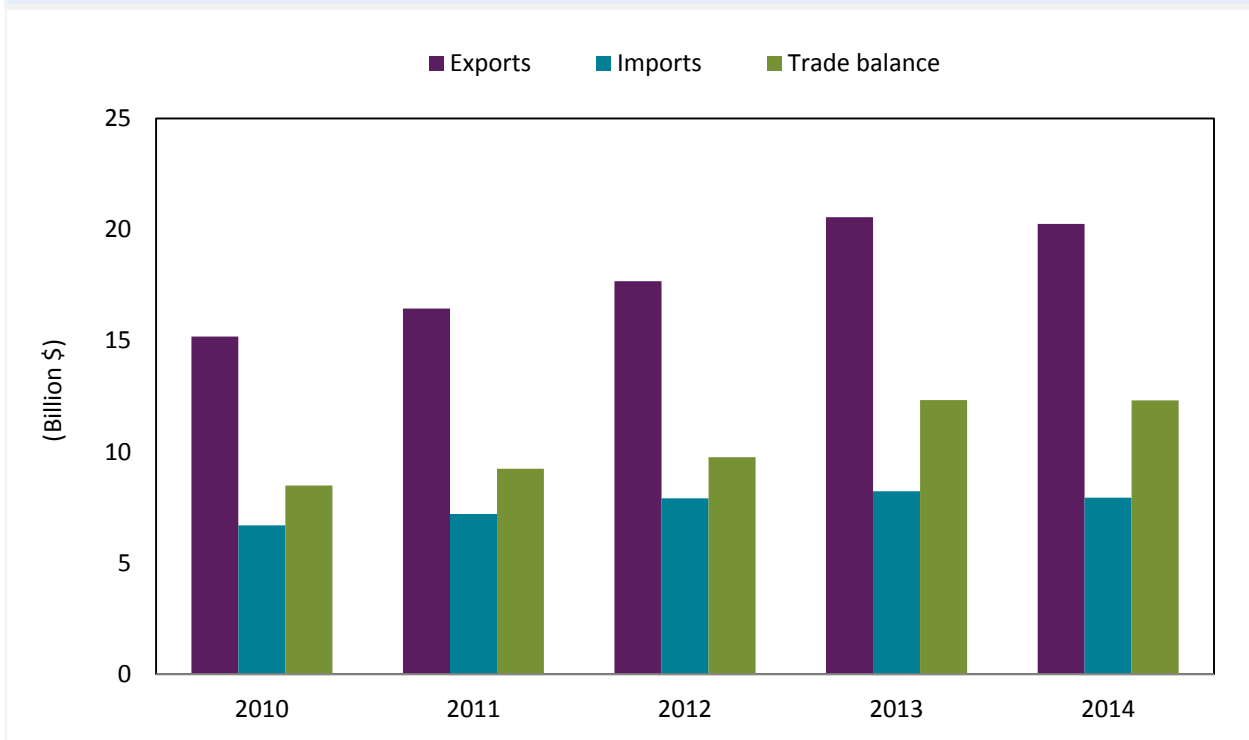
<sup>583</sup> WTO, "Dispute Settlement DS488; United States—Anti-Dumping Measures on Certain Oil Country Tubular Goods from Korea" (accessed February 18, 2015). In January 2015, Turkey, Russia, and Ukraine all requested to join the consultations.

**Figure 6.12:** U.S. merchandise trade with South Korea, 2010–14



Source: USITC DataWeb (accessed February 12, 2015); data compiled from official statistics of the U.S. Department of Commerce.

**Figure 6.13:** U.S. private services trade with South Korea, 2010–14<sup>a</sup>



Source: USDOC, BEA, U.S. International Transactions Accounts Data, March 19, 2015, tables 1.2 and 1.3.

<sup>a</sup> Data for 2014 are preliminary.

## U.S.-Korea FTA

The KORUS FTA entered into force on March 15, 2012.<sup>584</sup> As of yearend 2014, three rounds of tariff cuts and eliminations had taken place under the agreement.<sup>585</sup> As a result, over two-thirds of the value of U.S. agricultural exports to South Korea is now eligible for duty-free treatment.<sup>586</sup> According to USTR, the agreement will eliminate tariffs on over 95 percent of U.S. exports of industrial and consumer goods by 2016.<sup>587</sup>

On December 15, the third meeting of the KORUS Joint Committee was held in Washington, DC.<sup>588</sup> The ministers reviewed KORUS's implementation over the first three years, reviewed the work of the various committees and working groups under the agreement in 2014, and agreed to additional meetings in 2015.<sup>589</sup> Ministers also addressed issues of U.S. concern related to the automobile and financial services sectors. In particular, the United States is concerned about a new South Korean auto emissions standard that could affect U.S. exports of larger, higher-emission vehicles. The United States also registered concerns about South Korea's regulations affecting cross-border financial data flows.<sup>590</sup>

## Trans-Pacific Partnership (TPP)

Since expressing its interest in joining the TPP in November 2013, South Korea has been holding bilateral preliminary talks with the 12 countries participating in the TPP negotiations.<sup>591</sup> In the first such bilateral meeting, South Korean Deputy Trade Minister Choi met with Acting Deputy USTR Wendy Cutler on January 13, 2014.<sup>592</sup> South Korea also held preliminary talks with Mexico, Peru, Chile, Malaysia, and Singapore in January, and with the other six TPP members (Japan, Canada, Australia, New Zealand, Vietnam, and Brunei) in February.<sup>593</sup> South Korea held

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<sup>584</sup> The KORUS FTA is also discussed in chapter 5.

<sup>585</sup> USTR, "U.S.-Korea Free Trade Agreement Shows Strong Results," March 12, 2014. The three rounds of tariff cuts and eliminations took place on the date of the agreement's entry into force (March 15, 2012), January 1, 2013, and January 1, 2014. A further round of tariff cuts took place on January 1, 2015.

<sup>586</sup> Ibid.; Yeongkwan, "KORUS FTA vs. Korea-EU FTA: Why the Differences?" May 2011.

<sup>587</sup> USTR, "U.S.-Korea Free Trade Agreement Shows Strong Results," March 12, 2014.

<sup>588</sup> For more information on this meeting, see chapter 5.

<sup>589</sup> USTR, "Statement on Meeting of the U.S.-Korea Free Trade Agreement (KORUS) Joint Committee," December 15, 2014.

<sup>590</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, February 2014, 131; *Inside U.S. Trade*, "USTR Pushes Back against New Korean Curbs," December 24, 2014.

<sup>591</sup> USTR, "Statement by U.S. Trade Representative Michael Froman on Korea's Announcement," November 29, 2013; *Korea Times*, "Trade Deal Conundrum," April 29, 2014.

<sup>592</sup> USTR, "Press Week Ahead: January 13–17," January 13, 2014.

<sup>593</sup> *Inside U.S. Trade*, "Korea Plans to Complete Initial Round of TPP Consultations," February 3, 2014; *Inside U.S. Trade*, "Seoul Kicks Off 2nd Round of TPP Consultations," April 18, 2014.

further bilateral consultations with TPP countries in April and May.<sup>594</sup> By yearend, South Korea was still actively considering TPP participation, but had not yet made an official decision.<sup>595</sup>

In late 2013, U.S. Trade Representative Froman said that the United States wished to conclude TPP negotiations with the current 12 partners, and then consider the accession of additional members.<sup>596</sup> In April 2014, President Obama said at a business roundtable in Seoul that “fully implementing KORUS also is the single most important step that South Korea can take now to show that it’s prepared to eventually meet the high standards of TPP.”<sup>597</sup> USTR has identified issues remaining under KORUS to include excessive origin-verification checks for imported goods, restrictions on cross-border financial data transfers, and new emission standards for automobiles that may affect U.S. exports.<sup>598</sup>

## Organic Labeling Agreement

On July 1, 2014, an agreement to streamline certification of organic processed products between the United States and South Korea went into effect. Under the agreement, products certified in either country as organic can now be labeled as such in both countries.<sup>599</sup>

Previously, two separate certifications were required to meet each country's divergent organic standards. This equivalency agreement is the first of its kind for South Korea, while the United States has similar ones in place with Canada, the EU, and Japan.<sup>600</sup>

## Brazil

In 2014, Brazil was the United States' ninth-largest single-country trading partner. Brazil was also the United States' largest South American trading partner. Two-way merchandise trade between the United States and Brazil increased by 1.4 percent to \$72.8 billion in 2014, accounting for 1.8 percent of total U.S. merchandise trade with the world. The United States recorded a merchandise trade surplus with Brazil of \$12.1 billion in 2014; this surplus was down 26.7 percent from 2013, because of a decline in U.S. exports combined with an increase in U.S.

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<sup>594</sup> *Inside U.S. Trade*, “Official: U.S. Hopes to Consult Further with Korea,” March 21, 2014; *Inside U.S. Trade*, “Seoul Kicks Off 2nd Round of TPP Consultations,” April 18, 2014; *Inside U.S. Trade*, “Korean Officials Hold TPP Consultations on Sidelines,” May 13, 2014.

<sup>595</sup> *Korea Times*, “Seoul May Go for Both US Trade Pact, China's Regional Bank,” March 12, 2015.

<sup>596</sup> USTR, “Statement by U.S. Trade Representative Michael Froman on Korea’s Announcement,” November 29, 2013; CRS, *The Trans-Pacific Partnership (TPP): Negotiations and Issues for Congress*, March 20, 2015, 3.

<sup>597</sup> U.S. Embassy, Seoul, “Remarks by President Obama at Business Roundtable,” April 26, 2014.

<sup>598</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, February 2014, 131; *Inside U.S. Trade*, “Obama Says ‘Fully’ Implementing KORUS Will Help,” May 2, 2014.

<sup>599</sup> USTR, “United States and Korea Streamline Organic Trade,” July 1, 2014.

<sup>600</sup> *Ibid.*; USDA, AMS, “National Organic Program” (accessed March 30, 2015).



imports (figure 6.14). At the same time, Brazil was the United States' seventh-largest single-country trading partner in services in 2014. The United States ran a services trade surplus of \$19.1 billion with Brazil in 2014, a decline of 0.3 percent from 2013 (figure 6.15).

U.S. merchandise exports to Brazil fell by 3.9 percent to \$42.4 billion in 2014, from \$44.1 billion in 2013. The largest U.S. export to Brazil was aircraft and parts (11.2 percent of total U.S. merchandise exports to Brazil), followed by refined petroleum oils (10.1 percent). Other leading U.S. exports to Brazil included light oils and preparations, liquefied propane, medicaments, telecommunications equipment, coal, processors or controllers, and wheat and meslin. The decline in the value of U.S. exports to Brazil in 2014 was led by a \$0.5 billion decrease in exports of wheat and meslin, a \$0.5 billion decrease in exports of aircraft and parts, and a \$0.4 billion decrease in exports of processors or controllers, which more than offset the increases in exports of refined petroleum oils, light oils, and liquefied propane.

U.S. merchandise imports from Brazil increased by 9.8 percent, rising from \$27.6 billion in 2013 to \$30.3 billion in 2014. Leading U.S. imports from Brazil included crude petroleum, airplanes, semifinished iron or non-alloy steel products, coffee, refined petroleum oils, and chemical wood pulp, soda, or sulfates. The value of U.S. imports of iron ores and soybeans increased by the largest amounts during 2013–14, rising by 499.1 percent and 203.1 percent, respectively. U.S.-Brazil merchandise trade data are shown in appendix tables A.42 through A.44.

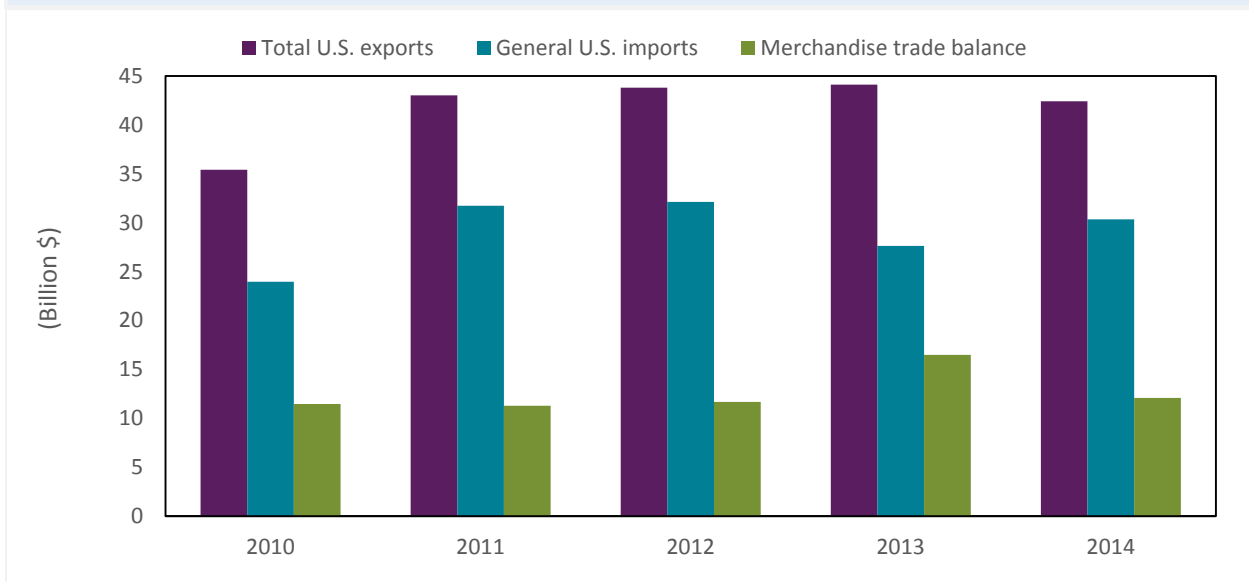
On October 1, 2014, the United States and Brazil signed a memorandum of understanding (MOU) ending a long-standing dispute in the WTO.<sup>601</sup> The WTO had found that certain U.S. agricultural programs were inconsistent with the United States' WTO commitments; these programs included domestic support to cotton under the marketing loan and countercyclical payment programs, and export credit guarantees under the GSM-102 program.<sup>602</sup> This topic is addressed in more detail below.

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<sup>601</sup> USTR, "United States and Brazil Reach Agreement to End WTO Cotton Dispute," October 1, 2014.

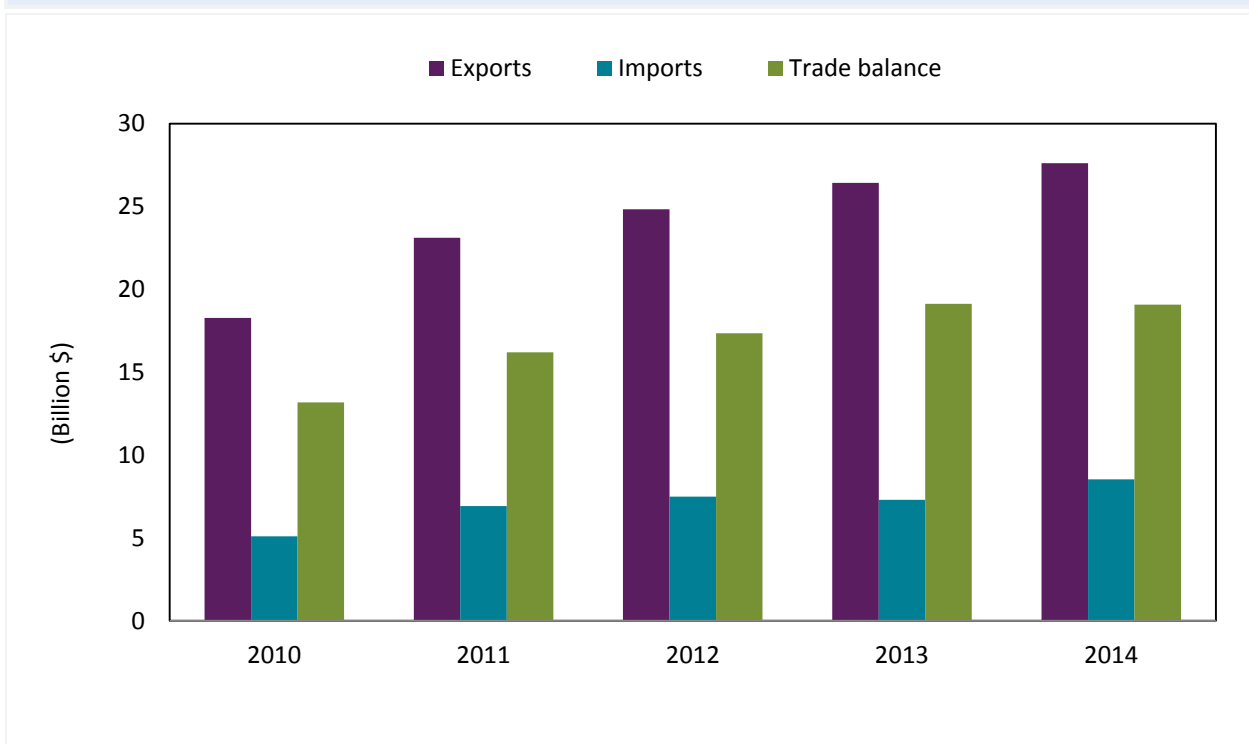
<sup>602</sup> USTR, "U.S., Brazil Agree on Framework Regarding WTO Cotton Dispute," June 17, 2010.

**Figure 6.14:** U.S. merchandise trade with Brazil, 2010–14



Source: USITC DataWeb (accessed February 12, 2015); data compiled from official statistics of the U.S. Department of Commerce.

**Figure 6.15:** U.S. private services trade with Brazil, 2010–14<sup>a</sup>



Source: USDOC, BEA, U.S. International Transactions Accounts Data, March 19, 2015, tables 1.2 and 1.3.

<sup>a</sup> Data for 2014 are preliminary.

## Cotton

On June 25, 2010, the United States and Brazil signed a Framework for a Mutually Agreed Solution to the Cotton Dispute in the WTO Organization (WT/DS267) to avert the imposition of Brazilian countermeasures on U.S. trade, following the findings of a WTO dispute settlement panel.<sup>603</sup> The framework provided for specific obligations for the United States, including adjusting its GSM-102 export credit guarantee program, meeting quarterly for discussions on the programs at issue, and reaching a definitive solution to the dispute.<sup>604</sup> Under a related MOU signed in 2010, the United States also agreed to transfer \$147.3 million annually to the Brazilian Cotton Institute for technical assistance and a capacity-building fund for Brazilian farmers.<sup>605</sup> Over the last four years, Brazil and the United States have worked on the elements of the settlement to the dispute, including changes in the operation of the GSM-102 program and changes to cotton domestic support programs.<sup>606</sup> The framework agreement expired on February 7, 2014, with the enactment of the U.S. 2014 Farm Bill (Pub. L. 113-79).<sup>607</sup> The 2014 Farm Bill included changes to the GSM-102 program and the U.S. cotton support programs, including removing cotton from the price- and revenue-based support programs and replacing them with a stand-alone, county-based revenue insurance policy called the Stacked Income Protection Plan (STAX).<sup>608</sup>

On October 1, 2014, the two governments signed an MOU,<sup>609</sup> and on October 16, they notified the WTO that they had agreed that the dispute was terminated.<sup>610</sup> The MOU includes new rules governing the fees for and tenors of guarantees under the GSM-102 program and a final

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<sup>603</sup> USTR, “United States and Brazil Reach Agreement to End WTO Cotton Dispute,” October 2014. For more background on the cotton dispute, see USITC, *The Year in Trade 2010: Operation of the Trade Agreements Program*, July 2012, 5-23.

<sup>604</sup> USTR, “United States and Brazil Reach Agreement to End WTO Cotton Dispute,” October 2014; WTO, “United States—Subsidies on Upland Cotton: Joint Communication from Brazil and the United States,” WT/DS267/45, August 31, 2010.

<sup>605</sup> USTR, “United States and Brazil Reach Agreement to End WTO Cotton Dispute,” October 1, 2014; USTR, “U.S., Brazil Agree on Framework Regarding WTO Cotton Dispute,” June 17, 2010; USDOS, “Memorandum of Understanding between the Government of the United States of America and the Government of the Federative Republic of Brazil Regarding a Fund for Technical Assistance and Capacity Building with Respect to the Cotton Dispute (WT/DS267) in the World Trade Organization,” 2010, <http://www.state.gov/documents/organization/143669.pdf>.

<sup>606</sup> USDA, “United States and Brazil Reach Agreement to End WTO Cotton Dispute,” October 1, 2014.

<sup>607</sup> USTR, “United States and Brazil Reach Agreement to End WTO Cotton Dispute,” October 1, 2014.

<sup>608</sup> Agricultural Act of 2014 (Pub. L. 113-79, February 7, 2014), Title I, Part II, Sect. 1119. Also, see CRS, *Status of the WTO Brazil-U.S. Cotton Case*, December 12, 2013, 8–9; CRS, *The 2014 Farm Bill (P.L. 113-79): Summary and Side-by-side*, February 12, 2014; WTO, “Dispute Settlement: DS267; United States—Subsidies on Upland Cotton” (accessed March 19, 2015).

<sup>609</sup> USTR, “Memorandum of Understanding Related to the Cotton Dispute (WT/DS267),” <http://ustr.gov/sites/default/files/20141001201606893.pdf> (accessed March 27, 2014); USDA, “United States and Brazil Reach Agreement to End WTO Cotton Dispute,” October 1, 2014.

<sup>610</sup> WTO, “Dispute Settlement: DS267; United States—Subsidies on Upland Cotton” (accessed March 19, 2015).

transfer of \$300 million to the Brazilian Cotton Institute for technical assistance and capacity-building activities in the Brazilian cotton sector.<sup>611</sup> In addition, Brazil gave up its rights to impose countermeasures against U.S. trade or initiate any further proceeding in this dispute. Brazil also agreed not to bring new WTO actions against U.S. domestic cotton support programs or against agricultural export credit guarantees under the GSM-102 program if the program operates consistently with the agreed terms. The MOU expires on September 30, 2018.<sup>612</sup>

## Taiwan

In 2014, Taiwan was the United States' 10th-largest single-economy trading partner, accounting for 1.7 percent of total U.S. trade with the world. U.S. two-way merchandise trade with Taiwan amounted to \$67.4 billion in 2014, an increase of 6.3 percent over \$63.4 billion in 2013. The U.S. merchandise trade deficit with Taiwan grew by 10.2 percent, or \$1.3 billion, from \$12.5 billion in 2013 to \$13.7 billion in 2014 (figure 6.16). On the other hand, the U.S. services trade surplus with Taiwan grew by 7.4 percent, from \$4.2 billion in 2013 to \$4.5 billion in 2014 (figure 6.17).

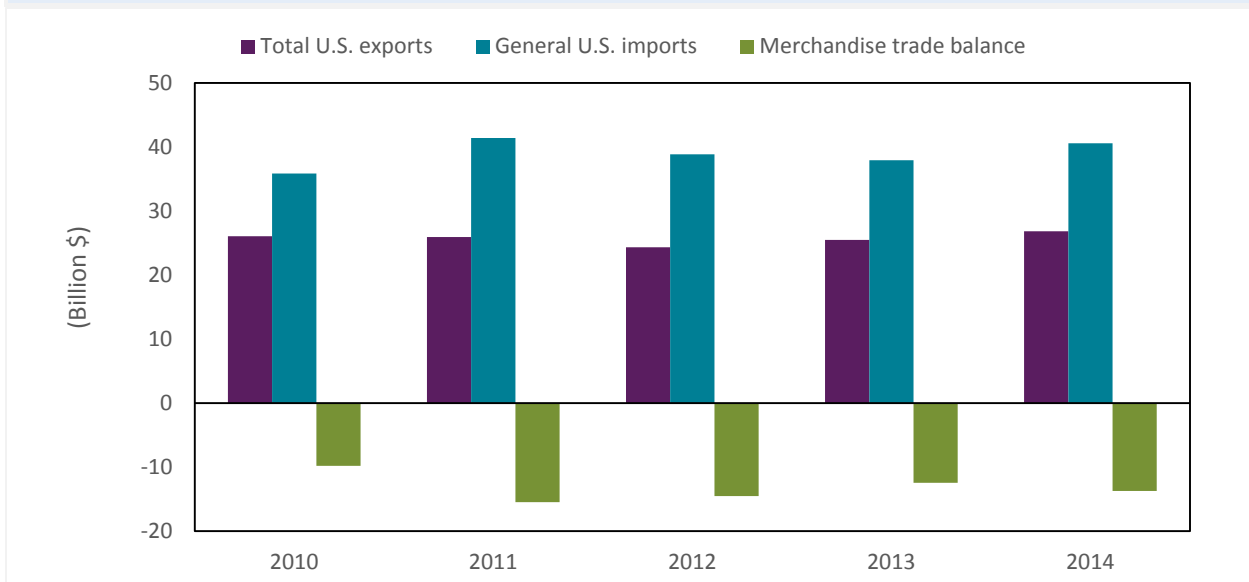
In 2014, U.S. merchandise exports to Taiwan amounted to \$26.8 billion, a 5.4 percent increase from \$25.5 billion in 2013. Machines for semiconductor manufacturing remained the leading U.S. export to Taiwan, accounting for 7.9 percent of U.S. merchandise exports to Taiwan, though it shrank by 9.5 percent, falling from \$2.4 billion in 2013 to \$2.1 billion in 2014. Other leading U.S. exports to Taiwan included aircraft and parts, memory chips, ferrous waste and scrap, soybeans, light oils, and electronic integrated circuits. The increase in the value of U.S. exports to Taiwan in 2014 was led by aircraft and parts (up by 106.9 percent or \$994 million), memory chips (up by 25.6 percent or \$254 million), and corn (up by 122.8 percent or \$222 million).

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<sup>611</sup> USTR, "Memorandum of Understanding Related to the Cotton Dispute (WT/DS267)," <https://ustr.gov/sites/default/files/20141001201606893.pdf> (accessed March 27, 2014); USDA, "United States and Brazil Reach Agreement to End WTO Cotton Dispute," October 1, 2014.

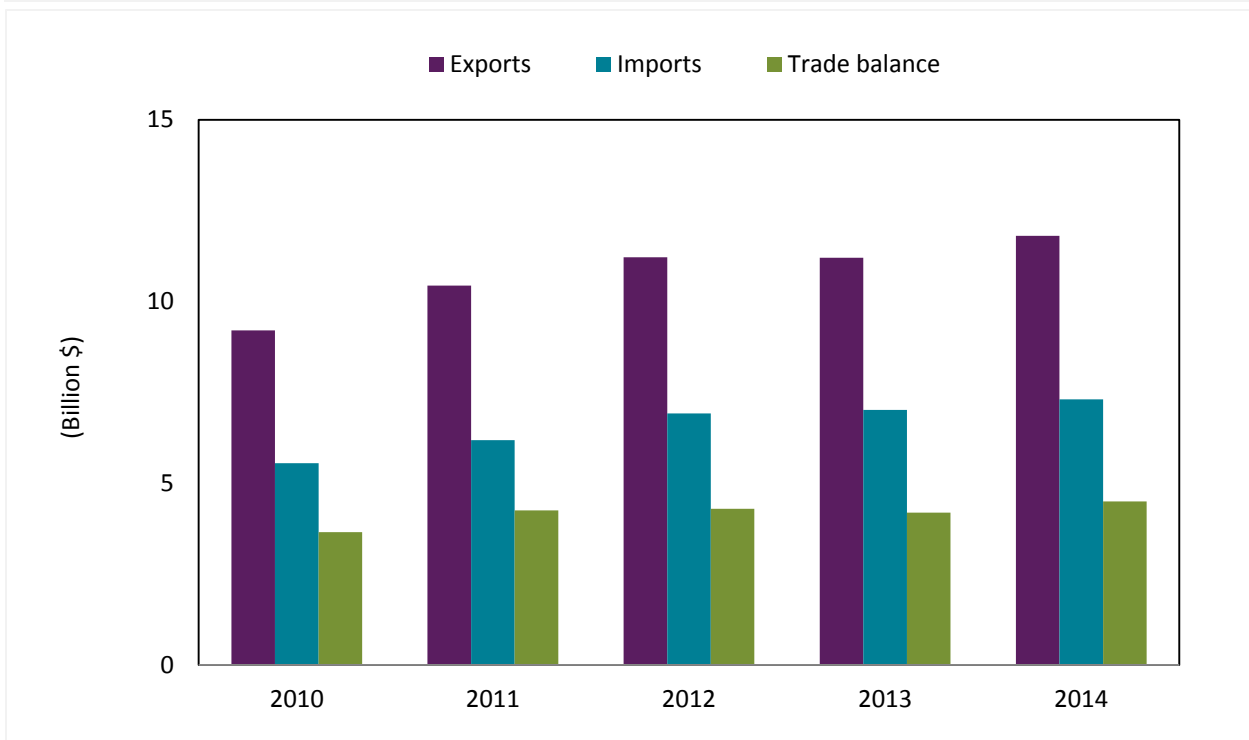
<sup>612</sup> Ibid.

**Figure 6.16:** U.S. merchandise trade with Taiwan, 2010–14



Source: USITC DataWeb (accessed February 12, 2015); data compiled from official statistics of the U.S. Department of Commerce.

**Figure 6.17:** U.S. private services trade with Taiwan, 2010–14<sup>a</sup>



Source: USDOC, BEA, U.S. International Transactions Accounts Data, March 19, 2015, tables 1.2 and 1.3.

<sup>a</sup> Data for 2014 are preliminary.

In 2014, U.S. merchandise imports from Taiwan amounted to \$40.6 billion, a 6.9 percent increase from \$37.9 billion in 2013. Leading U.S. imports were cellphones, memory chips, computer parts and accessories, electronic integrated circuits, processors or controllers, and telecommunication equipment. Cellphones remained the top U.S. import from Taiwan, accounting for 4.0 percent of U.S. merchandise imports from Taiwan, though a declining trend continued in 2014. On the other hand, U.S. imports of telecommunications equipment, electronic integrated circuits, memory chips, and photosensitive semiconductor devices continued to rise. U.S.-Taiwan merchandise trade data are shown in appendix tables A.45 through A.47.

As indicated below, the U.S.-Taiwan Trade and Investment Framework Agreement (TIFA) has served as a key mechanism for U.S.-Taiwan dialogue on trade issues in the absence of official diplomatic ties. The eighth TIFA Council meeting under the auspices of the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States was held in April in Washington, DC. In 2014, U.S.-Taiwan trade relations focused on access to Taiwan's agricultural market, including Taiwan's slow process in establishing a maximum residue limit (MRL) for ractopamine, pesticides, and other agrochemicals; Taiwan's tariff-rate quota system for rice imports; and Taiwan's agriculture biotechnology regulations.

## **U.S.-Taiwan Trade and Investment Framework Agreement**

The U.S.-Taiwan Trade and Investment Framework Agreement (TIFA), signed in 1994, has served as a key mechanism for strengthening bilateral commercial ties, and covers a broad range of trade and investment issues important to U.S. and Taiwan stakeholders.<sup>613</sup> High-level meetings under the TIFA were to take place on an annual basis. However, the talks were suspended in 2007 due to a dispute over Taiwan's restrictions on imports of U.S. beef. In light of positive developments during 2012 on this issue (see section below), the United States and Taiwan resumed the TIFA talks. They also launched two working groups on investment and technical barriers to trade under the TIFA, as well as a joint interagency working group on SPS and agricultural standards in 2013.<sup>614</sup>

In 2014, through the TIFA working group discussions and TIFA Council meeting, concrete progress was reportedly made on issues that concerned the United States. Taiwan amended laws to increase penalties for trade secret theft and improve investigatory tools to enhance enforcement; clarified the criteria used to review investments; lifted data localization requirements in the banking sector; revised multi-pack labeling requirements and

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<sup>613</sup> USTR, "United States and Taiwan Enhance Trade Ties," April 2014.

<sup>614</sup> USTR, "Deputy U.S. Trade Representative Demetrios Marantis Welcomes," March 10, 2013.

incombustibility testing methods; and improved the transparency and predictability of pharmaceutical pricing and reimbursement policies in Taiwan.<sup>615</sup> The Taiwan authorities also outlined plans to strengthen IPR enforcement. The two sides agreed on further engagement under TIFA on intellectual property protection (e.g., online piracy) and on pharmaceutical and medical device market access issues, as well as long-standing agricultural issues.<sup>616</sup>

## Agricultural Market Access

### Maximum Residue Limits

Following Taiwan's implementation of a maximum residue limit (MRL) for ractopamine in beef muscle cuts consistent with the Codex standard in 2012,<sup>617</sup> U.S. beef exports to Taiwan grew—a trend that continued in 2014. However, Taiwan has not implemented an MRL for ractopamine in other beef products (i.e., offal) or pork.<sup>618</sup> It thus still kept market access restrictions on some imports of beef offal and all imports of pork and pork products containing traces of ractopamine in 2014, which continued to disrupt U.S. meat exports to Taiwan.<sup>619</sup>

In addition, Taiwan has not adopted internationally established MRLs for pesticides and other agrochemicals, and it has been slow to develop its own science-based MRLs. Taiwan's process has generated a substantial backlog of MRL applications. Moreover, it has led to the rejection of various U.S. agricultural exports, including fresh fruits, vegetables, and grains, because they contain residues of pesticide or other crop protection compounds for which Taiwan has not yet established MRLs, though the residues are within U.S. or Codex Alimentarius standards. In 2014, USTR noted that although Taiwan has made efforts to reduce the backlog of MRL applications, shipments of U.S. agricultural products remain at risk of rejection, causing a high level of uncertainty for the U.S. agricultural industry. In May 2014, the United States provided Taiwan authorities with a U.S. MRL priority list, which included more than 250 chemicals, so that Taiwan could focus its efforts on resolving major U.S. concerns.<sup>620</sup>

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<sup>615</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 149.

<sup>616</sup> USTR, “United States and Taiwan Enhance Trade Ties,” April 2014.

<sup>617</sup> Ractopamine is a veterinary drug used in animal feed to promote muscle growth in pigs, cattle, and, to a limited extent, heavy turkeys. It was approved for use in cattle by the U.S. Food and Drug Administration in 2003. FAO, “Information Sheet: Discussion on Ractopamine in Codex,” April 26, 2012; USTR, *2011 Report on Sanitary and Phytosanitary Measures*, March 2011, 24. A maximum residue limit (MRL) or allowable tolerance for ractopamine in beef and pork was established by the Codex Alimentarius Commission (Codex), a UN food standards-setting body, in 2012.

<sup>618</sup> USTR, *2015 National Trade Estimate Report on Foreign Trade Barriers*, March 2015, 377.

<sup>619</sup> *Ibid.*, 319.

<sup>620</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015; USTR, *2014 Trade Policy Agenda and 2013 Annual Report*, March 2014.

## Rice

In 2002, upon accession to the WTO, Taiwan agreed to open an import quota of 144,720 metric tons (mt) on a brown rice basis.<sup>621</sup> Subsequently, Taiwan adopted a complex tariff-rate quota (TRQ) system that includes a ceiling price mechanism and a country-specific quota (CSQ) regime. Taiwan's annual rice TRQ is divided into two portions: 35 percent, or 50,652 mt, for private sector imports, and 65 percent, or 94,068 mt, for public sector imports. The amount allocated to public sector imports is divided by country of origin and tender type: simultaneous buy-sell (SBS) and normal tenders.<sup>622</sup> The U.S. allocation, at 64,634 mt, accounted for the largest share of the public sector import quota.<sup>623</sup>

In 2007, 2008, and 2013, the United States could not fill its CSQ, as Taiwan rejected bids for U.S. rice under the CSQ, stating that high U.S. prices exceeded Taiwan's ceiling price.<sup>624</sup> In 2014, for the same reason, out of the total CSQ allotted to the United States, only 46,100 mt were filled, with a shortfall of 18,534 mt, which were retendered on a global basis.<sup>625</sup> U.S. exporters have raised concerns that Taiwan's ceiling price mechanism, which is not transparent, has arbitrarily set prices lower than the levels bid by U.S. exporters, causing their bids to fail.<sup>626</sup>

In 2006, Taiwan imposed an import ban on U.S. long grain rice in response to the low-level presence of two regulated lines of genetically engineered (GE) rice found in U.S. commercial rice.<sup>627</sup> This issue was raised in several bilateral engagements, both technically and under the TIFA annual meetings. In 2014, the USDA reported that Taiwan had lifted the long-standing ban, and Taiwan's Agriculture and Food Agency scheduled two tenders of U.S.-origin long grain rice for December 10, 2014. This action marked the first U.S. long grain rice tender since Taiwan opened its market to rice imports in 2002.<sup>628</sup>

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<sup>621</sup> "On a brown rice basis" means the weight of all rice is measured as if it were all brown rice, regardless of whether it is actually brown, white, or paddy rice. For more information on Taiwan's rice TRQ, see USITC, *Rice: Global Competitiveness of the U.S. Industry*, April 2015.

<sup>622</sup> SBS tendering is subject to a markup price (a floor price). Normal tendering is subject to a preset ceiling price calculated on the basis of DDP (delivery, duty paid) terms. Rice is delivered to designated warehouses in accordance with contract terms. USDA, FAS, *Taiwan: Grain and Feed Annual; Corn, Wheat, Rice*, June 4, 2009.

<sup>623</sup> USTR, *2014 National Trade Estimate Report on Foreign Trade Barriers*, March 2014, 320.

<sup>624</sup> For more details, see USITC, *Year in Trade 2013, 2014*, 164.

<sup>625</sup> USTR, *2015 National Trade Estimate Report on Foreign Trade Barriers*, March 2015, 381.

<sup>626</sup> USTR, *2014 National Trade Estimate Report on Foreign Trade Barriers*, March 2014, 320.

<sup>627</sup> USDA, FAS, *Taiwan Lifts Longstanding Ban*, December 1, 2014; USDA, APHIS, *Report of LibertyLink Rice Incidents* (accessed March 17, 2015). Also see the following section for Taiwan's policies on GE products.

<sup>628</sup> USDA, FAS, *Taiwan Lifts Longstanding Ban*, December 1, 2014.



## Agricultural Biotechnology

Taiwan is one of the world's leading purchasers of U.S. food and agricultural products, and it ranks overall as the United States' seventh-largest agricultural export market.<sup>629</sup> As of July 2014, Taiwan had granted approvals for a total of 31 single biotech events and 38 stacked events<sup>630</sup> of corn and soybeans combined.<sup>631</sup>

In 2014, Taiwan amended its Food Safety and Sanitation Act (FSSA), introducing changes that could potentially affect U.S. food and agricultural exports to Taiwan. Before the FSSA was amended, Taiwan had limited its biotech regulatory scope to GE soybeans and corn. Under the amended FSSA, for the first time, Taiwan specifically requires health risk assessments, labeling, and traceability for all GE products.<sup>632</sup> In particular, the new regulations require the following: (1) Taiwan authorities must review and assess the health risks of all GE food raw materials; (2) importers of GE food raw materials must file product registrations, acquire permits, and establish a system for tracing the source and tracking the flow of GE food raw materials; and (3) packaging and food labeling must indicate the presence of GE food raw materials.<sup>633</sup> As a result, GE products (including those from the United States) such as canola, cotton, sugar beets, and alfalfa must be registered and approved by Taiwan authorities by February 5, 2016.<sup>634</sup>

Following the amendment of the FSSA, on June 20, 2014, Taiwan officials announced proposed new labeling regulations.<sup>635</sup> The current labeling regulations are limited to food products made using GE soybeans or corn at or above a threshold level of 5 percent. Under the proposed new labeling regulations, the labeling threshold would be reduced from the current 5 percent to 3 percent, and the scope would be expanded to all GE food products. Food additives would be subject to the same labeling requirements as food products, though highly processed products are exempt from GE labeling requirements.<sup>636</sup>

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<sup>629</sup> USDA, FAS, "Taiwan" (accessed April 1, 2015).

<sup>630</sup> Stacked events refer to genetically modified organisms cultivated by combing or stacking of different traits, events, or genes. Taverniers et al., "Gene Stacking in Transgenic Plants," 2008, 197–218.

<sup>631</sup> USDA, FAS, *Taiwan: Agricultural Biotechnology Annual; Food Safety*, July 15, 2014.

<sup>632</sup> *Ibid.*

<sup>633</sup> Government of Taiwan, Ministry of Health and Welfare, "Act Governing Food Safety and Sanitation," 2014, <http://law.moi.gov.tw/Eng/LawClass/LawAll.aspx?PCode=L0040001> (accessed on April 1, 2015).

<sup>634</sup> USDA, FAS, *Taiwan: Agricultural Biotechnology Annual; Food Safety*, July 15, 2014.

<sup>635</sup> As of May 15, 2015, the proposed GE food labeling regulations are still not in effect. For more information, see USDA, FAS, "Taiwan: New GE Regulatory Oversight and Changes to GE Labeling Proposal," February 9, 2015.

<sup>636</sup> USDA, FAS, *Taiwan: Agricultural Biotechnology Annual; Food Safety*, July 15, 2014.

## India

In 2014, the United States had a trade deficit with India in both merchandise and services trade. India remained the United States' 11th-largest single-country trading partner based on two-way merchandise trade, accounting for 1.7 percent of total U.S. merchandise trade with the world. U.S. two-way merchandise trade with India was valued at \$66.9 billion, an increase of 5.0 percent from 2013. The U.S. merchandise trade deficit with India increased 18.0 percent, from \$20.0 billion in 2013 to \$23.6 billion in 2014, as U.S. exports decreased and imports increased (figure 6.18). In addition, India was the United States' 9th-largest single-country trading partner based on two-way services trade, and continued to be the only top U.S. trading partner with which the United States carried a services trade deficit in 2014. The services trade deficit showed consistent growth until 2013, when it declined, but in 2014 the deficit grew again by 3.3 percent, rising to \$6.0 billion (figure 6.19).

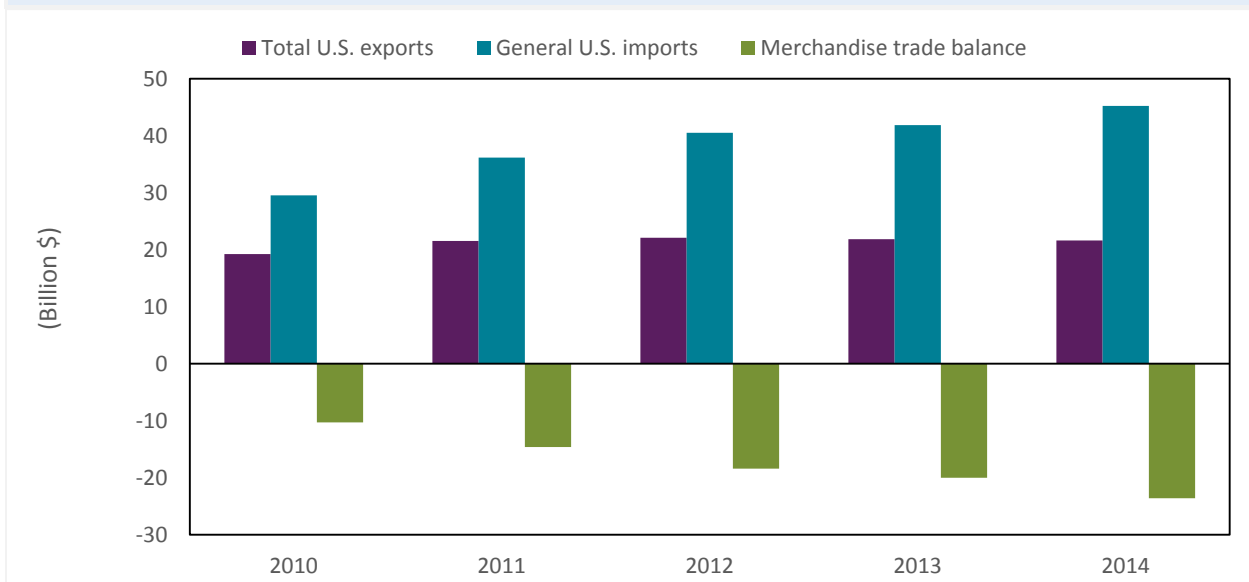
U.S. merchandise exports to India contracted by 1.0 percent, from \$21.8 billion in 2013 to \$21.6 billion in 2014. Leading U.S. exports to India included nonindustrial diamonds, aircraft and parts, airplanes, nonmonetary gold, and coal.<sup>637</sup> The decline in exports to India in 2014 was led by a decline in exports of nonmonetary gold, aircraft and parts, and diamonds. Exports of airplanes mitigated the overall decrease with a 17.9 percent increase in 2014, as did chemical wood pulp exports, which increased by 273.1 percent.

U.S. merchandise imports from India increased by 8.1 percent in 2014 to \$45.2 billion. Leading U.S. imports included nonindustrial diamonds, certain medicaments, petroleum-related products, and frozen shrimp. The growth in imports was driven by an increase in petroleum-related imports, as well as increases in frozen shrimp, medicaments, nonindustrial diamonds, and flat-rolled iron or non-alloy steel products. In spite of the overall growth, a few leading products saw some decline in U.S. imports, including mucilages and thickeners and reception apparatus for televisions. U.S. merchandise trade data are shown in appendix tables A.48 through A.50.

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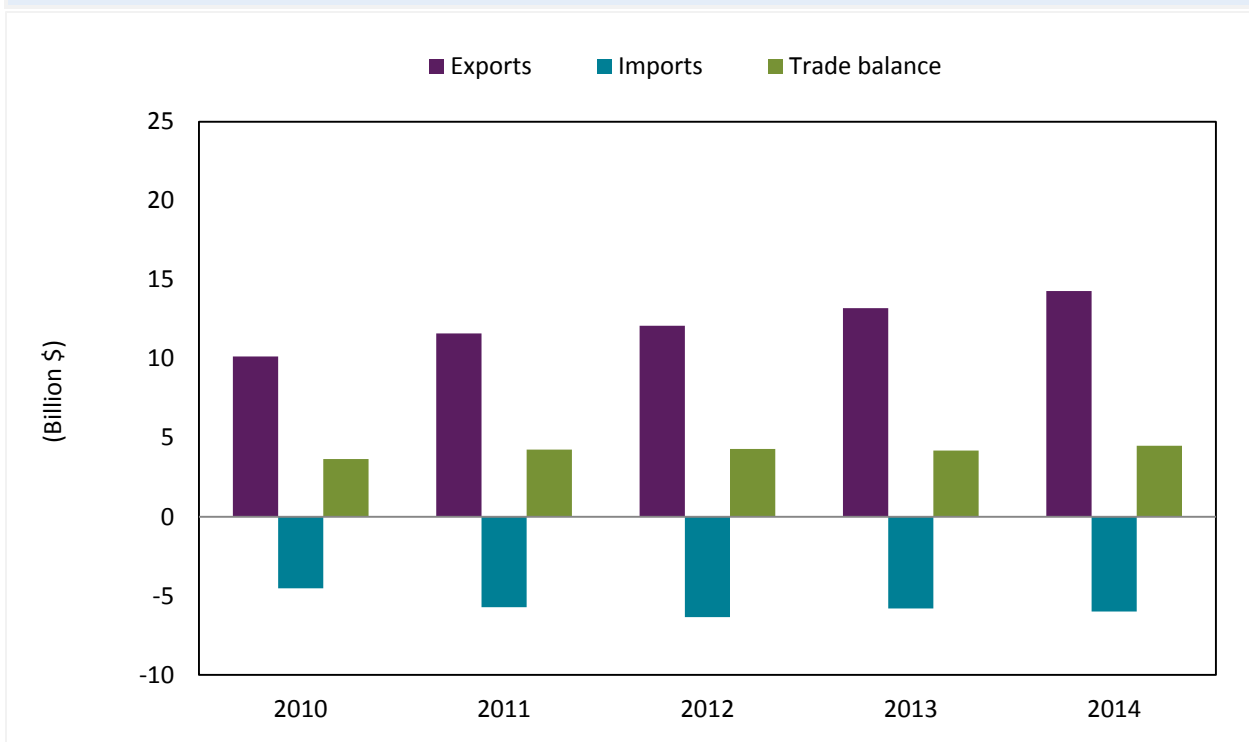
<sup>637</sup> Because the United States and India are both major centers for global trade in diamonds, diamonds lead U.S.-India trade for both imports and exports. Though diamonds are the top U.S. export to India (at \$3.7 billion or 17.2 percent of total U.S. exports to India), nearly all (\$3.6 billion) of this trade was in re-exports. For more information on re-exports, see chapter 1 of this study as well as the "Trade Metrics" section of USITC, *Shifts in U.S. Merchandise Trade 2014*, June 2015).

**Figure 6.18:** U.S. merchandise trade with India, 2010–14



Source: USITC DataWeb (accessed February 12, 2015); data compiled from official statistics of the U.S. Department of Commerce.

**Figure 6.19:** U.S. private services trade with India, 2010–14<sup>a</sup>



Source: USDOC, BEA, U.S. International Transactions Accounts Data, March 19, 2015, tables 1.2 and 1.3.

<sup>a</sup> Data for 2014 are preliminary.

After Prime Minister Narendra Modi took office in May 2014, the number of meetings between U.S. and Indian officials to discuss the improvement of trade relations increased. These encounters included a meeting of the Trade Policy Forum (TPF) and other meetings at various levels.<sup>638</sup> As a result of this increased engagement, negotiations for the WTO Trade Facilitation Agreement were concluded in 2014, as noted in chapter 3.

There were also developments in WTO dispute settlement proceedings involving the United States and India in 2014. In May 2014 the WTO DSB established a panel in a dispute brought by the United States regarding India's measures relating to solar cells and solar modules.<sup>639</sup> In October 2014, the WTO DSB circulated the panel report in the dispute brought by the United States on Indian measures concerning certain agricultural imports from the United States, which was appealed to the WTO Appellate Body by India in January 2015.<sup>640</sup> Additionally, in December 2014 Appellate Body and panel reports were adopted in a dispute brought by India on U.S. countervailing measures on certain hot-rolled carbon steel flat products from India.<sup>641</sup>

## Trade and Investment Dialogue

President Obama and Prime Minister Narendra Modi held their first bilateral summit in September 2014. Among other things, they pledged to establish an Indo-U.S. Investment Initiative to increase investment as well as to address the impasse on public stockholding for food security and the Trade Facilitation Agreement in the WTO. Additionally, they committed to establish an annual high-level Intellectual Property Working Group as part of the Trade Policy Forum; to work through the Trade Policy Forum (discussed below) to improve the business environment for investment in both the United States and India; and to hold public-private discussions on new areas of cooperation in early 2015 under the Commercial Dialogue.<sup>642</sup>

On November 25, 2014, USTR Froman met with Indian Minister of Commerce and Industry, Nirmala Sitharaman, for the eighth ministerial-level meeting of the India-United States Trade Policy Forum.<sup>643</sup> The Trade Policy Forum was created in 2005, but meetings had not been held

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<sup>638</sup> For detailed information on the topics discussed below, see USITC, *Trade, Investment, and Industrial Policies in India*, December 2014.

<sup>639</sup> WTO, "Dispute Settlement: DS456; India—Certain Measures Relating to Solar Cells and Solar Modules" (accessed March 12, 2015); see chapter 3 for further information.

<sup>640</sup> WTO, "Dispute Settlement: DS430; India—Measures Concerning the Importation of Certain Agricultural Products from the United States" (accessed March 12, 2015); see chapter 3 for further information.

<sup>641</sup> WTO, "Dispute Settlement: DS436; United States—Countervailing Measures on Certain Hot-Rolled Carbon Steel Flat Products from India" (accessed March 12, 2015); see chapter 3 for further information.

<sup>642</sup> White House, "U.S.-India Joint Statement," September 30, 2014. Much of these commitments were reaffirmed during the second bilateral summit between President Obama and Prime Minister Modi in India in January 2015. White House, "U.S.-India Joint Statement—'Shared Effort; Progress for All,'" January 25, 2015.

<sup>643</sup> USTR, "India and United States Joint Statement on the Trade Policy Forum," November 25, 2014.

since 2010.<sup>644</sup> The 2014 meeting included work sessions on agriculture, services, promoting investment in manufacturing, and intellectual property. According to USTR, the forum will continue to be an arena for increased cooperation and exchange of information for greater improvement of India's intellectual property environment.<sup>645</sup>

In July 2014, negotiations on the WTO Trade Facilitation Agreement stalled as a result of concerns raised by India and some other developing countries with issues related to food security that were being considered in the WTO. In November 2014, the governments of the United States and India concluded discussions that addressed the concerns expressed and allowed both the resumption of discussions and the eventual conclusion of negotiations on the Trade Facilitation Agreement.<sup>646</sup>

## Localization Requirements

Among issues that were discussed at the Trade Policy Forum and at other bilateral and multilateral forums was the ongoing concern of U.S. policymakers and businesses about the presence of local-content requirements (LCRs) and local testing requirements in some Indian policies. As indicated below, these policies tend to affect the information communications technology (ICT) and solar manufacturing industries. Two policies of particular U.S. concern were the Jawaharlal Nehru National Solar Mission (JNNSM) and telecommunications license amendments.

### Jawaharlal Nehru National Solar Mission

India launched the JNNSM in 2010 with the goal of having 20 gigawatts of grid-connected solar power installed by 2022, establishing India as “a global leader in solar energy.”<sup>647</sup> The JNNSM is to be implemented in three phases, each split into multiple “batches.” The batches have different, additional requirements for domestically manufactured materials, among other rules and goals. Phase II, batch 1 began in October 2013 and extends through 2017.<sup>648</sup>

In February 2013, the United States requested consultations with India under the WTO Dispute Settlement Understanding to examine the domestic content requirements of the JNNSM, and in February 2014 requested supplementary consultations concerning certain domestic content requirements under phase II of the JNNSM. In April 2014 the United States requested

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<sup>644</sup> USTR, “United States and India Hold Seventh Trade Policy Forum,” September 21, 2010.

<sup>645</sup> USTR, “Statement by the Office of the U.S. Trade Representative on the Out-of-Cycle Review of India,” December 12, 2014.

<sup>646</sup> USTR, “Statement by Ambassador Froman on U.S.-India WTO Trade Facilitation Agreement,” November 13, 2014. See chapter 3 for a discussion of the Trade Facilitation Agreement.

<sup>647</sup> Government of India, MNRE, “Jawaharlal Nehru National Solar Mission,” n.d. (accessed May 1, 2015), 2.

<sup>648</sup> See USITC, *Trade, Investment, and Industrial Policies in India*, December 2014, chapter 6, for more information.

establishment of a dispute settlement panel to review the matter, and a panel was established in May 2014.<sup>649</sup>

## Telecommunication License Amendments

Since 2009, India's Ministry of Communications and Information Technology has issued amendments to the rules governing India's telecommunication licenses that affect ICT equipment. A 2010 amendment included a requirement that foreign manufacturers of ICT equipment and software transfer sensitive source codes and technology to Indian companies.<sup>650</sup> In response to input from U.S. industry groups, in 2011, the Indian government revised the amendment to instead require local testing for ICT equipment that is considered to have security implications.<sup>651</sup> This amendment was meant to go into effect in June 2014, but was postponed until April 2015.<sup>652</sup>

Additionally, the Ministry of Communications and Information Technology established an in-country testing requirement on electronic equipment for compliance with consumer safety standards. This requirement became effective in January 2014. U.S. companies subject to the requirement have reported significant delays in these tests due to the approval board's lack of capacity to manage the volume of ICT hardware that enters the Indian market.<sup>653</sup>

## Intellectual Property Rights

India has been on USTR's priority watch list, or has been designated a priority foreign country, since 1989, and remains on the priority watch list as of April 2014. In April 2014, USTR released the *2014 Special 301 Report*, which stated that USTR would begin an out-of-cycle review of India in the fall of 2014.<sup>654</sup> The review began in October 2014<sup>655</sup> and concluded in December 2014. USTR noted that there had been engagement with the Indian government multiple times during the period of the review and that India had made a number of commitments to work on IPR issues, including agreement on a 2015 work plan on intellectual property. While noting that

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<sup>649</sup> WTO, "Dispute Settlement: DS456; India—Certain Measures Relating to Solar Cells and Solar Modules" (accessed March 12, 2015); see chapter 3 for further information.

<sup>650</sup> European Commission, "Trade," November 26, 2013.

<sup>651</sup> European Commission, "Security," November 26, 2014; Industry representative, telephone interview by USITC staff, September 30, 2014.

<sup>652</sup> USTR, *2015 National Trade Estimate Report on Foreign Trade Barriers*, March 2015, 168.

<sup>653</sup> Industry representative, interview by USITC staff, Washington, DC, January 16, 2014.

<sup>654</sup> USTR, *2014 Special 301 Report to Congress*, May 2014, 37.

<sup>655</sup> USTR, "USTR Begins Special 301 Report Out-of-Cycle Review of India," October 14, 2014.

there has been some progress on IPR issues, USTR states that it has continued to engage with India for greater improvement of India's IPR environment.<sup>656</sup>

In a report prepared at the request of the House Committee on Ways and Means and the Senate Committee on Finance—*Trade, Investment, and Industrial Policies in India: Effects on the U.S. Economy*—the Commission identified a number of IPR issues, including patent, copyright, trademark, and trade secret issues. Among these issues, compulsory licensing continued to be an issue noted by the U.S. and international pharmaceutical industry in 2014.<sup>657</sup> In July 2014, the Bombay High Court rejected Bayer's appeal of the 2013 ruling that awarded Natco (an Indian pharmaceutical firm) a compulsory license for Nexavar, a cancer drug.<sup>658</sup> Though a number of other applications for compulsory licenses were rejected in 2014, this is an ongoing area of U.S. concern and discussion with India.<sup>659</sup>

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<sup>656</sup> USTR, “Statement by the Office of the U.S. Trade Representative on the Out-of-Cycle Review of India,” December 12, 2014. See chapter 2 for further discussion of the *Special 301 Report* and *Out-of-Cycle Review*.

<sup>657</sup> Compulsory licensing of patents is the granting to a company or individual that is not the patent owner the use of the rights of the patent without the permission of the patent owner. WTO, “An Informal Press Guide to ‘WTO Speak,’” n.d. (accessed May 1, 2015).

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<sup>658</sup> For background on the Nexavar case, see USITC, *Trade, Investment, and Industrial Policies in India*, December 2014, chapter 5.

<sup>659</sup> USITC, *Trade, Investment, and Industrial Policies in India*, December 2014.





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# **Appendix A**

## **Data Tables**





**Table A.1:** U.S. merchandise trade with the world, by USITC digest sector, 2012–14

Sector grouping	Description	2012	2013	2014	% change 2013–14
Million \$					
<b>Total exports</b>					
1	Agricultural products	154,130	157,655	164,848	4.6
2	Forest products	39,832	40,835	41,280	1.1
3	Chemicals and related products	228,914	231,276	234,687	1.5
4	Energy-related products	143,356	154,575	162,553	5.2
5	Textiles and apparel	22,472	23,324	23,916	2.5
6	Footwear	1,332	1,391	1,449	4.2
7	Minerals and metals	164,013	161,636	153,122	-5.3
8	Machinery	138,530	139,636	145,526	4.2
9	Transportation equipment	313,445	322,112	335,629	4.2
10	Electronic products	257,690	261,223	267,573	2.4
11	Miscellaneous manufactures	41,354	43,813	47,946	9.4
12	Special provisions	40,635	42,116	44,916	6.6
	<b>Total</b>	<b>1,545,703</b>	<b>1,579,593</b>	<b>1,623,443</b>	<b>2.8</b>
<b>General imports</b>					
1	Agricultural products	123,323	126,678	136,184	7.5
2	Forest products	37,071	39,996	42,092	5.2
3	Chemicals and related products	237,262	236,704	251,615	6.3
4	Energy-related products	428,235	384,153	349,955	-8.9
5	Textiles and apparel	113,866	118,019	121,684	3.1
6	Footwear	23,887	24,810	26,014	4.8
7	Minerals and metals	195,080	190,435	205,082	7.7
8	Machinery	167,784	170,212	184,701	8.5
9	Transportation equipment	363,318	375,445	403,018	7.3
10	Electronic products	415,476	421,672	438,167	3.9
11	Miscellaneous manufactures	104,751	109,931	114,314	4.0
12	Special provisions	66,250	70,265	72,362	3.0
	<b>Total</b>	<b>2,276,302</b>	<b>2,268,321</b>	<b>2,345,187</b>	<b>3.4</b>

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown.

Appendix A: Data Tables

**Table A.2:** Leading U.S. total exports to the world by Schedule B subheading, 2012–14

Schedule B subheading	Description	2012	2013	2014	% change 2013–14
		Million \$			
8800.00	Aircraft, spacecraft, and parts thereof	94,346	104,999	112,722	7.4
2710.19	Petroleum oils & oils (not light) from bituminous minerals or preps n.e.s.o.i. 70%+ by wt. from petroleum oils or bitum. min.	71,362	77,522	74,313	-4.1
2710.12	Light oils and preparations	31,069	34,495	37,238	8.0
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	20,659	22,807	25,390	11.3
1201.90	Soybeans, whether or not broken, other than seed	24,602	21,562	24,206	12.3
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	21,039	22,769	22,392	-1.7
7108.12	Gold, nonmonetary, unwrought n.e.s.o.i. (other than powder)	33,804	32,710	21,196	-35.2
7102.39	Diamonds, nonindustrial, worked, including polished or drilled	16,589	19,099	20,928	9.6
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i	21,313	19,526	20,744	6.2
8542.31	Processors or controllers	16,722	16,916	17,455	3.2
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	15,685	15,855	17,238	8.7
8473.30	Parts and accessories for automatic data processing machines and units thereof, magnetic or optical readers, transcribing machines, etc., n.e.s.o.i	14,818	15,281	15,909	4.1
2709.00	Petroleum oils and oils from bituminous minerals, crude	2,634	5,103	12,246	140.0
9018.90	Instruments and appliances for medical, surgical or veterinary sciences, n.e.s.o.i., and parts and accessories thereof	10,763	11,198	11,680	4.3
8517.12	Telephones for cellular networks or for other wireless networks	7,359	9,692	11,207	15.6
3002.10	Antisera and other blood fractions, and modified immunological products	6,523	8,530	11,077	29.9
1005.90	Corn (maize), other than seed corn	9,424	6,495	10,743	65.4
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	11,852	10,797	10,654	-1.3
7113.19	Jewelry and parts thereof, of precious metal other than silver	7,785	9,071	10,153	11.9
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	9,005	9,895	9,433	-4.7
8542.39	Electronic integrated circuits, n.e.s.o.i.	8,743	8,885	9,132	2.8
2701.12	Bituminous coal, whether or not pulverized, but not agglomerated	14,306	10,586	8,223	-22.3
8704.31	Motor vehicles for goods transport n.e.s.o.i., with spark-ignition internal combustion piston engine, gvwt not over 5 metric tons	7,780	9,023	8,193	-9.2
2711.12	Propane, liquefied	2,726	4,905	7,702	57.0

<b>Schedule B subheading</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>% change 2013-14</b>
1001.99	Wheat & meslin other than durum or seed wheat	7,988	10,272	7,460	-27.4
	Total of items shown	488,894	517,994	537,633	3.8
	All other	1,056,809	1,061,599	1,085,810	2.3
	Total of all commodities	1,545,703	1,579,593	1,623,443	2.8

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

Appendix A: Data Tables

**Table A.3:** Leading U.S. general imports from the world by HTS subheading, 2012–14

HTS subheading	Description	2012	2013	2014	% change 2013–14
		Million \$			
2709.00	Petroleum oils and oils from bituminous minerals, crude	315,820	273,836	246,970	-9.8
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	74,723	82,674	83,878	1.5
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	65,395	61,996	60,189	-2.9
8517.12	Telephones for cellular networks or for other wireless networks	43,660	49,727	53,002	6.6
2710.19	Petroleum oils & oils (not light) from bituminous minerals or preps n.e.s.o.i. 70%+ by wt. from petroleum oils or bitum. min.	52,999	52,593	48,834	-7.1
8471.30	Portable automatic data processing machines, weight not more than 10 kg, consisting of at least a central processing unit, keyboard & a display	43,151	42,638	41,973	-1.6
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	34,316	33,909	39,664	17.0
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	27,307	29,869	33,489	12.1
2710.12	Light oils and preparations	36,669	33,578	27,632	-17.7
7102.39	Diamonds, nonindustrial, worked, including polished or drilled	19,639	22,852	24,051	5.2
8542.31	Processors or controllers	14,933	16,811	17,790	5.8
8473.30	Parts and accessories for automatic data processing machines and units thereof, magnetic or optical readers, transcribing machines, etc., n.e.s.o.i.	14,294	15,490	17,182	10.9
8528.72	Reception apparatus for television, incorporating a screen or video display device, color	16,670	14,456	15,501	7.2
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	11,986	13,107	15,091	15.1
8471.50	Processing units other than those of 8471.41 and 8471.49, n.e.s.o.i.	15,141	15,248	14,607	-4.2
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	13,212	12,693	13,520	6.5
7108.12	Gold, nonmonetary, unwrought n.e.s.o.i. (other than powder)	15,874	14,143	12,827	-9.3
8704.31	Motor vehicles for goods transport n.e.s.o.i., with spark-ignition internal combustion piston engine, gvwt not over 5 metric tons	9,468	10,470	12,646	20.8
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	10,622	11,259	12,202	8.4
9503.00	Toys, including riding toys other than bicycles, puzzles, reduced scale models	10,915	11,122	12,145	9.2
8411.91	Parts of turbojets or turbopropellers	10,297	11,116	11,993	7.9
8802.40	Airplanes and other aircraft n.e.s.o.i., of an unladen weight exceeding 15,000 kg	5,613	9,232	11,884	28.7
8471.70	Automatic data processing storage units, n.e.s.o.i.	13,141	11,996	11,463	-4.4
2711.21	Natural gas, gaseous	7,512	9,182	10,976	19.5

<b>HTS subheading</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>% change 2013-14</b>
8443.99	Parts and accessories of printing machinery, n.e.s.o.i.	10,669	10,535	10,074	-4.4
	Total of items shown	894,028	870,531	859,583	-1.3
	All other	1,382,274	1,397,790	1,485,604	6.3
	Total of all commodities	2,276,302	2,268,321	2,345,187	3.4

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

**Table A.4:** U.S. trade with top 15 single-country trading partners, 2014

Rank	Country	Total	General	Total	% of total trade
		exports	imports		
Million \$					
1	Canada	312,125	346,063	658,188	16.6
2	China	124,024	466,656	590,680	14.9
3	Mexico	240,326	294,157	534,484	13.5
4	Japan	66,964	133,939	200,903	5.1
5	Germany	49,443	123,181	172,624	4.3
6	Korea	44,544	69,606	114,150	2.9
7	United Kingdom	53,865	54,049	107,914	2.7
8	France	31,197	47,015	78,213	2.0
9	Brazil	42,418	30,337	72,755	1.8
10	Taiwan	26,836	40,572	67,407	1.7
11	India	21,628	45,228	66,856	1.7
12	Saudi Arabia	18,679	47,038	65,716	1.7
13	Netherlands	43,669	20,807	64,476	1.6
14	Italy	16,988	42,081	59,069	1.5
15	Belgium	34,824	20,905	55,729	1.4
	Top 15	1,127,530	1,781,633	2,909,162	73.3
	All others	495,913	563,554	1,059,468	26.7
	<b>Total</b>	<b>1,623,443</b>	<b>2,345,187</b>	<b>3,968,630</b>	<b>100.0</b>

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown.

**Table A.5:** Top 15 U.S. single-country export markets and import sources, 2014

Type/rank	Country	Million \$	% of total exports
<b>Total exports</b>			
1	Canada	312,125	19.2
2	Mexico	240,326	14.8
3	China	124,024	7.6
4	Japan	66,964	4.1
5	United Kingdom	53,865	3.3
6	Germany	49,443	3.0
7	Korea	44,544	2.7
8	Netherlands	43,669	2.7
9	Brazil	42,418	2.6
10	Hong Kong	40,877	2.5
11	Belgium	34,824	2.1
12	France	31,197	1.9
13	Singapore	30,532	1.9
14	Taiwan	26,836	1.7
15	Australia	26,668	1.6
	Top 15 countries	1,168,312	72.0
	All others	455,131	28.0
	Total	1,623,443	100.0
<b>General Imports</b>			
1	China	466,656	19.9
2	Canada	346,063	14.8
3	Mexico	294,157	12.5
4	Japan	133,939	5.7
5	Germany	123,181	5.3
6	Korea	69,606	3.0
7	United Kingdom	54,049	2.3
8	Saudi Arabia	47,038	2.0
9	France	47,015	2.0
10	India	45,228	1.9
11	Italy	42,081	1.8
12	Taiwan	40,572	1.7
13	Ireland	33,982	1.4
14	Switzerland	31,187	1.3
15	Vietnam	30,584	1.3
	Top 15 countries	1,805,338	77.0
	All others	539,849	23.0
	Total	2,345,187	100.0

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown.

**Table A.6:** U.S. private services exports and imports from the world, by category, 2012–14

Service industry	2012	2013	2014	% change, 2013–14
<b>Exports</b>	Million \$			
Travel	161,249	173,131	176,951	2.2
Charges for the use of intellectual property n.i.e.	125,492	129,178	132,653	2.7
Financial services	76,605	84,066	88,418	5.2
Professional and management consulting services	53,539	55,758	59,312	6.4
Passenger fares	39,364	41,642	43,668	4.9
Technical, trade-related, and other business services	38,273	37,637	36,633	-2.7
Research and development services	28,080	30,052	32,582	8.4
Air transport <sup>a</sup>	22,319	23,880	24,070	0.8
Maintenance and repair services, n.i.e.	15,115	16,295	18,710	14.8
Sea transport <sup>b</sup>	17,055	17,175	18,107	5.4
Other	53,492	54,074	54,476	0.7
<b>Total</b>	<b>630,583</b>	<b>662,888</b>	<b>685,580</b>	<b>3.4</b>
<b>Imports</b>				
Travel	100,317	104,677	111,714	6.7
Insurance services	53,203	50,454	49,315	-2.3
Charges for the use of intellectual property n.i.e.	39,502	39,015	41,940	7.5
Professional and management consulting services	33,269	34,480	38,621	12.0
Sea transport <sup>b</sup>	33,206	36,256	36,321	0.2
Passenger fares	29,565	32,029	34,890	8.9
Research and development services	28,713	32,142	33,776	5.1
Technical, trade-related, and other business services	25,365	26,088	24,212	-7.2
Computer services	23,221	23,643	24,208	2.4
Financial services	16,975	18,683	19,658	5.2
Other	39,163	39,321	39,842	1.3
<b>Total</b>	<b>422,499</b>	<b>436,791</b>	<b>454,497</b>	<b>4.1</b>

Source: USDOC, BEA, "U.S. International Transactions Accounts Data: Table 3.1," March 19, 2015.

Note: Data for 2014 are preliminary.

<sup>a</sup> Air transport includes airport and air freight services.

<sup>b</sup> Sea transport includes sea port and sea freight services.



**Table A.7:** Antidumping cases active in 2014, by USITC investigation number

USITC investigation number	Product	Country of origin	Date of institution	USITC prelim	ITA <sup>a</sup> prelim	ITA final	USITC final	Date of final action <sup>b</sup>
Affirmative = A; Negative = N								
731-TA-1205	Silica bricks	China	11/15/2012	A	A	A	N	1/9/2014
731-TA-1206	Nickel-plated steel	Japan	3/27/2013	A	A	A	A	5/21/2014
731-TA-1207	Prestressed steel tie wire	China	4/23/2013	A	A	A	A	6/12/2014
731-TA-1208	Prestressed steel tie wire	Mexico	4/23/2013	A	A	A	A	6/12/2014
731-TA-1209	Prestressed steel tie wire	Thailand	4/23/2013	A	N	N	<sup>c</sup>	5/5/2014
731-TA-1210	Welded stainless steel pressure pipe	Malaysia	5/16/2013	A	A	A	A	7/14/2014
731-TA-1211	Welded stainless steel pressure pipe	Thailand	5/16/2013	A	A	A	A	7/14/2014
731-TA-1212	Welded stainless steel pressure pipe	Vietnam	5/15/2013	A	A	A	A	7/14/2014
731-TA-1213	Steel threaded rod	India	6/27/2013	A	A	A	N	5/1/2014
731-TA-1214	Steel threaded rod	Thailand	6/27/2013	A	A	A	N	5/1/2014
731-TA-1215	Oil country tubular goods	India	7/2/2013	A	A	A	A	9/2/2014
731-TA-1216	Oil country tubular goods	Korea	7/2/2013	A	N	A	A	9/2/2014
731-TA-1217	Oil country tubular goods	Philippines	7/2/2013	A	A	A	N	9/2/2014
731-TA-1218	Oil country tubular goods	Saudi Arabia	7/2/2013	A	A	N	<sup>c</sup>	8/19/2014
731-TA-1219	Oil country tubular goods	Taiwan	7/2/2013	A	N	A	A	9/2/2014
731-TA-1220	Oil country tubular goods	Thailand	7/2/2013	A	A	A	N	9/2/2014
731-TA-1221	Oil country tubular goods	Turkey	7/2/2013	A	A	A	A	9/2/2014
731-TA-1222	Oil country tubular goods	Ukraine	7/2/2013	A	A	A	A	9/2/2014
731-TA-1223	Oil country tubular goods	Vietnam	7/2/2013	A	A	A	A	9/2/2014
731-TA-1224	Ferrosilicon	Russia	7/19/2013	A	N	N	<sup>c</sup>	7/31/2014
731-TA-1225	Ferrosilicon	Venezuela	7/19/2013	A	A	A	N	9/8/2014
731-TA-1226	Chlorinated isocyanurates	Japan	8/29/2013	A	A	A	N	11/3/2014
731-TA-1227	Steel concrete rebar	Mexico	9/4/2013	A	A	A	A	10/28/2014
731-TA-1228	Steel concrete rebar	Turkey	9/4/2013	A	A	N	<sup>c</sup>	9/15/2014
731-TA-1229	Monosodium glutamate	China	9/16/2013	A	A	A	A	11/10/2014
731-TA-1230	Monosodium glutamate	Indonesia	9/16/2013	A	A	A	A	11/10/2014
731-TA-1231	Grain-oriented electrical steel	China	9/18/2013	A	A	A	N	11/4/2014
731-TA-1232	Grain-oriented electrical steel	Czech Republic	9/18/2013	A	A	A	N	11/4/2014
731-TA-1233	Grain-oriented electrical steel	Germany	9/18/2013	A	A	A	N	9/8/2014
731-TA-1234	Grain-oriented electrical steel	Japan	9/18/2013	A	A	A	N	9/8/2014
731-TA-1235	Grain-oriented electrical steel	Korea	9/18/2013	A	A	A	N	11/4/2014
731-TA-1236	Grain-oriented electrical steel	Poland	9/18/2013	A	A	A	N	9/8/2014

## Appendix A: Data Tables

USITC investigation number	Product	Country of origin	Date of institution	USITC prelim	ITA <sup>a</sup> prelim	ITA final	USITC final	Date of final action <sup>b</sup>
731-TA-1237	Grain-oriented electrical steel	Russia	9/18/2013	A	A	A	N	11/4/2014
731-TA-1238	Non-oriented electrical steel	China	9/30/2013	A	A	A	A	11/18/2014
731-TA-1239	Non-oriented electrical steel	Germany	9/30/2013	A	A	A	A	11/18/2014
731-TA-1240	Non-oriented electrical steel	Japan	9/30/2013	A	A	A	A	11/18/2014
731-TA-1241	Non-oriented electrical steel	Korea	9/30/2013	A	A	A	A	11/18/2014
731-TA-1242	Non-oriented electrical steel	Sweden	9/30/2013	A	A	A	A	11/18/2014
731-TA-1243	Non-oriented electrical steel	Taiwan	9/30/2013	A	A	A	A	11/18/2014
731-TA-1244	Tetrafluoroethane	China	10/22/2013	A	A	A	N	12/3/2014
731-TA-1245	Calcium hypochlorite	China	12/18/2013	A	A	A	d	d
731-TA-1246	Crystalline silicon photovoltaic products	China	12/31/2013	A	A	A	d	d
731-TA-1247	Crystalline silicon photovoltaic products	Taiwan	12/31/2013	A	A	A	d	d
731-TA-1248	Steel wire rod	China	1/31/2014	A	A	A	d	d
731-TA-1249	Sugar	Mexico	3/28/2014	A	A	e	e	e
731-TA-1250	53-foot domestic dry containers	China	4/23/2014	A	A	d	d	d
731-TA-1251	Steel nails	India	5/29/2014	N	c	c	c	c
731-TA-1252	Steel nails	Korea	5/29/2014	A	d	d	d	d
731-TA-1253	Steel nails	Malaysia	5/29/2014	A	A	d	d	d
731-TA-1254	Steel nails	Oman	5/29/2014	A	A	d	d	d
731-TA-1255	Steel nails	Taiwan	5/29/2014	A	N	d	d	d
731-TA-1256	Steel nails	Turkey	5/29/2014	N	c	c	c	c
731-TA-1257	Steel nails	Vietnam	5/29/2014	A	A	d	d	d
731-TA-1258	Certain passenger vehicle and light truck tires	China	6/3/2014	A	d	d	d	d
731-TA-1259	Boltless steel shelving units	China	8/26/2014	A	d	d	d	d
731-TA-1260	Welded line pipe	Korea	10/16/2014	A	d	d	d	d
731-TA-1261	Welded line pipe	Turkey	10/16/2014	A	d	d	d	d
731-TA-1262	Melamine	China	11/12/2014	d	d	d	d	d
731-TA-1263	Melamine	Tinidad & Tobago	11/12/2014	d	d	d	d	d

Source: U.S. International Trade Commission.

<sup>a</sup> "ITA" is the International Trade Administration of the USDOC.

<sup>b</sup> For cases in which the final action was taken by the ITA, the date shown is the Federal Register notice date of that action. For cases in which the final action was taken by USITC, the date of the USITC notification of USDOC is shown.

<sup>c</sup> Not applicable.

<sup>d</sup> Pending as of December 31, 2014.

<sup>e</sup> Suspended investigation.

**Table A.8:** Antidumping duty orders and suspension agreements in effect as of December 31, 2014

Country	Commodity	Effective date of original action	
Argentina	Lemon juice (suspended)	Sept. 10, 2007	
Australia	Electrolytic manganese dioxide	Oct. 7, 2008	
Belarus	Steel concrete reinforcing bar	Sept. 7, 2001	
Belgium	Stainless steel plate in coils	May 21, 1999	
Brazil	Polyethylene terephthalate film, sheet, and strip	Nov. 10, 2008	
	Frozen or canned warmwater shrimp and prawns	Feb. 1, 2005	
	Prestressed concrete steel wire strand	Jan. 28, 2004	
	Carbon and certain alloy steel wire rod	Oct. 29, 2002	
	Stainless steel bar	Feb. 21, 1995	
	Circular welded nonalloy steel pipe	Nov. 2, 1992	
	Carbon steel butt-weld pipe fittings	Dec. 17, 1986	
	Iron construction castings	May 9, 1986	
	Canada	Citric acid and certain citric salts	May 29, 2009
		Iron construction castings	Mar. 5, 1986
Chile	Preserved mushrooms	Dec. 2, 1998	
China	Non-oriented electrical steel	Dec. 3, 2014	
	Monosodium glutamate	Nov. 26, 2014	
	Prestressed steel tie wire	June 24, 2014	
	Xanthan gum	July 19, 2013	
	Drawn stainless steel sinks	Apr. 11, 2013	
	Utility-scale wind towers	Feb. 15, 2013	
	Crystalline silicon photovoltaic cells	Dec. 07, 2012	
	High-pressure steel cylinders	Jun. 21, 2012	
	Stilbenic optical brightening agent	May 10, 2012	
	Multilayered wood flooring	Dec. 8, 2011	
	Aluminum extrusions	May 26, 2011	
	Drill pipe and drill collars	Mar. 3, 2011	
	Seamless refined copper pipe and tube	Nov. 22, 2010	
	Coated paper	Nov. 17, 2010	
	Seamless carbon and alloy steel standard, line, and pressure pipe	Nov. 10, 2010	
	Magnesia carbon bricks	Sept. 20, 2010	
	Narrow woven ribbons	Sept. 1, 2010	
	Woven electric blankets	Aug. 18, 2010	
	Steel grating	July 23, 2010	
	Prestressed concrete steel wire strand	June 29, 2010	
Oil country tubular goods	May 21, 2010		
Potassium phosphate salts	July 22, 2010		
Kitchen appliance shelving and racks	Sept. 14, 2009		
Tow-behind lawn groomer	Aug. 3, 2009		
Citric acid and certain citric salts	May 29, 2009		
Circular welded carbon-quality steel line pipe	May 13, 2009		
Steel threaded rod	April 14, 2009		
Circular welded austenitic stainless pressure pipe	Mar. 17, 2009		
Small-diameter graphite electrodes	Feb. 26, 2009		

Appendix A: Data Tables

Country	Commodity	Effective date of original action
	Uncovered innerspring units	Feb. 19, 2009
	Lightweight thermal paper	Nov. 24, 2008
	Polyethylene terephthalate film, sheet, and strip	Nov. 10, 2008
	Electrolytic manganese dioxide	Oct. 7, 2008
	Steel wire garment hangers	Oct. 6, 2008
	Raw flexible magnets	Sept. 17, 2008
	Off-the-road tires	Sept. 4, 2008
	Sodium nitrite	Aug. 27, 2008
	Laminated woven sacks	Aug. 7, 2008
	Light-walled rectangular pipe and tube	Aug. 5, 2008
	Steel nails	Aug. 1, 2008
	Circular welded carbon-quality steel pipe	July 22, 2008
	Sodium hexametaphosphate	Mar. 19, 2008
	Certain polyester staple fiber	June 1, 2007
	Certain activated carbon	April 27, 2007
	Certain lined paper school supplies	Sept. 28, 2006
	Artist's canvas	June 1, 2006
	Chlorinated isocyanurates	June 24, 2005
	Magnesium	April 15, 2005
	Tissue paper	Mar. 30, 2005
	Frozen or canned warmwater shrimp and prawns	Feb. 1, 2005
	Crepe paper	Jan. 25, 2005
	Wooden bedroom furniture	Jan. 4, 2005
	Carbazole violet pigment 23	Dec. 29, 2004
	Hand trucks	Dec. 2, 2004
	Polyethylene retail carrier bags	Aug. 9, 2004
	Ironing tables	Aug. 6, 2004
	Tetrahydrofurfuryl alcohol	Aug. 6, 2004
	Malleable iron pipe fittings	Dec. 12, 2003
	Refined brown aluminum oxide	Nov. 19, 2003
	Barium carbonate	Oct. 1, 2003
	Polyvinyl alcohol	Oct. 1, 2003
	Saccharin	July 9, 2003
	Non-malleable cast iron pipe fittings	Apr. 7, 2003
	Ferrovandium	Jan. 28, 2003
	Folding gift boxes	Jan. 8, 2002
	Honey	Dec. 10, 2001
	Hot-rolled carbon steel flat products	Nov. 29, 2001
	Pure magnesium (granular)	Nov. 19, 2001
	Foundry coke	Sept. 17, 2001
	Steel concrete reinforcing bars	Sept. 7, 2001
	Preserved mushrooms	Feb. 19, 1999
	Carbon steel plate	Oct. 24, 1997
	Crawfish tail meat	Sept. 15, 1997
	Persulfates	July 7, 1997

Country	Commodity	Effective date of original action
	Furfuryl alcohol	June 21, 1995
	Pure magnesium (ingot)	May 12, 1995
	Glycine	Mar. 29, 1995
	Cased pencils	Dec. 28, 1994
	Silicomanganese	Dec. 22, 1994
	Paper clips	Nov. 25, 1994
	Fresh garlic	Nov. 16, 1994
	Helical spring lock washers	Oct. 19, 1993
	Sulfanilic acid	Aug. 19, 1992
	Carbon steel butt-weld pipe fittings	July 6, 1992
	Silicon metal	June 10, 1991
	Axes and adzes	Feb. 19, 1991
	Bars and wedges	Feb. 19, 1991
	Hammers and sledges	Feb. 19, 1991
	Picks and mattocks	Feb. 19, 1991
	Tapered roller bearings	June 15, 1987
	Porcelain-on-steel cooking ware	Dec. 2, 1986
	Petroleum wax candles	Aug. 28, 1986
	Iron construction castings	May 9, 1986
	Barium chloride	Oct. 17, 1984
	Chloropicrin	Mar. 22, 1984
	Potassium permanganate	Jan. 31, 1984
Finland	Carboxymethylcellulose	July 11, 2005
France	Low-enriched uranium	Feb. 13, 2002
	Brass sheet and strip	Mar. 6, 1987
Germany	Non-oriented electrical steel	Dec. 3, 2014
	Lightweight thermal paper	Nov. 24, 2008
	Sodium nitrite	Aug. 27, 2008
	Seamless pipe	Aug. 3, 1995
	Brass sheet and strip	Mar. 6, 1987
India	Oil country tubular goods	Sept. 10, 2014
	Commodity matchbooks	Dec. 11, 2009
	Certain lined paper school supplies	Sept. 28, 2006
	Frozen or canned warmwater shrimp and prawns	Feb. 1, 2005
	Carbazole violet pigment 23	Dec. 29, 2004
	Prestressed concrete steel wire strand	Jan. 28, 2004
	Polyethylene terephthalate (PET) film	July 1, 2002
	Silicomanganese	May 23, 2002
	Hot-rolled carbon steel flat products	Dec. 3, 2001
	Carbon steel plate	Feb. 10, 2000
	Preserved mushrooms	Feb. 19, 1999
	Stainless steel bar	Feb. 21, 1995
	Stainless steel wire rod	Dec. 1, 1993
	Sulfanilic acid	Mar. 2, 1993
	Welded carbon-steel pipe	May 12, 1986

## Appendix A: Data Tables

Country	Commodity	Effective date of original action
Indonesia	Monosodium glutamate	Nov. 26, 2014
	Coated paper suitable for high-quality print graphics using sheet-fed presses	Nov. 11, 2010
	Polyethylene retail carrier bags	May 4, 2010
	Carbon and certain alloy steel wire rod	Oct. 29, 2002
	Hot-rolled carbon steel flat products	Dec. 3, 2001
	Steel concrete reinforcing bars	Sept. 7, 2001
	Carbon steel plate	Feb. 10, 2000
	Preserved mushrooms	Feb. 19, 1999
Iran	Raw in-shell pistachios	July 17, 1986
Italy	Stainless steel butt-weld pipe fittings	Feb. 23, 2001
	Stainless steel wire rod	Sept. 15, 1998
	Pasta	July 24, 1996
	Granular polytetrafluoroethylene resin	Aug. 30, 1988
	Brass sheet and strip	Mar. 6, 1987
	Pressure-sensitive plastic tape	Oct. 21, 1977
Japan	Non-oriented electrical steel	Dec. 3, 2014
	Diffusion-annealed, nickel-plated flat-rolled steel products	May 29, 2014
	Polyvinyl alcohol	July 2, 2003
	Welded large-diameter line pipe	Dec. 6, 2001
	Tin- and chromium-coated steel sheet	Aug. 28, 2000
	Large-diameter seamless pipe	June 26, 2000
	Small-diameter seamless pipe	June 26, 2000
	Stainless steel sheet and strip	July 27, 1999
	Stainless steel wire rod	Sept. 15, 1998
	Clad steel plate	July 2, 1996
	Stainless steel bar	Feb. 21, 1995
	Gray portland cement and clinker	May 10, 1991
	Brass sheet and strip	Aug. 12, 1988
	Carbon steel butt-weld pipe fittings	Feb. 10, 1987
	Prestressed concrete steel wire strand	Dec. 8, 1978
	Kazakhstan	Silicomanganese
Korea	Non-oriented electrical steel	Dec. 3, 2014
	Oil country tubular goods	Sept. 10, 2014
	Large residential washers	Feb. 15, 2013
	Large power transformers	Aug. 31, 2012
	Light-walled rectangular pipe and tube	Aug. 5, 2008
	Prestressed concrete steel wire strand	Jan. 28, 2004
	Polyvinyl alcohol	Oct. 1, 2003
	Polyester staple fiber	May 25, 2000
	Carbon steel plate	Feb. 10, 2000
	Stainless steel sheet and strip	July 27, 1999
	Stainless steel plate in coils	May 21, 1999
	Stainless steel wire rod	Sept. 15, 1998
	Welded ASTM A-312 stainless steel pipe	Dec. 30, 1992

Country	Commodity	Effective date of original action
	Circular welded non-alloy steel pipe	Nov. 2, 1992
Latvia	Steel concrete reinforcing bars	Sept. 7, 2001
Malaysia	Welded stainless steel pressure pipe	July 21, 2014
	Polyethylene retail carrier bags	Aug. 9, 2004
	Stainless steel butt-weld pipe fittings	Feb. 23, 2001
Mexico	Steel concrete rebar	Nov. 6, 2014
	Prestressed steel tie wire	June 24, 2014
	Large residential washers	Feb. 15, 2013
	Seamless refined copper pipe and tube	Nov. 22, 2010
	Magnesia carbon bricks	Sept. 20, 2010
	Light-walled rectangular pipe and tube	Aug. 5, 2008
	Prestressed concrete steel wire strand	Jan. 28, 2004
	Carbon and certain alloy steel wire rod	Oct. 29, 2002
	Fresh tomatoes (suspended)	Nov. 1, 1996
	Circular welded non-alloy steel pipe	Nov. 2, 1992
Moldova	Carbon and certain alloy steel wire rod	Oct. 29, 2002
	Steel concrete reinforcing bars	Sept. 7, 2001
Netherlands	Carboxymethylcellulose	July 11, 2005
Philippines	Stainless steel butt-weld pipe fittings	Feb. 23, 2001
Poland	Steel concrete reinforcing bars	Sept. 7, 2001
Romania	Small-diameter seamless pipe	Aug. 10, 2000
Russia	Silicon metal	Mar. 26, 2003
	Ammonium nitrate (suspended)	May 19, 2000
	Hot-rolled carbon steel flat products (suspended)	July 12, 1999
	Carbon steel plate (suspended)	Oct. 24, 1997
	Uranium (suspended)	Oct. 16, 1992
	Solid urea	July 14, 1987
South Africa	Uncovered innerspring units	Dec. 11, 2008
	Ferrovandium	Jan. 28, 2003
	Stainless steel plate in coils	May 21, 1999
Spain	Chlorinated isocyanurates	June 24, 2005
	Stainless steel wire rod	Sept. 15, 1998
	Stainless steel bar	Mar. 2, 1995
Sweden	Non-oriented electrical steel	Dec. 3, 2014
Taiwan	Non-oriented electrical steel	Dec. 3, 2014
	Oil country tubular goods	Sept. 10, 2014
	Steel wire garment hangers	Dec. 10, 2012
	Stilbenic optical brightening agent	May 10, 2012
	Polyvinyl alcohol	Mar. 15, 2011
	Narrow woven ribbons	Sept. 1, 2010
	Polyethylene retail carrier bags	May 4, 2010
	Raw flexible magnets	Sept. 17, 2008
	Polyethylene terephthalate (PET) film	July 1, 2002
	Hot-rolled carbon steel flat products	Nov. 29, 2001
	Polyester staple fiber	May 25, 2000

## Appendix A: Data Tables

Country	Commodity	Effective date of original action
	Stainless steel sheet and strip	July 27, 1999
	Stainless steel plate in coils	May 21, 1999
	Stainless steel wire rod	Sept. 15, 1998
	Helical spring lockwashers	June 28, 1993
	Welded ASTM A-312 stainless steel pipe	Dec. 30, 1992
	Circular welded non-alloy steel pipe	Nov. 2, 1992
	Light-walled rectangular pipe	Mar. 27, 1989
	Carbon steel butt-weld pipe fittings	Dec. 17, 1986
	Small-diameter carbon steel pipe	May 7, 1984
Thailand	Welded stainless steel pressure pipe	July 21, 2014
	Frozen or canned warmwater shrimp and prawns	Feb. 1, 2005
	Polyethylene retail carrier bags	Aug. 9, 2004
	Prestressed concrete steel wire strand	Jan. 28, 2004
	Hot-rolled carbon steel flat products	Nov. 29, 2001
	Carbon steel butt-weld pipe fittings	July 6, 1992
	Welded carbon steel pipe	Mar. 11, 1986
Trinidad and Tobago	Carbon and certain alloy steel wire rod	Oct. 29, 2002
Turkey	Oil country tubular goods	Sept. 10, 2014
	Light-walled rectangular pipe and tube	May 30, 2008
	Pasta	July 24, 1996
	Welded carbon steel pipe	May 15, 1986
Ukraine	Hot-rolled carbon steel flat products	Nov. 29, 2001
	Silicomanganese	Sept. 17, 2001
	Ammonium nitrate	Sept. 12, 2001
	Steel concrete reinforcing bars	Sept. 7, 2001
	Carbon steel plate (suspended)	Oct. 24, 1997
	Solid urea	July 14, 1987
United Arab Emirates	Steel nails	May 10, 2012
	Polyethylene terephthalate film, sheet, and strip	Nov. 10, 2008
Venezuela	Silicomanganese	May 23, 2002
Vietnam	Oil country tubular goods	Sept. 10, 2014
	Welded stainless steel pressure pipe	July 21, 2014
	Utility-scale wind towers	Feb. 15, 2013
	Steel wire garment hangers	Feb. 5, 2013
	Polyethylene retail carrier bags	May 4, 2010
	Uncovered innerspring units	Dec. 11, 2008
	Frozen or canned warmwater shrimp and prawns	Feb. 1, 2005
	Frozen fish fillets	Aug. 12, 2003

Source: U.S. International Trade Commission.



**Table A.9:** Countervailing duty cases active in 2014, by USITC investigation number

USITC investigation number	Product	Country of origin	Date of institution	USITC prelim	ITA <sup>a</sup> prelim	ITA final	USITC final	Date of final action <sup>b</sup>
Affirmative = A; Negative = N								
701-TA-498	Steel threaded rod	India	6/27/2013	A	A	A	N	8/18/2014
701-TA-499	Oil country tubular goods	India	7/2/2013	A	A	A	A	9/2/2014
701-TA-500	Oil country tubular goods	Turkey	7/2/2013	A	N	A	A	9/2/2014
701-TA-501	Chlorinated isocyanurates	China	8/29/2013	A	A	A	A	11/3/2014
701-TA-502	Steel concrete rebar	Turkey	9/4/2013	A	N	A	A	10/28/2014
701-TA-503	Monosodium glutamate	China	9/16/2013	A	A	( <sup>c</sup> )	( <sup>d</sup> )	4/7/2014
701-TA-504	Monosodium glutamate	Indonesia	9/16/2013	A	N	( <sup>c</sup> )	( <sup>d</sup> )	4/7/2014
701-TA-505	Grain-oriented electrical steel	China	9/18/2013	A	A	A	N	11/4/2014
701-TA-506	Non-oriented electrical steel	China	9/30/2013	A	A	A	A	11/18/2014
701-TA-507	Non-oriented electrical steel	Korea	9/30/2013	A	N	N	( <sup>d</sup> )	10/14/2014
701-TA-508	Non-oriented electrical steel	Taiwan	9/30/2013	A	A	A	A	11/18/2014
701-TA-509	Tetrafluoroethane	China	10/22/2013	A	A	A	N	12/3/2014
701-TA-510	Calcium hypochlorite	China	12/18/2013	A	A	A	( <sup>e</sup> )	( <sup>e</sup> )
701-TA-511	Crystalline silicon photovoltaic products	China	12/31/2013	A	A	A	( <sup>e</sup> )	( <sup>e</sup> )
701-TA-512	Steel wire rod	China	1/31/2014	A	A	A	( <sup>e</sup> )	( <sup>e</sup> )
701-TA-513	Sugar	Mexico	3/28/2014	A	A	( <sup>f</sup> )	( <sup>f</sup> )	( <sup>f</sup> )
701-TA-514	53-foot domestic dry containers	China	4/23/2014	A	A	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )
701-TA-515	Steel nails	India	5/29/2014	N	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )
701-TA-516	Steel nails	Korea	5/29/2014	A	N	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )
701-TA-517	Steel nails	Malaysia	5/29/2014	A	N	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )
701-TA-518	Steel nails	Oman	5/29/2014	A	N	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )
701-TA-519	Steel nails	Taiwan	5/29/2014	A	N	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )
701-TA-520	Steel nails	Turkey	5/29/2014	N	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )
701-TA-521	Steel nails	Vietnam	5/29/2014	A	A	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )
701-TA-522	Certain passenger vehicle and light truck tires	China	6/3/2014	A	A	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )
701-TA-523	Boltless steel shelving units	China	8/26/2014	A	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )
701-TA-524	Welded line pipe	Korea	10/16/2014	A	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )

## Appendix A: Data Tables

USITC								
investigation number	Product	Country of origin	Date of institution	USITC prelim	ITA <sup>a</sup> prelim	ITA final	USITC final	Date of final action <sup>b</sup>
701-TA-525	Welded line pipe	Turkey	10/16/2014	A	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )
701-TA-526	Melamine	China	11/12/2014	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )
701-TA-527	Melamine	Tinidad & Tobago	11/12/2014	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )

Source: U.S. International Trade Commission.

<sup>a</sup> "ITA" is the International Trade Administration of the USDOC.

<sup>b</sup> For cases in which the final action was taken by the ITA, the date shown is the Federal Register notice date of that action. For cases in which the final action was taken by USITC, the date of the USITC notification of USDOC is shown.

<sup>c</sup> Withdrawn by petitioning firm(s).

<sup>d</sup> Not applicable.

<sup>e</sup> Pending as of December 31, 2014.

<sup>f</sup> Suspended investigation.

**Table A.10:** Countervailing duty orders in effect as of December 31, 2014

Country	Commodity	Effective date of original action
Brazil	Carbon and certain alloy steel wire rod	Oct. 22, 2002
	Heavy iron construction castings	May 15, 1986
China	Non-oriented electrical steel	Dec. 3, 2014
	Chlorinated isocyanurates	Nov. 13, 2014
	Utility-scale wind towers	Feb. 15, 2013
	Drawn stainless steel sinks	April 11, 2013
	Crystalline silicon photovoltaic cells	Dec. 07, 2012
	High pressure steel cylinders	Jun. 21, 2012
	Multilayered wood flooring	Dec. 8, 2011
	Aluminum extrusions	May 26, 2011
	Seamless refined copper pipe and tube	Nov. 22, 2010
	Coated paper	Nov. 17, 2010
	Seamless carbon and alloy steel standard, line, and pressure pipe	Nov. 10, 2010
	Magnesia carbon bricks	Sept. 21, 2010
	Narrow woven ribbons	Sept. 1, 2010
	Steel grating	July 23, 2010
	Potassium phosphate salts	July 22, 2010
	Prestressed concrete steel wire strand	July 7, 2010
	Oil country tubular goods	Jan. 20, 2010
	Citric acid and certain citric salts	May 29, 2009
	Kitchen appliance shelving and racks	Sept. 14, 2009
	Tow-behind lawn groomers	Aug. 3, 2009
	Welded stainless steel pressure pipe	Mar. 19, 2009
	Circular welded carbon-quality steel line pipe	Jan. 23, 2009
	Lightweight thermal paper	Nov. 24, 2008
	Raw flexible magnets	Sept. 17, 2008
	Off-the-road tires	Sept. 4, 2008
	Sodium nitrite	Aug. 27, 2008
	Laminated woven sacks	Aug. 7, 2008
Light-walled rectangular pipe and tube	Aug. 5, 2008	
Circular welded carbon-quality steel pipe	July 22, 2008	
India	Oil country tubular goods	Sept. 10, 2014
	Commodity matchbooks	Dec. 11, 2009
	Lined paper school supplies	Sept. 28, 2006
	Carbazole violet pigment 23	Dec. 29, 2004
	Prestressed concrete steel wire strand	Feb. 4, 2004
	Polyethylene terephthalate (PET) film	July 1, 2002
	Hot-rolled carbon steel flat products	Dec. 3, 2001
	Carbon steel plate	Feb. 10, 2000
Indonesia	Sulfanilic acid	Mar. 2, 1993
	Coated paper	Nov. 17, 2010
Iran	Hot-rolled carbon steel flat products	Dec. 3, 2001
	Carbon steel plate	Feb. 10, 2000
	Roasted in-shell pistachios	Oct. 7, 1986

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<b>Country</b>	<b>Commodity</b>	<b>Effective date of original action</b>
	Raw in-shell pistachios	Mar. 11, 1986
Italy	Pasta	July 24, 1996
Korea	Large residential washers	Feb. 15, 2013
	Carbon steel plate	Feb. 10, 2000
	Stainless steel sheet and strip	Aug. 6, 1999
South Africa	Stainless steel plate in coils	May 11, 1999
Taiwan	Non-oriented electrical steel	Dec. 3, 2014
Thailand	Hot-rolled carbon steel flat products	Dec. 3, 2001
Turkey	Steel concrete rebar	Nov. 6, 2014
	Oil country tubular goods	Sept. 10, 2014
	Pasta	July 24, 1996
	Welded carbon steel pipe	Mar. 7, 1986
Vietnam	Steel wire garment hangers	Feb. 5, 2013
	Polyethylene retail carrier bags	May 4, 2010

Source: U.S. International Trade Commission.

**Table A.11:** Reviews of existing antidumping and countervailing duty orders completed in 2014, by date of completion

USITC investigation number	Product	Country of origin	Action	Completion date <sup>a</sup>
731-TA-1114	Steel nails	China	Continued	1/10/2014
701-TA-405	Hot-rolled steel products	India	Continued	1/15/2014
701-TA-406	Hot-rolled steel products	Indonesia	Continued	1/15/2014
701-TA-408	Hot-rolled steel products	Thailand	Continued	1/15/2014
731-TA-899	Hot-rolled steel products	China	Continued	1/15/2014
731-TA-906	Hot-rolled steel products	Taiwan	Continued	1/15/2014
731-TA-907	Hot-rolled steel products	Thailand	Continued	1/15/2014
731-TA-908	Hot-rolled steel products	Ukraine	Continued	1/15/2014
731-TA-900	Hot-rolled steel products	India	Continued	1/15/2014
731-TA-901	Hot-rolled steel products	Indonesia	Continued	1/15/2014
701-TA-448	Off-the-road tires	China	Continued	1/15/2014
731-TA-1117	Off-the-road tires	China	Continued	1/15/2014
701-TA-452	Raw flexible magnets	China	Continued	1/15/2014
731-TA-1129	Raw flexible magnets	China	Continued	1/15/2014
731-TA-1130	Raw flexible magnets	Taiwan	Continued	1/15/2014
731-TA-990	Non-malleable cast iron pipe fittings	China	Continued	1/29/2014
731-TA-1136	Sodium nitrite	China	Continued	1/29/2014
731-TA-1137	Sodium nitrite	Germany	Continued	1/29/2014
731-TA-1123	Steel wire garment hangers	China	Continued	2/18/2014
701-TA-450	Laminated woven sacks	China	Continued	3/11/2014
731-TA-1122	Laminated woven sacks	China	Continued	3/11/2014
731-TA-394	Bearings	Japan	Revoked	3/26/2014
731-TA-399	Bearings	United Kingdom	Revoked	3/26/2014
731-TA-749	Persulfates	China	Continued	3/28/2014
731-TA-1140	Innersprings	China	Continued	4/3/2014
731-TA-1141	Innersprings	South Africa	Continued	4/3/2014
731-TA-1142	Innersprings	Vietnam	Continued	4/3/2014
731-TA-752	Crawfish tail meat	China	Continued	4/28/2014
731-TA-1148	Frontseating service valves	China	Revoked	4/28/2014
701-TA-455	Circular welded carbon quality steel line pipe	China	Continued	5/2/2014
731-TA-1149	Circular welded carbon quality steel line pipe	China	Continued	5/2/2014
731-TA-1143	Small diameter graphite electrodes	China	Continued	6/2/2014
731-TA-1146	HEDP	China	Revoked	6/2/2014
731-TA-1147	HEDP	India	Revoked	6/2/2014
701-TA-449	Light-walled rectangular pipe and tube	China	Continued	6/9/2014
731-TA-1118	Light-walled rectangular pipe and tube	China	Continued	6/9/2014
731-TA-1119	Light-walled rectangular pipe and tube	Korea	Continued	6/9/2014
731-TA-1120	Light-walled rectangular pipe and tube	Mexico	Continued	6/9/2014
731-TA-1121	Light-walled rectangular pipe and tube	Turkey	Continued	6/9/2014
731-TA-991	Silicon metal	Russia	Continued	6/11/2014
701-TA-417	Carbon steel wire rod	Brazil	Continued	6/16/2014
731-TA-953	Carbon steel wire rod	Brazil	Continued	6/16/2014
731-TA-957	Carbon steel wire rod	Indonesia	Continued	6/16/2014

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<b>USITC investigation number</b>	<b>Product</b>	<b>Country of origin</b>	<b>Action</b>	<b>Completion date<sup>a</sup></b>
731-TA-958	Carbon steel wire rod	Mexico	Continued	6/16/2014
731-TA-959	Carbon steel wire rod	Moldova	Continued	6/16/2014
731-TA-961	Carbon steel wire rod	Trinidad and Tobago	Continued	6/16/2014
701-TA-454	Welded stainless steel pressure pipe	China	Continued	7/7/2014
731-TA-1144	Welded stainless steel pressure pipe	China	Continued	7/7/2014
701-TA-415	Polyethylene terephthalate (PET) film	India	Continued	7/11/2014
731-TA-933	Polyethylene terephthalate (PET) film	India	Continued	7/11/2014
731-TA-934	Polyethylene terephthalate (PET) film	Taiwan	Continued	7/11/2014
731-TA-1021	Malleable iron pipe fittings	China	Continued	8/4/2014
731-TA-1145	Threaded rod	China	Continued	8/4/2014
731-TA-1022	Refined brown aluminum oxide	China	Continued	10/14/2014
731-TA-1012	Frozen fish fillets	Vietnam	Continued	11/26/2014

Source: U.S. International Trade Commission.

<sup>a</sup>The completion date shown is the date of the USITC notification of USDOC, except in the case of a revocation where the date shown is the date of ITA's Federal Register notice.

**Table A.12:** Section 337 investigations and related proceedings completed by the U.S. International Trade Commission during 2014 and those pending on December 31, 2014

Status of investigation	Article	Country <sup>a</sup>	Commission determination <sup>b</sup>
<b>Completed</b>			
337-TA-501	Certain Encapsulated Integrated Circuit Devices and Products Containing Same	Malaysia	One related (ancillary) remand proceeding, issued limited exclusion order; and one related (ancillary) rescission proceeding, exclusion order rescinded.
337-TA-641	Variable Speed Wind Turbines and Components Thereof	Japan	One related (ancillary) remand proceeding, terminated based on a settlement agreement.
337-TA-739	Certain Ground Fault Circuit Interrupters and Products Containing Same	China	One related (ancillary) bond return proceeding, terminated based on return of bond to respondent; and one related (ancillary) advisory proceeding, terminated based on a settlement agreement; and one related (ancillary) bond forfeiture proceeding, terminated based on forfeiture of bond to complainant.
337-TA-744	Certain Mobile Devices, Associated Software, and Components Thereof	No foreign respondents	One related (ancillary) remand proceeding, terminated based on expiration of the patent; one related (ancillary) bond forfeiture proceeding, terminated based on a stipulation.
337-TA-750	Certain Mobile Devices and Related Software	No foreign respondents	One related (ancillary) remand proceeding, terminated based on a settlement agreement.
337-TA-796	Certain Electronic Digital Media Devices and Components Thereof	Korea	One related (ancillary) bond return proceeding, bond return denied; and one related (ancillary) bond forfeiture proceeding, bond forfeiture denied.
337-TA-800	Certain Wireless Devices with 3G Capabilities and Components Thereof	China, Finland	Terminated based on withdrawal of the complaint.
337-TA-800	Certain Wireless Devices with 3G Capabilities and Components Thereof	China, Finland	One related (ancillary) remand proceeding, terminated based on withdrawal of the complaint.
337-TA-816	Certain Wiper Blades	Korea, China, Taiwan	Terminated based on a settlement agreement.
337-TA-823	Certain Kinesiotherapy Devices and Components Thereof	Sweden, China, Netherlands	One related (ancillary) advisory proceeding, advisory opinion issued.
337-TA-830	Certain Dimmable Compact Fluorescent Lamps and Products Containing Same	China	One related (ancillary) enforcement proceeding, imposed civil penalties; one related (ancillary) modification proceeding, terminated as moot.
337-TA-833	Certain Digital Models, Digital Data, and Treatment Plans for Use in Making Incremental Dental Positioning Adjustment Appliances, the Appliances Made Therefrom, and Methods of Making the Same	Pakistan	Issued cease and desist orders.
337-TA-837	Certain Audiovisual Components and Products Containing the Same	Japan, Taiwan	Terminated based on a finding of no violation.

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Status of investigation	Article	Country <sup>a</sup>	Commission determination <sup>b</sup>
337-TA-847	Certain Electronic Devices, Including Mobile Phones and Tablet Computers, and Components Thereof	Taiwan	Terminated based on a settlement agreement.
337-TA-849	Certain Rubber Resins and Processes for Manufacturing Same	China, Hong Kong, Canada	Issued limited exclusion order.
337-TA-850	Electronic Imaging Devices	Taiwan, Korea, China	Terminated based on a finding of no violation.
337-TA-853	Certain Wireless Consumer Electronics Devices and Components Thereof	Taiwan, Switzerland, China, Japan, Korea, Canada	Terminated based on a finding of no violation.
337-TA-854	Certain Two-Way Global Satellite Communication Devices, System and Components Thereof	United Kingdom	One related (ancillary) enforcement proceeding, imposed civil penalty.
337-TA-859	Certain Integrated Circuit Chips and Products Containing the Same	No foreign respondents	Terminated based on a finding of no violation.
337-TA-860	Certain Optoelectronic Devices for Fiber Optic Communications, Components Thereof, and Products Containing the Same	Denmark, Germany, France, Israel	Issued limited exclusion order and cease and desist orders.
337-TA-861 (consolidated with 337-TA-867)	Certain Cases for Portable Electronic Devices	China, Hong Kong	Issued general exclusion order.
337-TA-861 (consolidated with 337-TA-867)	Certain Cases for Portable Electronic Devices	China, Hong Kong	One related (ancillary) advisory proceeding, terminated based on withdrawal of the request.
337-TA-862	Certain Electronic Devices, Including Wireless Communication Devices, Tablet Computers, Media Players, and Televisions, and Components Thereof	Korea	Terminated based on a settlement agreement.
337-TA-866	Certain Wireless Communications Equipment and Articles Therein	Sweden	Terminated based on a settlement agreement.
337-TA-867 (consolidated with 337-TA-861)	Certain Cases for Portable Electronic Devices	China, Taiwan	Issued general exclusion order.
337-TA-867 (consolidated with 337-TA-861)	Certain Cases for Portable Electronic Devices	China, Taiwan	One related (ancillary) advisory proceeding, terminated based on withdrawal of the request.
337-TA-868	Certain Wireless Devices with 3G and/or 4G Capabilities and Components Thereof	China, Finland, Korea	Terminated based on a finding of no violation.
337-TA-871	Certain Wireless Communications Base Stations and Components Thereof	Sweden	Terminated based on withdrawal of the complaint.
337-TA-872	Compact Fluorescent Reflector Lamps, Products Containing Same and Components Thereof	No foreign respondents	Terminated based on a finding of no violation.
337-TA-873	Certain Integrated Circuit Devices and Products Containing the Same	Taiwan, Korea, Finland	Terminated based on withdrawal of the complaint.
337-TA-876	Certain Microelectromechanical Systems (MEMs Devices) and Products Containing Same	No foreign respondents	Terminated based on a settlement agreement.
337-TA-877	Certain Omega-3 Extracts from Marine or Aquatic Biomass and	Norway, Israel, New Zealand,	Terminated based on a settlement agreement.



Status of investigation	Article	Country <sup>a</sup>	Commission determination <sup>b</sup>
337-TA-879	Products Containing the Same Certain Sleep-Disordered Breathing Treatment Systems and Components Thereof	Canada Taiwan	One related (ancillary) advisory proceeding, advisory opinion issued; and one related (ancillary) rescission proceeding, consent order rescinded.
337-TA-881	Certain Windshield Wiper Devices and Components Thereof	Mexico	Terminated based on a settlement agreement.
337-TA-882	Certain Digital Media Devices, Including Televisions, Blu-Ray Disc Players, Home Theater Systems, Tablets and Mobile Phones, Components Thereof and Associated Software	Korea, Japan	Terminated based on a finding of no violation.
337-TA-885	Certain Portable Electronic Communications Devices, Including Mobile Phones and Components Thereof	Taiwan	Terminated based on a settlement agreement.
337-TA-886	Certain TV Programs, Literary Works for TV Production and Episode Guides Pertaining to Same	Canada	Terminated based on a finding of no violation.
337-TA-889	Certain Wireless Devices, Including Mobile Phones and Tablets	Korea	Terminated based on a settlement agreement.
337-TA-890	Certain Sleep-Disordered Breathing Treatment Systems and Components Thereof	China	Issued limited exclusion order and cease and desist orders.
337-TA-892	Certain Point-to Point Network Communication Devices and Products Containing Same	Taiwan, Korea, Japan, Sweden	Terminated based on withdrawal of the complaint.
337-TA-894	Certain Tires and Products Containing Same	China, Thailand	Issued limited exclusion order and cease and desist orders.
337-TA-896	Certain Thermal Support Devices for Infants, Infant Incubators, Infant Warmers, and Components Thereof	Japan	Terminated based on a settlement agreement.
337-TA-898	Certain Marine Sonar Imaging Devices, Products Containing the Same, and Components Thereof	Hong Kong, United Kingdom	Terminated based on a settlement agreement.
337-TA-900	Certain Navigation Products, Including GPS Devices, Navigation and Display Systems, Radar Systems, Navigational Aids, Mapping Systems and Related Software	Switzerland, Norway, United Kingdom	Terminated based on a settlement agreement.
337-TA-901	Certain Handheld Magnifiers and Products Containing Same	China	Terminated based on a consent order.
337-TA-902	Certain Windshield Wipers and Components Thereof	Belgium	Terminated based on a settlement agreement.
337-TA-903	Certain Antivenom Compositions and Products Containing the Same	Mexico	Terminated based on a settlement agreement.
337-TA-904	Certain Acousto-Magnetic Electronic Article Surveillance Systems, Components Thereof, and Products Containing Same	China, Hong Kong, Belgium, United Kingdom	Terminated based on a settlement agreement.
337-TA-905	Certain Wireless Devices, Including Mobile Phones and Tablets II	Finland, Korea, Japan, Sweden, China	Terminated based on a settlement agreement.
337-TA-906	Certain Standard Cell Libraries, Products Containing or Made Using the Same, Integrated Circuits Made Using the Same, and Products Containing Such Integrated Circuits	Taiwan	Terminated based on a settlement agreement.
337-TA-911	Certain Lithium Silicate Materials and Products Containing the Same	Germany	Terminated based on a settlement agreement.

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<b>Status of investigation</b>	<b>Article</b>	<b>Country<sup>a</sup></b>	<b>Commission determination<sup>b</sup></b>
337-TA-912	Certain Earpiece Devices Having Positioning and Retaining Structure and Components Thereof	Ireland	Terminated based on a settlement agreement.
337-TA-915	Certain Set-Top Boxes, Gateways, Bridges, and Adapters and Components Thereof	Taiwan	Terminated based on a settlement agreement.
337-TA-917	Certain Silicon Tuners and Products Containing Same, Including Television Tuners	Germany, Luxembourg	Terminated based on a settlement agreement.
337-TA-919	Certain Archery Products and Related Marketing Materials	China	Issued limited exclusion order.
337-TA-920	Certain Integrated Circuits and Products Containing the Same	Taiwan, China, Japan, Malaysia, Mexico	Terminated based on a settlement agreement.
337-TA-927	Certain Noise Cancelling Headphones and Components Thereof	Ireland, China	Terminated based on a settlement agreement.
<b>Pending</b>			
337-TA-055	Certain Novelty Glasses	Hong Kong	One related (ancillary) rescission proceeding; pending before the Commission.
337-TA-087	Certain Coin-Operated Audio Visual Games and Components Thereof	Taiwan, Japan	One related (ancillary) rescission proceeding; pending before the Commission.
337-TA-105	Certain Coin-Operated Audio Visual Games and Components Thereof (viz., Rally-X and Pac Man)	Taiwan, Japan	One related (ancillary) rescission proceeding; pending before the Commission.
337-TA-112	Certain Cube Puzzles	Taiwan, Japan	One related (ancillary) rescission proceeding; pending before the Commission.
337-TA-287	Certain Strip Lights	Taiwan	One related (ancillary) rescission proceeding; pending before the Commission.
337-TA-295	Certain Novelty Teleidoscopes	Hong Kong	One related (ancillary) rescission proceeding; pending before the Commission.
337-TA-562	Certain Incremental Dental Positioning Adjustment Appliances and Methods of Producing Same	British Virgin Islands, Pakistan	One related (ancillary) remand enforcement proceeding, pending before the ALJ.
337-TA-613	Certain 3G Mobile Handsets and Components Thereof	Finland	One related (ancillary) remand proceeding, pending before the ALJ.
337-TA-698	Certain DC-DC Controllers and Products Containing the Same	Hong Kong, Taiwan	One related (ancillary) remand enforcement proceeding, pending before the Commission.
337-TA-883	Certain Opaque Polymers	Turkey, Netherlands	Pending before the Commission.
337-TA-884	Certain Consumer Electronics with Display and Processing Capabilities	China, Japan, Taiwan	Pending before the Commission.
337-TA-887	Certain Crawler Cranes and Components Thereof	China	Pending before the Commission.
337-TA-888	Certain Silicon Microphone Packages and Products Containing Same	China	Pending before the Commission.
337-TA-893	Certain Flash Memory Chips and Products Containing Same	Taiwan, Japan, Hong Kong	Pending before the ALJ.
337-TA-895	Certain Multiple Mode Outdoor Grills and Parts Thereof	China, Hong Kong	Pending before the Commission.

Status of investigation	Article	Country <sup>a</sup>	Commission determination <sup>b</sup>
337-TA-897	Certain Optical Disc Drives, Components Thereof, and Products Containing the Same	Hong Kong, Korea, Japan, Taiwan	Pending before the ALJ.
337-TA-899	Certain Vision-Based Driver Assistance System Cameras and Components Thereof	No foreign respondents	Pending before the ALJ.
337-TA-907	Certain Vision-Based Driver Assistance System Cameras and Components Thereof	No foreign respondents	Pending before the ALJ.
337-TA-908	Certain Soft-Edged Trampolines and Components Thereof	Australia	Pending before the Commission.
337-TA-909	Certain Non-Volatile Memory Devices and Products Containing Same	United Kingdom, Germany, Thailand	Pending before the ALJ.
337-TA-910	Certain Television Sets, Television Receivers, Television Tuners, and Components Thereof	Taiwan, Korea, Japan, China	Pending before the ALJ.
337-TA-913	Certain Hemostatic Products and Components Thereof	Denmark	Pending before the ALJ.
337-TA-914	Certain Sulfentrazone, Sulfentrazone Compositions, and Processes for Making Sulfentrazone	China	Pending before the ALJ.
337-TA-916	Certain Non-Volatile Memory Chips and Products Containing the Same	Taiwan, Hong Kong, Japan	Pending before the ALJ.
337-TA-918	Certain Toner Cartridges and Components Thereof	China, Hong Kong	Pending before the ALJ.
337-TA-921	Certain Marine Sonar Imaging Devices, Including Downscan and Sidescan Devices, Products Containing the Same, and Components Thereof	Taiwan	Pending before the ALJ.
337-TA-922	Certain Devices Containing Non-Volatile Memory and Products Containing the Same	United Kingdom, Thailand	Pending before the ALJ.
337-TA-923	Certain Loom Kits for Creating Linked Articles	China	Pending before the ALJ.
337-TA-924	Certain Light Reflectors and Components, Packaging, and Related Advertising Thereof	Hong Kong, China	Pending before the ALJ.
337-TA-925	Certain Communications or Computing Devices, and Components Thereof	Taiwan, Korea	Pending before the ALJ.
337-TA-926	Certain Marine Sonar Imaging Systems, Products Containing the Same, and Components Thereof	Taiwan	Pending before the ALJ.
337-TA-928	Certain Windshield Wipers and Components Thereof	Belgium	Pending before the ALJ.
337-TA-929	Certain Beverage Brewing Capsules, Components Thereof, and Products Containing the Same	Hong Kong, China	Pending before the ALJ.
337-TA-930	Certain Laser Abraded Denim Garments	Canada, Italy, Sweden	Pending before the ALJ.
337-TA-931	Certain Formatted Magnetic Data Storage Tapes and Cartridges Containing Same	Japan	Pending before the ALJ.
337-TA-932	Certain Consumer Electronics and Display Devices with Graphics Processing and Graphics Processing Units Therein	Korea	Pending before the ALJ.

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<b>Status of investigation</b>	<b>Article</b>	<b>Country<sup>a</sup></b>	<b>Commission determination<sup>b</sup></b>
337-TA-933	Certain Stainless Steel Products, Certain Processes for Manufacturing or Relating to Same, and Certain Products Containing Same	India, Germany, Taiwan	Pending before the ALJ.
337-TA-934	Certain Dental Implants	Brazil	Pending before the ALJ.
337-TA-935	Certain Personal Transporters, Components Thereof, and Manuals Therefor	China	Pending before the ALJ.
337-TA-936	Certain Footwear Products	China, Canada, Italy, Australia, Japan	Pending before the ALJ.
337-TA-937	Certain Windshield Wipers and Components Thereof	Mexico	Pending before the ALJ.
337-TA-938	Certain Coaxial Cable Connectors and Components Thereof and Products Containing Same	No foreign respondents	Pending before the ALJ.
337-TA-939	Certain Three-Dimensional Cinema Systems and Components Thereof	Korea	Pending before the ALJ.
337-TA-940	Certain Snowmobiles with Engines Having Exhaust Temperature-Controlled Engine Technology and Components Thereof	Canada	Pending before the ALJ.
337-TA-941	Certain Graphics Processing Chips, Systems on a Chip, and Products Containing the Same	Taiwan, Hong Kong	Pending before the ALJ.
337-TA-942	Certain Wireless Devices, Including Mobile Phones and Tablets III	Singapore, Taiwan	Pending before the ALJ.

Source: U.S. International Trade Commission.

<sup>a</sup>The country designation is based on the address of the foreign respondents named in the notice of investigation. “Hong Kong” refers to “Hong Kong, China”; “Korea” refers to the “Republic of Korea (South Korea).”

<sup>b</sup>ALJ stands for “Administrative Law Judge.”

**Table A.13:** Outstanding Section 337 exclusion orders as of December 31, 2014

Investigation no.	Article	Country <sup>a</sup>	Date patent expires <sup>b</sup>
337-TA-55	Certain Novelty Glasses	Hong Kong	Nonpatent
337-TA-69	Certain Airtight Cast-Iron Stoves	Taiwan, Korea	Nonpatent
337-TA-87	Certain Coin-Operated Audio-Visual Games and Components Thereof	Japan, Taiwan	Nonpatent
337-TA-105	Certain Coin-Operated Audio-Visual Games and Components Thereof (viz Rally-X and Pac-Man)	Japan, Taiwan	Nonpatent
337-TA-112	Certain Cube Puzzles	Taiwan, Japan, Canada	Nonpatent
337-TA-114	Certain Miniature Plug-In Blade Fuses	Taiwan	Nonpatent
337-TA-118	Certain Sneakers with Fabric Uppers and Rubber Soles	Korea	Nonpatent
337-TA-137	Certain Heavy-Duty Staple Gun Tackers	Taiwan, Hong Kong	Nonpatent
337-TA-152	Certain Plastic Food Storage Containers	Hong Kong, Taiwan	Nonpatent
337-TA-167	Certain Single Handle Faucets	Taiwan	Nonpatent
337-TA-174	Certain Woodworking Machines	Taiwan, South Africa	Nonpatent
337-TA-195	Certain Cloisonne Jewelry	Taiwan	Nonpatent
337-TA-197	Certain Compound Action Metal Cutting Snips and Components Thereof	Taiwan	Nonpatent
337-TA-229	Certain Nut Jewelry and Parts Thereof	Taiwan	Nonpatent
337-TA-231	Certain Soft Sculpture Dolls, Popularly Known as “Cabbage Patch Kids,” Related Literature, and Packaging Therefor	No foreign respondents	Nonpatent
337-TA-266	Certain Reclosable Plastic Bags and Tubing	Singapore, Taiwan, Korea, Thailand, Hong Kong, Malaysia	Nonpatent
337-TA-279	Certain Plastic Light Duty Screw Anchors	Taiwan	Nonpatent
337-TA-285	Certain Chemiluminescent Compositions and Components Thereof and Methods of Using, and Products Incorporating, the Same	France	Nonpatent
337-TA-287	Certain Strip Lights	Taiwan	Nonpatent
337-TA-295	Certain Novelty Teleidoscopes	Hong Kong	Nonpatent
337-TA-319	Certain Automotive Fuel Caps and Radiator Caps and Related Packaging and Promotional Materials	Taiwan	Nonpatent
337-TA-321	Certain Soft Drinks and Their Containers	Colombia	Nonpatent
337-TA-378	Certain Asian-Style Kamaboko Fish Cakes	Japan	Nonpatent
337-TA-380	Certain Agricultural Tractors under 50 Power Take-Off Horsepower	Japan	Nonpatent
337-TA-424	Certain Cigarettes and Packaging Thereof	No foreign respondents	Nonpatent
337-TA-440	Certain 4-Androstenediol	China	July 13, 2018
337-TA-473	Certain Video Game Systems, Accessories, and Components Thereof	No foreign respondents	Dec. 18, 2015 Dec. 25, 2015
337-TA-481/491	Certain Display Controllers with Upscaling Functionality and Products Containing Same; and Certain Display Controllers and Products Containing Same	Taiwan	Feb. 24, 2017

## Appendix A: Data Tables

Investigation no.	Article	Country <sup>a</sup>	Date patent expires <sup>b</sup>
337-TA-482	Certain Compact Disc and DVD Holders	Denmark, Hong Kong, Taiwan	May 1, 2015
337-TA-486	Certain Agricultural Tractors, Lawn Tractors, Riding Lawnmowers, and Components Thereof	China	Nonpatent
337-TA-487 <sup>c</sup>	Certain Agricultural Vehicles and Components Thereof	China, Netherlands, France, Germany, Canada	Nonpatent
337-TA-494	Certain Automotive Measuring Devices, Products Containing Same, and Bezels for Such Devices	Taiwan	Nonpatent
337-TA-498	Certain Insect Traps	No foreign respondents	Jan. 30, 2018
337-TA-500	Certain Purple Protective Gloves	Malaysia	Nonpatent
337-TA-505	Certain Gun Barrels Used in Firearms Training Systems	Switzerland, Netherlands	Sept. 25, 2015 Aug. 25, 2017
337-TA-512	Certain Light-Emitting Diodes and Products Containing Same	Malaysia	Jan. 18, 2015 Sept. 22, 2017 Sept. 22, 2017 Sept. 22, 2017 Sept. 22, 2017 Sept. 22, 2017 July 27, 2018 July 27, 2018 July 27, 2018
337-TA-514	Certain Plastic Food Containers	China	Dec. 23, 2017 Dec. 23, 2017
337-TA-518	Certain Ear Protection Devices	China, Taiwan	June 2, 2015
337-TA-522	Certain Ink Markers and Packaging Thereof	China, India, Korea, Hong Kong	Nonpatent
337-TA-539	Certain Tadalafil or Any Salt or Solvate Thereof, and Products Containing Same	India, Panama, Haiti, Nicaragua, Mexico, Australia	June 12, 2016
337-TA-541	Certain Power Supply Controllers and Products Containing Same	Taiwan	Sept. 24, 2019 Sept. 24, 2019
337-TA-545	Certain Laminated Floor Panels	Canada, China, Malaysia	June 10, 2017 June 10, 2017 June 10, 2017
337-TA-549	Certain Ink Sticks for Solid Ink Printers	Korea	Apr. 29, 2022 Apr. 29, 2022 Apr. 29, 2022
337-TA-557	Certain Automotive Parts	Taiwan	June 22, 2018 July 27, 2018 Sept. 28, 2018 Oct. 5, 2018 Oct. 26, 2018

Investigation no.	Article	Country <sup>a</sup>	Date patent expires <sup>b</sup>
			Mar. 1, 2019 Mar. 22, 2019
337-TA-563	Certain Portable Power Stations and Packaging Therefor	China	Feb. 4, 2017 Nonpatent
337-TA-565	Certain Ink Cartridges and Components Thereof	Hong Kong, China, Germany, Korea	May 18, 2019 May 18, 2019 Apr. 3, 2022 Aug. 17, 2023 Aug. 26, 2023
337-TA-567	Certain Foam Footwear	Canada	Mar. 28, 2020 Oct. 3, 2020
337-TA-575	Certain Lighters	Hong Kong, China	Nonpatent
337-TA-582	Certain Hydraulic Excavators and Components Thereof	Canada	Nonpatent
337-TA-588	Certain Digital Multimeters, and Products with Multimeter Functionality	Hong Kong, China	Nonpatent
337-TA-590	Certain Coupler Devices for Power Supply Facilities, Components Thereof, and Products Containing Same	Taiwan, Germany, China	Aug. 5, 2024
337-TA-603	Certain DVD Players and Recorders and Certain Products Containing Same	China, Hong Kong	Jan. 18, 2015 Jan. 30, 2016
337-TA-604	Certain Sucralose, Sweeteners Containing Sucralose, and Related Intermediate Compounds Thereof	China, United Kingdom, Hong Kong	Oct. 17, 2017 Apr. 18, 2023
337-TA-611	Certain Magnifying Loupe Products and Components Thereof	China	May 20, 2022
337-TA-615	Certain Ground Fault Circuit Interrupters and Products Containing the Same	China	Nov. 21, 2020 May 3, 2021 Apr. 28, 2025
337-TA-617	Certain Digital Televisions and Certain Products Containing Same and Methods of Using Same	Taiwan, Hong Kong, China	Apr. 9, 2018
337-TA-629	Certain Silicon Microphone Packages and Products Containing the Same	Malaysia	June 21, 2021 Sept. 16, 2022
337-TA-637	Certain Hair Irons and Packaging Thereof	Singapore, China, Hong Kong	Nonpatent
337-TA-638	Certain Intermediate Bulk Containers	China	Mar. 21, 2015
337-TA-643	Certain Cigarettes and Packaging Thereof	Moldova, Belize, Singapore, Ukraine, Kyrgyzstan, Gibraltar, United Kingdom, Switzerland	Nonpatent
337-TA-644	Certain Composite Wear Components and Products Containing the Same	India, Italy	Aug. 27, 2017
337-TA-650 <sup>d</sup>	Certain Coaxial Cable Connectors and Components Thereof and Products Containing Same	Taiwan, China	Aug. 2, 2017 Jan. 24, 2020
337-TA-655	Certain Cast Steel Railway Wheels, Certain Processes for Manufacturing or Relating to Same and Certain Products Containing Same	China	Nonpatent

Appendix A: Data Tables

Investigation no.	Article	Country <sup>a</sup>	Date patent expires <sup>b</sup>
337-TA-678	Certain Energy Drink Products	No foreign respondents	Nonpatent
337-TA-679	Certain Products Advertised As Containing Creatine Ethyl Ester	No foreign respondents	Nonpatent
337-TA-691	Certain Inkjet Ink Supplies and Components Thereof	China, Hong Kong	Mar. 9, 2018 May 11, 2018
337-TA-700	Certain MEMS Devices and Products Containing Same	No foreign respondents	Jan. 29, 2021
337-TA-718	Certain Electronic Paper Towel Dispensing Devices and Components Thereof	Canada, Hong Kong, Taiwan, Turkey	Feb. 9, 2021 Feb. 9, 2021 Mar. 15, 2021 May 27, 2021
337-TA-720	Certain Biometric Scanning Devices, Components Thereof, Associated Software, and Products Containing the Same	Korea	May 9, 2017 Jan. 16, 2023
337-TA-722	Certain Automotive Vehicles and Designs Thereof	China	Jan. 3, 2020
337-TA-723	Certain Inkjet Ink Cartridges with Printheads and Components Thereof	China, Hong Kong	Aug. 30, 2019 July 24, 2020 July 24, 2020 Oct. 30, 2020 Oct. 30, 2020
337-TA-725	Certain Caskets	Mexico	May 10, 2015 May 10, 2015 May 10, 2015 July 9, 2016 Sept. 13, 2020
337-TA-730	Certain Inkjet Ink Supplies and Components Thereof	Hong Kong, China	Aug. 20, 2023 Oct. 29, 2023
337-TA-739	Certain Ground Fault Circuit Interrupters and Products Containing Same	China	Oct. 21, 2023
337-TA-740	Certain Toner Cartridges and Components Thereof	China, Hong Kong, Canada, Korea, Macau	Feb. 16, 2016 Feb. 16, 2016 Dec. 20, 2016 Dec. 20, 2016 Dec. 20, 2016 Dec. 20, 2016 Feb. 18, 2018 Sept. 22, 2019 July 18, 2021 July 15, 2022 July 15, 2022 Apr. 29, 2023 May 21, 2023 Dec. 19, 2024



Investigation no.	Article	Country <sup>a</sup>	Date patent expires <sup>b</sup>
337-TA-744	Certain Mobile Devices, Associated Software, and Components Thereof	No foreign respondents	Apr. 10, 2018
337-TA-754	Certain Handbags, Luggage, Accessories, and Packaging Thereof	China	Nonpatent
337-TA-759	Certain Birthing Simulators and Associated Systems	China	May 8, 2016 May 8, 2016
337-TA-763	Certain Radio Control Hobby Transmitters and Receivers and Products Containing Same	China	Oct. 18, 2025 Nonpatent
337-TA-780	Certain Protective Cases and Components Thereof	China, Hong Kong	Sept. 29, 2023 May 11, 2024 June 15, 2024 June 15, 2024 Mar. 22, 2025 Apr. 19, 2025 Jan. 25, 2029 Nonpatent
337-TA-791/826	Certain Electric Fireplaces, Components Thereof, Manuals for Same, Certain Processes for Manufacturing or Relating to Same and Certain Products Containing Same; and Certain Electric Fireplaces, Components Thereof, Manuals for Same, Certain Processes for Manufacturing or Relating to Same and Certain Products Containing Same	China	Nonpatent
337-TA-796	Certain Electronic Digital Media Devices and Components Thereof	Korea	Sept. 6, 2026 Jan. 5, 2027
337-TA-804	Certain LED Photographic Lighting Devices and Components Thereof	China, Taiwan	Dec. 7, 2021 Dec. 7, 2021
337-TA-807	Certain Digital Photo Frames and Image Display Devices and Components Thereof	Taiwan, Canada, Japan	July 6, 2020 Dec. 26, 2020 Oct. 29, 2021
337-TA-823	Certain Kinesiotherapy Devices and Components Thereof	Sweden, China, Netherlands	Sept. 18, 2026
337-TA-829	Certain Toner Cartridges and Components Thereof	Vietnam, Mexico, China, Hong Kong, Canada	March 26, 2016 March 26, 2016
337-TA-832	Certain Ink Application Devices and Components Thereof and Methods of Using the Same	Canada, China	Feb. 28, 2020 Sept. 2, 2020
337-TA-849	Certain Rubber Resins and Processes for Manufacturing Same	China, Hong Kong, Canada	Nonpatent
337-TA-860	Certain Optoelectronic Devices for Fiber Optic Communications, Components Thereof, and Products Containing the Same	Denmark, Germany, France, Israel	June 8, 2015
337-TA-861/867	Certain Cases for Portable Electronic Devices; and Certain Cases for Portable Electronic Devices	Taiwan, Hong Kong, China	Feb. 6, 2029
337-TA-878	Certain Electronic Devices Having Placeshifting or Display Replication Functionality and Products Containing Same	No foreign respondents	May 26, 2019 May 26, 2019 June 7, 2025

## Appendix A: Data Tables

Investigation no.	Article	Country <sup>a</sup>	Date patent expires <sup>b</sup>
337-TA-890	Certain Sleep-Disordered Breathing Treatment Systems and Components Thereof	China	June 7, 2025
			June 7, 2025
			May 1, 2029
			May 11, 2017
			Feb. 16, 2018
			March 19, 2023
			March 19, 2023
337-TA-894	Certain Tires and Products Containing Same	China, Thailand	July 20, 2027
			June 4, 2016
			March 9, 2018
			Jan. 19, 2024
			March 2, 2024
337-TA-919	Certain Archery Products and Related Marketing Materials	China	March 2, 2024
			March 30, 2018
			Jan. 15, 2023
			Nonpatent

Source: U.S. International Trade Commission.

<sup>a</sup> This column lists the countries of the foreign respondents named in the notice of investigation. “Hong Kong” refers to “Hong Kong, China”; “Macau” refers to “Macau, China”; and “Korea” refers to the “Republic of Korea.”

<sup>b</sup> Multiple dates indicate the expiration dates of separate patents within the investigation.

<sup>c</sup> There are three outstanding exclusion orders in inv. No. 337-TA-487.

<sup>d</sup> There are two outstanding exclusion orders in inv. No. 337-TA-650.

**Table A.14:** U.S. imports for consumption claiming eligibility under the GSP, by leading GSP beneficiary, 2012–14

Source	2012	2013	2014	% change 2013–14
	Thousand \$			
India	4,455,470	4,224,447	4,443,078	5.2
Thailand	3,707,630	3,336,945	3,488,472	4.5
Brazil	2,334,295	2,292,515	1,892,626	-17.4
Indonesia	2,207,648	1,835,333	1,681,985	-8.4
South Africa	1,294,211	1,089,865	1,356,248	24.4
Philippines	1,238,769	1,268,027	1,328,583	4.8
Turkey	1,148,012	1,216,519	1,130,842	-7.0
Angola	628,322	710,350	844,571	18.9
Russia	543,931	466,574	405,747	-13.0
Ecuador	106,886	183,339	291,553	59.0
Kazakhstan	111,379	100,431	220,539	119.6
Sri Lanka	157,984	158,439	178,085	12.4
Pakistan	195,098	225,128	159,767	-29.0
Georgia	124,058	107,444	154,646	43.9
Bolivia	129,211	157,112	100,856	-35.8
Congo (DROC)	93,700	50,155	96,618	92.6
Venezuela	98,573	110,262	90,766	-17.7
Armenia	80,600	86,784	81,323	-6.3
Tunisia	149,061	146,534	81,312	-44.5
Uruguay	57,058	92,184	76,982	-16.5
Cote d'Ivoire	96,148	84,544	69,905	-17.3
Egypt	60,480	70,853	67,128	-5.3
Paraguay	69,701	79,579	61,156	-23.2
Cambodia	34,881	41,085	55,535	35.2
Zimbabwe	36,737	5,795	50,685	774.6
Subtotal, top 25 GSP beneficiaries	19,159,843	18,140,242	18,409,012	1.5
All other beneficiaries	882,584	369,672	271,989	-26.4
Total U.S. imports for consumption under the GSP	20,042,427	18,509,915	18,681,001	0.9

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Argentina and Colombia both exited the GSP in 2013. Because of rounding, figures may not add to totals shown.

**Table A.15:** U.S. imports for consumption claiming eligibility under the GSP, by USITC digest sector, 2012–14

Sector grouping	Description	2012	2013	2014	% change 2013–14
		Million \$			
<b>U.S. imports for consumption</b>					
1	Agricultural products	3,037	2,966	2,640	-11.0
2	Forest products	546	600	642	7.0
3	Chemicals and related products	4,217	3,702	3,524	-4.8
4	Energy-related products	884	711	846	19.0
5	Textiles and apparel	612	570	524	-8.2
6	Footwear	1	4	10	123.5
7	Minerals and metals	4,299	3,910	4,183	7.0
8	Machinery	2,116	2,093	2,284	9.2
9	Transportation equipment	1,885	1,683	1,768	5.0
10	Electronic products	854	960	1,075	12.1
11	Miscellaneous manufactures	1,593	1,311	1,186	-9.5
Total U.S. imports for consumption under the GSP		20,042	18,510	18,681	0.9
		Percent of total			
<b>Share of U.S. imports for consumption</b>					
1	Agricultural products	15.2	16.0	14.1	
2	Forest products	2.7	3.2	3.4	
3	Chemicals and related products	21.0	20.0	18.9	
4	Energy-related products	4.4	3.8	4.5	
5	Textiles and apparel	3.1	3.1	2.8	
6	Footwear	0.0	0.0	0.1	
7	Minerals and metals	21.5	21.1	22.4	
8	Machinery	10.6	11.3	12.2	
9	Transportation equipment	9.4	9.1	9.5	
10	Electronic products	4.3	5.2	5.8	
11	Miscellaneous manufactures	7.9	7.1	6.4	
Total U.S. imports for consumption under the GSP		100.0	100.0	100.0	

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add to totals shown.

**Table A.16:** Leading U.S. imports for consumption claiming eligibility under the GSP, by HTS provision, 2012–14

HTS provision	Description	2012	2013	2014	% change
		Million \$			
2709.00	Petroleum oils and oils from bituminous minerals, crude	824	649	769	18.5
7202.41	Ferrosilicon, containing more than 4% (wt.) carbon	373	320	458	43.3
8415.90	Parts, n.e.s.o.i., of air conditioning machines	193	262	381	45.2
7202.30	Ferrosilicon manganese	280	172	296	72.3
7606.12	Aluminum alloy rectangular (including square) plates, sheets and strip, over 0.2 mm thick	399	267	273	2.4
7113.19	Jewelry and parts thereof, of precious metal other than silver	335	333	267	-19.9
2202.90	Nonalcoholic beverages, n.e.s.o.i. (including milk-based drinks and nonalcoholic beer)	149	185	228	23.5
4015.19	Gloves, mittens and mitts, other than surgical, of vulcanized rubber	251	239	208	-12.8
2106.90	Food preparations n.e.s.o.i.	224	211	203	-3.7
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	260	206	200	-2.9
8481.80	Taps, cocks, valves and similar appliances for pipes, vats or the like, including thermostatically controlled valves, n.e.s.o.i.	176	145	191	31.9
4011.10	New pneumatic tires, of rubber, of a kind used on motor cars (including station wagons and racing cars)	575	347	186	-46.3
6802.99	Worked monumental or building stone n.e.s.o.i., of stone n.e.s.o.i.	145	196	181	-7.9
7801.10	Refined lead, unwrought	17	36	175	379.9
2008.99	Fruit and other edible parts of plants, n.e.s.o.i., prepared or preserved, whether or not containing added sweetening or spirit, n.e.s.o.i.	127	150	164	9.8
4412.31	Plywood n.e.s.o.i., not of bamboo, not over 6mm thickness with at least one outer ply of wood as specified in subheading note 1 to ch. 44	137	145	159	9.6
8708.94	Steering wheels, steering columns and steering boxes and parts thereof, for motor vehicles	105	125	154	23.0
7323.93	Table, kitchen or other household articles and parts thereof, of stainless steel	112	134	139	4.1
9001.50	Spectacle lenses of materials other than glass	95	128	139	9.0
8483.10	Transmission shafts (including camshafts and crankshafts) and cranks	191	134	138	2.6
6802.91	Worked monumental or building stone n.e.s.o.i., of marble, travertine and alabaster	94	123	135	9.8
1701.14	Other cane sugar, raw, in solid form, w/o added flavoring or coloring not subject subheading note 2	162	49	129	161.4
1704.90	Sugar confectionary (including white chocolate), not containing cocoa, n.e.s.o.i.	130	138	127	-8.6
8409.99	Parts for use with compression-ignition internal combustion piston engines, n.e.s.o.i.	161	101	126	25.4
2804.69	Silicon, containing by weight less than 99.99% of silicon	116	119	122	2.5
	Total of items shown	5,633	4,914	5,548	12.9
	All other HTS subheadings	14,410	13,596	13,133	-3.4
	Total U.S. imports for consumption under the GSP	20,042	18,510	18,681	0.9

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.”

**Table A.17:** U.S. imports for consumption under AGOA, by source, 2012–14

Source	2012	2013	2014	% change 2013–14
	Thousand \$			
Angola	6,619,092	6,000,958	3,539,542	-41.0
Nigeria	17,556,644	10,818,897	2,799,049	-74.1
South Africa	2,383,352	2,578,496	1,747,633	-32.2
Chad	2,376,665	2,397,799	1,632,682	-31.9
Gabon	1,271,621	924,951	607,486	-34.3
Kenya	287,836	336,594	417,061	23.9
Congo (ROC)	1,225,539	1,039,454	360,168	-65.4
Lesotho	300,689	320,807	288,889	-10.0
Mauritius	160,030	188,260	218,173	15.9
Swaziland	62,373	53,940	59,076	9.5
Malawi	46,307	47,084	57,640	22.4
Ghana	16,988	60,489	57,017	-5.7
Ethiopia	18,301	31,714	35,675	12.5
Cameroon	111,612	36,427	23,005	-36.9
Tanzania	10,446	10,360	17,486	68.8
Botswana	10,427	5,856	9,458	61.5
Mozambique	30	1,362	802	-41.1
Cote d'Ivoire	29,901	229	555	142.0 <sup>b</sup>
Djibouti	0	0	411	
Cape Verde	117	146	333	127.6
Rwanda	8	9	187	1892.3
Uganda	64	56	59	6.0 <sup>b</sup>
Madagascar	0	0	42	
Zambia	7	8	36	330.0
Senegal	5,634	11	24	113.9
Burkina Faso	5	7	10	56.0 <sup>b</sup>
Mali	21	0	6	
Togo	44,448	0	3	
Niger	1	( <sup>a</sup> )	2	
Guinea	0	6	0	-100.0 <sup>b</sup>
Namibia	216	0	0	
<b>Total U.S. imports for consumption under AGOA</b>	<b>32,538,373</b>	<b>24,853,920</b>	<b>11,872,510</b>	

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add to totals shown.

<sup>a</sup> Less than \$500.

<sup>b</sup> Undefined.

**Table A.18:** Leading U.S. imports for consumption under AGOA, by HTS provision, 2012–14

HTS provision	Description	Million \$			% change 2013–14
		2012	2013	2014	
2709.00	Petroleum oils and oils from bituminous minerals, crude	27,905	20,039	7,919	-60.5
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	1,872	2,098	1,298	-38.2
2710.12	Light oils and preparations	896	771	581	-24.7
2710.19	Petroleum oils & oils (not light) from bituminous minerals or preps n.e.s.o.i. 70%+ by wt. from petroleum oils or bitum. min.	452	465	514	10.5
7202.11	Ferromanganese, containing more than 2% (wt.) carbon	197	180	181	0.4
6203.42	Men's or boys' trousers, bib and brace overalls, breeches and shorts of cotton, not knitted or crocheted	135	140	166	18.7
6205.20	Men's or boys' shirts of cotton, not knitted or crocheted	129	149	148	-0.6
6110.30	Sweaters, pullovers, sweatshirts, vests and similar articles of manmade fibers, knitted or crocheted	68	99	98	-1.1
6204.62	Women's or girls' trousers, bib and brace overalls, breeches and shorts of cotton, not knitted or crocheted	105	88	95	7.8
6104.63	Women's or girls' trousers, bib and brace overalls, breeches and shorts of synthetic fibers, knitted or crocheted	47	84	84	-0.2
0802.62	Macadamia nuts, shelled	57	52	71	36.1
6109.90	T-shirts, singlets, tank tops and similar garments, of textile materials n.e.s.o.i., knitted or crocheted	27	40	53	32.7
6105.20	Men's or boys' shirts of manmade fibers, knitted or crocheted	35	49	53	8.5
2401.20	Tobacco, partly or wholly stemmed/stripped	39	37	48	31.5
3823.70	Industrial fatty alcohols	54	61	46	-24.2
0805.10	Oranges, fresh	39	51	41	-19.3
6204.63	Women's or girls' trousers, bib and brace overalls, breeches and shorts of synthetic fibers, not knitted or crocheted	20	30	36	19.5
2204.21	Wine of fresh grapes (other than sparkling wine) and grape must with fermentation prevented, etc. by adding alcohol, containers of not over 2 liters	30	33	33	-1.0
6103.43	Men's or boys' trousers, bib and brace overalls, breeches and shorts of synthetic fibers, knitted or crocheted	26	28	32	12.0
6110.20	Sweaters, pullovers, sweatshirts, vests and similar articles of cotton, knitted or crocheted	34	27	28	3.1
8111.00	Manganese and articles thereof, including waste and scrap	24	23	25	10.7
6104.62	Women's or girls' trousers, bib and brace overalls, breeches and shorts of cotton, knitted or crocheted	56	22	19	-15.2
2207.10	Ethyl alcohol, undenatured, of an alcoholic strength by volume of 80% vol. or higher	17	17	17	1.0
6403.99	Footwear, with outer soles of rubber, plastics or composition leather and uppers of leather n.e.s.o.i., not covering the ankle	4	9	16	74.6
6105.10	Men's or boys' shirts of cotton, knitted or crocheted	19	15	16	1.9
	Total of items shown	32,289	24,608	11,617	-52.8
	All other HTS provisions	250	246	256	4.1
	Total U.S. imports for consumption under AGOA	32,538	24,854	11,873	-52.2

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.”

**Table A.19:** U.S. imports for consumption under ATPA/ATPDEA, by source, 2012–14

Source	2012	2013	2014	% change
				2013–14
Million \$				
Colombia <sup>a</sup>	5,314	0	0	( <sup>c</sup> )
Ecuador <sup>b</sup>	5,869	2,575	0	-100.0
Total	11,183	2,575	0	-100.0

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add to totals shown. The President's authority to provide duty-free treatment under ATPA expired on July 31, 2013.

<sup>a</sup> Colombia's status as an ATPA beneficiary country ended effective May 15, 2012. This table excludes imports valued at \$222 million from Colombia that claimed ATPA/ATPDEA preferences after that date.

<sup>b</sup> Ecuador's status as an ATPA beneficiary country ended when the program expired on July 31, 2013. This table includes imports valued at \$80 million from Ecuador that claimed ATPA/ATPDEA preferences after that date.

<sup>c</sup> Undefined.

**Table A.20:** U.S. imports for consumption under CBERA/CBTPA, by source, 2012–14

Source	2012	2013	2014	% change
				2013–14
Thousand \$				
Trinidad and Tobago	2,171,197	1,640,709	1,234,490	-24.8
Haiti	436,783	361,839	405,495	12.1
Bahamas	130,539	142,667	157,151	10.2
Jamaica	206,201	90,231	71,760	-20.5
Belize	131,943	104,777	60,575	-42.2
St. Kitts-Nevis	22,350	18,933	18,338	-3.1
Guyana	5,315	4,532	11,837	161.2
Sint Maarten <sup>a</sup>			5,365	<sup>b</sup>
Barbados	3,813	2,081	5,295	154.5
St Lucia	1,836	3,210	1,142	-64.4
Grenada	341	295	443	50.0
St. Vincent and the Grenadines	138	141	182	28.9
Aruba	27	18	75	311.7
Dominica	117	170	53	-69.0
British Virgin Island	451	103	50	-51.5
Antigua and Barbuda	30	24	19	-22.3
Montserrat Island	24	0	0	<sup>b</sup>
Panama <sup>c</sup>	26,308	0	0	<sup>b</sup>
Total U.S. imports for consumption under CBERA/CBTPA	3,137,413	2,369,731	1,972,270	-16.8

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add to totals shown.

<sup>a</sup> The Netherlands Antilles no longer exists, but CBERA trade is reported for one portion of the Netherlands Antilles that includes Sint Maarten. Eligibility for Sint Maarten itself has not been implemented.

<sup>b</sup> Undefined.

<sup>c</sup> The U.S.-Panama Trade Promotion Agreement entered into effect on October 31, 2012.



**Table A.21:** Leading U.S. imports for consumption under CBERA/CBTPA, by HTS provision, 2012–14

HTS provision	Description	2012	2013	2014	% change
		Million \$			2013–14
2905.11	Methanol (methyl alcohol)	1,022	1,172	1,024	-12.6
6109.10	T-shirts, singlets, tank tops and similar garments of cotton, knitted or crocheted	225	209	247	18.4
2709.00	Petroleum oils and oils from bituminous minerals, crude	1,164	371	192	-48.2
3903.11	Polystyrene, expandable, in primary forms	129	142	155	9.4
6110.20	Sweaters, pullovers, sweatshirts, vests and similar articles of cotton, knitted or crocheted	176	118	121	2.5
1701.14	Other cane sugar, raw, in solid form, w/o added flavoring or coloring not subject subheading note 2	13	0	20	( <sup>a</sup> )
0714.30	Fresh, frozen, or dried, or chilled yams ( <i>dioscorea</i> spp.)	16	17	18	7.2
2933.61	Melamine	22	17	17	0.7
2103.90	Sauces and preparations therefor, n.e.s.o.i.; mixed condiments and mixed seasonings	11	11	14	23.0
6109.90	T-shirts, singlets, tank tops and similar garments, of textile materials n.e.s.o.i., knitted or crocheted	16	11	13	26.7
0804.50	Guavas, mangoes and mangosteens, fresh or dried	9	12	13	4.2
8525.50	Transmission apparatus for television	12	11	10	-7.7
2106.90	Food preparations n.e.s.o.i.	6	8	10	18.2
2009.11	Orange juice, frozen, whether or not sweetened	8	7	9	30.2
0807.20	Papayas (papaws), fresh	11	12	8	-34.8
2710.19	Petroleum oils & oils (not light) from bituminous minerals or preps n.e.s.o.i. 70%+ by wt. from petroleum oils or bitum. min.	40	133	7	-94.6
2009.19	Orange juice, other than frozen, not fortified with vitamins or minerals, of a brix value exceeding 20	8	5	7	31.0
2008.99	Fruit and other edible parts of plants, n.e.s.o.i., prepared or preserved, whether or not containing added sweetening or spirit, n.e.s.o.i.	6	5	5	0.4
2202.10	Waters, including mineral waters and aerated waters, sweetened or flavored	5	5	5	3.3
8504.90	Parts for electrical transformers, static converters and inductors	4	3	5	49.0
2005.99	Vegetables, prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 20.06, n.e.s.o.i.	4	5	4	-11.5
2202.90	Nonalcoholic beverages, n.e.s.o.i. (including milk-based drinks and nonalcoholic beer)	5	4	4	13.2
2208.40	Rum and tafia	1	2	3	26.3
6110.30	Sweaters, pullovers, sweatshirts, vests and similar articles of manmade fibers, knitted or crocheted	5	2	3	49.0

Appendix A: Data Tables

<b>HTS provision</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>% change 2013–14</b>
0406.30	Cheese, processed, not grated or powdered	2	2	3	28.5
	Total of items shown	2,918	2,283	1,916	-16.1
	All other HTS provisions	220	87	57	-34.9
	Total of all commodities	3,137	2,370	1,972	-16.8

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce

Note: Because of rounding, figures may not add to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.” The U.S.-Panama Trade Promotion Agreement entered into force on October 31, 2012.

<sup>a</sup> Undefined.

**Table A.22:** WTO dispute settlement cases to which the United States was a party, developments in 2014

Case no.	Title	Complainant	Action (month/day/year)
DS217	United States—Continued Dumping and Subsidy Offset Act of 2000 (Byrd Amendment)	Australia, Brazil, Chile, European Communities (EC), India, Indonesia, Japan, Korea, Thailand	<p>Complaining parties request consultations (12/21/00). Panel is established (08/23/01) and composed (10/25/01). Panel report is circulated (09/16/02).</p> <p>U.S. notifies Dispute Settlement Body (DSB) it will appeal panel decision (10/18/02).</p> <p>Appellate Body report is circulated (06/16/03).</p> <p>Arbitrator finds that U.S. has failed to implement the DSB recommendations and rulings (01/15/04).</p> <p>Arbitrator circulates decisions relating to level of suspension of concessions to offset U.S. Byrd Amendment distributions (08/31/04).</p> <p>Authority to retaliate granted (11/26/04, 12/17/04).</p> <p>DSB authorizes or takes note of various requests or agreements to suspend concessions (2004–05).</p> <p>U.S. states at DSB meeting that recent changes bring U.S. law into conformity with its WTO obligations (02/17/06).</p> <p>Japan and EC notify DSB annually of the new list of products on which the additional import duty would apply, prior to the entry into force of a level of suspension of concessions (2006–14).</p> <p>Japan notifies DSB that as the level of authorization was marginal, no suspension of concessions would be applied for the tenth year starting September 1, 2014 (08/18/14).</p>
DS316	European Communities—Measures Affecting Trade in Large Civil Aircraft	United States	<p>U.S. requests consultations with EC (10/06/04).</p> <p>Panel is established (07/20/05) and composed (10/17/05). Panel report is circulated (06/30/10).</p> <p>EU notifies DSB it will appeal decision to Appellate Body (07/21/10); U.S. does the same (08/19/10).</p> <p>Appellate Body report is circulated (05/18/11).</p> <p>DSB adopts Appellate Body and panel reports (06/01/11).</p> <p>EU informs DSB it intends to implement DSB recommendation (06/17/11).</p> <p>EU informs DSB it has taken steps to bring its measures into conformity with obligations (12/01/11).</p> <p>U.S. requests consultations with EU under Article 21.5 and requests authority to take countermeasures (12/09/11).</p> <p>EU objects to requested level of U.S. measures and requests matter be referred to arbitration under Article 22.6; DSB refers to arbitration (12/22/11).</p> <p>U.S. and EU request arbitrator to suspend work (01/19/12).</p> <p>Arbitrator suspends work until either party requests resumption (01/20/12).</p>

## Appendix A: Data Tables

Case no.	Title	Complainant	Action (month/day/year)
DS322	United States—Measures Relating to Zeroing and Sunset Reviews	Japan	<p>Japan requests consultations (11/24/04). Panel is established (02/28/05) and composed (04/15/05). Panel report is circulated (09/20/06). Japan informs the DSB it will appeal the decision (10/11/06); U.S. informs the DSB it will also appeal (10/23/06). Appellate Body report is circulated (01/9/07). DSB adopts Appellate Body and panel reports (01/23/07).</p> <p><i>Implementation of adopted reports.</i> Japan asks that a reasonable period of time for implementation be determined by binding arbitration pursuant to Article 21.3(c) of the DSU (03/29/07); DSB appoints arbitrator ((04/27/07). U.S. and Japan inform DSB they have agreed on a reasonable period of time, expiring December 24, 2007, and no longer seek to have the reasonable period of time determined through binding arbitration (05/04/07).</p> <p><i>Compliance proceedings.</i> Japan requests establishment of a compliance panel (04/07/08), and DSB refers to the original panel (04/18/08). Article 21.5 compliance panel report is circulated (04/24/09). U.S. notifies DSB it will appeal compliance panel decision to the Appellate Body (05/20/09). Article 21.5 Appellate Body report is circulated (08/18/09), and the DSB adopts Appellate Body and compliance panel reports (08/31/09).</p> <p><i>Proceedings under Article 22 of the DSU (remedies).</i> Japan seeks authorization to suspend concessions pursuant to Article 22.2 of the DSU (01/10/08). U.S. objects to the level of suspension and requests the matter be referred to arbitration under Article 22.6 of the DSU (01/18/08). The DSB agrees to refer to arbitration (01/21/08). U.S. and Japan ask arbitrator to suspend work (06/06/08); Japan asks arbitrator to resume (04/23/10); U.S. and Japan ask arbitrator to suspend work (12/15/10); and U.S. and Japan inform the DSB of a Memorandum of Understanding regarding the dispute (02/06/12). Japan withdraws request for authorization to suspend concessions/obligations under Article 22.6 after U.S. completes steps notified to the DSB in February 2012 (08/03/12). Arbitrator informs DSB, following receipt of request from Japan and U.S., that no award is necessary, that it is not necessary to issue a decision, and that work is considered completed (08/14/12).</p>
DS350	United States—Continued Existence and Application of Zeroing Methodology	European Communities	<p>EC requests consultations (10/02/06). Panel is established (06/04/07) and composed (07/06/07). Panel report is circulated (10/01/08). EC (11/06/08) and U.S. (11/18/08) notify DSB of decision to appeal. Appellate Body report is circulated (02/04/09); DSB adopts Appellate Body and panel reports (02/19/09). U.S. and EC agree that a reasonable period for the U.S. to implement the DSB's recommendations and rulings is December, 19, 2009 (06/02/09). EU and U.S. notify the DSB of agreed procedures under Articles 21 and 22 (01/04/10). EU and U.S. inform the DSB of a memorandum between the U.S. and European Commission which envisages a roadmap addressing the dispute (02/06/12).</p>

Case no.	Title	Complainant	Action (month/day/year)
DS353	United States—Measures Affecting Trade in Large Civil Aircraft—Second Complaint	European Communities	<p>EC requests consultations (06/27/05). Panel is established (02/17/06) and composed (11/22/06). Panel chairman informs DSB multiple times that panel needs additional time to complete work in light of complexities of the dispute (05/18/07, 07/11/08, 12/16/09, 07/07/10). Panel report is circulated (03/31/11).</p> <p>EU notifies DSB that it will appeal the decision to the Appellate Body (04/01/11); the U.S. also notifies its decision to appeal (04/28/11).</p> <p>Appellate Body report is circulated (03/12/12); DSB adopts Appellate Body and panel reports (03/23/12).</p> <p>U.S. informs DSB it intends to implement DSB recommendations and rulings (04/13/12).</p> <p>EU and U.S. inform DSB of agreed procedures under Articles 21 and 22 of DSU and Article 7 of SCM Agreement (04/24/12).</p> <p>U.S. notifies DSB of withdrawal of subsidies and removal of adverse effects in this dispute, and that it fully complies with DSB recommendations and rulings (09/23/12).</p> <p><i>Compliance proceedings:</i> EU requests consultations under Article 21.5 (09/25/12), and then requests establishment of a compliance panel (10/11/12). A compliance panel is composed (10/30/12). The chair initially informs the DSB that, due to the scale and complexity of the dispute, the panel expects to circulate its report within the first half of 2014 (01/15/13). The chair later informs the DSB that the panel does not expect to complete its work before mid-2015 (05/27/14).</p> <p><i>Countermeasures:</i> EU requests authority to take countermeasures under Article 22 of the DSU and Articles 4, 10, and 7.9 of the SCM Agreement (09/27/12). The U.S. objects to the level of suspension of concessions and other obligations, and refers the matter to arbitration under Article 22.6 of the DSU (10/22/12). At the DSB meeting it is agreed to refer the matter to arbitration (10/23/10). The U.S. and EU later ask the arbitrator to suspend arbitration proceedings (11/27/12), and the arbitrator suspends proceedings (11/28/12).</p>

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Case no.	Title	Complainant	Action (month/day/year)
DS363	China—Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products	United States	<p>U.S. requests consultations with China (04/10/07). Panel is established (11/27/07) and composed (03/27/08). Panel report is circulated (08/12/09). China (09/22/09) and U.S. (10/05/09) notify the DSB of their respective decisions to appeal the panel decision to the Appellate Body. Appellate Body report is circulated (12/21/09). DSB adopts Appellate Body and panel reports (01/19/10). China and U.S. inform DSB that they have agreed that a reasonable period for China to implement the DSB recommendations and rulings is by March 14, 2011 (07/12/10). China reports to DSB that it has made efforts to implement DSB recommendations and rulings, but the U.S. expresses concern about lack of progress by China (03/25/11). U.S. and China inform the DSB of agreed procedures under Articles 21 and 22 of the DSU (04/13/11). China reports to the DSB it has completed amendments to most measures and has signed a memorandum of understanding with the U.S. (02/22/12). China tells the DSB that it has ensured full implementation of DSB recommendations and rulings except for measures concerning films for theatrical release. U.S. states that it is not in a position to agree that China has fully implemented DSB recommendations and rulings in all areas except films for theatrical release (03/23/12). China and the U.S. inform the DSB of key elements relating to theatrical release as set forth in the MOU noted at the Feb. 22, 2012, DSB meeting (05/09/12). China tells DSB it has taken all necessary steps and has complied with DSB recommendations. U.S. says that MOU represented significant progress but not a final resolution (05/24/12).</p>
DS379	United States—Definitive Anti-Dumping and Countervailing Duties on Certain Products from China	China	<p>China requests consultations with U.S. (09/19/08). Panel is established (01/20/09) and composed (03/04/09). Panel report is circulated (10/22/10). China notifies DSB it will appeal the panel's decision to the Appellate Body (12/01/10). Appellate Body report is circulated (03/11/11). DSB adopts Appellate Body and panel reports (03/25/11). China and the U.S. inform DSB that they have agreed that a reasonable time for the U.S. to implement the DSB's recommendations and rulings is February 25, 2012 (07/05/11). China and the U.S. inform the DSB that they have modified the reasonable time period, with the period to expire April 25, 2012 (01/17/12). China and U.S. notify the DSB of agreed procedures under Articles 21 and 22 of the DSU (05/11/12). U.S. tells the DSB it has brought the measures at issue into full compliance with DSB recommendations and rulings (08/31/12); however, China says that it does not agree with the U.S. claim to such effect (09/28/12).</p>

Case no.	Title	Complainant	Action (month/day/year)
DS381	United States—Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products	Mexico	<p>Mexico requests consultations with the U.S. (10/24/08). Panel is established (04/20/09) and composed (12/14/09). Panel chairman informs DSB panel expects to issue report in February 2011 (06/15/10). Parties agree on new panel member following death of one member (08/12/10). Panel report is circulated (09/15/11). U.S. notifies the DSB of its decision to appeal the panel's decision (01/20/12); Mexico does the same (01/25/12). Appellate Body report is circulated (05/16/12); DSB adopted the Appellate Body and panel reports (06/13/12). U.S. states that it intends to implement the DSB recommendations and rulings (06/25/12), and the U.S. and Mexico inform the DSB that they have agreed that a reasonable period of time to do so is by July 13, 2013 (09/17/12). U.S. advises DSB that it has made effective a final rule amending dolphin-safe labelling requirements, bringing its requirements into compliance (07/23/13). Mexico and U.S. inform the DSB of agreed procedures under Articles 21 and 22 of the DSU (08/02/13). <i>Compliance proceedings.</i> Mexico requests establishment of a compliance panel (11/14/13); the DSB agrees to refer to original panel (01/22/14); and the panel is composed (01/27/14). Panel chair informs the DSB that the panel expects to issue its final report by December 2014 (04/16/14).</p>
DS384	United States—Certain Country of Origin Labelling (COOL) Requirements	Canada	<p>Canada requests consultations with the U.S. (12/01/08). Single panel is established to examine this dispute and DS386 (11/19/09); panel composed (05/10/10). Panel report is circulated (11/18/11). U.S. notifies the DSB that it will appeal the decision to the Appellate Body (03/23/12), and Canada notifies the DSB it will do the same (03/28/12). Appellate Body report is circulated (06/29/12); the DSB adopts the Appellate Body and panel reports (07/23/12). <i>Reasonable period of time, arbitration.</i> U.S. informs DSB it intends to implement DSB recommendations and rulings and will need a reasonable period of time to do so (08/21/12). Canada requests that reasonable time to implement be determined through binding arbitration (09/13/12), and requests that the Director-General appoint an arbitrator (09/26/12); arbitrator appointed (10/04/12). Arbitrator determines that the reasonable time is by May 23, 2013 (12/04/12). U.S. informs DSB that USDA has issued a final rule that brings U.S. labelling requirements into compliance (05/24/13). Canada disagrees that changes bring U.S. requirements into compliance, and the U.S. and Canada inform DSB of agreed procedures under Articles 21 and 22 of DSU (06/10/13). <i>Compliance proceedings.</i> Canada requests establishment of a compliance panel (08/19/13); DSB refers to original panel if possible (09/25/13); compliance panel composed (09/27/13) to review matters in DS384 and DS386. Compliance panel issues report finding violation in this dispute and DS386 (10/20/14). United States notifies the DSB it will appeal decision to the Appellate Body (11/28/14). Canada files appeal (12/12/14).</p>

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Case no.	Title	Complainant	Action (month/day/year)
DS386	United States—Certain Country of Origin Labelling Requirements	Mexico	<p>Mexico requests consultations with the U.S. (12/17/08). Single panel is established to examine this dispute and DS384 (11/19/09); panel composed (05/10/10). Panel report is circulated (11/18/11).</p> <p>U.S. notifies the DSB that it will appeal decision to the Appellate Body (03/23/12), and Mexico notifies the DSB it will do the same (03/28/12).</p> <p>Appellate Body report is circulated (06/29/12); Appellate Body and panel reports are adopted (07/23/12).</p> <p><i>Reasonable period of time, arbitration.</i> U.S. informs DSB it intends to implement DSB recommendations and rulings (08/21/12). Mexico requests that reasonable time to implement be determined through binding arbitration (09/13/12), and requests that the Director-General appoint an arbitrator (09/26/12); arbitrator appointed (10/04/12). Arbitrator determines that the reasonable time is by May 23, 2013 (12/04/12). U.S. informs DSB that USDA has issued a final rule that brings U.S. labelling requirements into compliance (05/24/13). Mexico disagrees that changes bring U.S. requirements into compliance, and the U.S. and Mexico inform DSB of agreed procedures under Articles 21 and 22 of DSU (06/10/13).</p> <p><i>Compliance proceedings.</i> Mexico requests establishment of a compliance panel (08/19/13); DSB refers to original panel if possible (09/25/13); compliance panel composed (09/27/13) to review matters in DS384 and DS386. Compliance panel issues report finding violation in this dispute and DS384 (10/20/14). United States notifies the DSB it will appeal decision to the Appellate Body (11/28/14). Mexico files appeal (12/12/14).</p>
DS387	China—Grants, Loans and other Incentives	United States	U.S. requests consultations (12/19/08).
DS389	European Communities—Certain Measures Affecting Poultry Meat and Poultry Meat Products from the United States	United States	U.S. requests consultations (01/16/09). Panel established (11/19/09).
DS403	Philippines—Taxes on Distilled Spirits	United States	<p>U.S. requests consultations (01/14/10).</p> <p>Single panel established to consider DS403 and DS396 (complaint by the EU) (04/20/10); panel composed (07/05/10). Panel report circulated to members (08/15/11).</p> <p>Philippines notifies the DSB of its decision to appeal to the Appellate Body (09/23/11), as does EU (09/28/11). Appellate Body report is circulated (12/21/11), and DSB adopts the Appellate Body and panel reports (01/20/12).</p> <p>Philippines states that it intends to implement DSB's recommendations and ruling and would require a reasonable period of time to do so (02/22/12), and Philippines and U.S. inform DSB that they have agreed that the reasonable period of time is by March 8, 2013 (04/20/12).</p> <p>Philippines reports enactment of legislation that completes implementation of the DSB's recommendations and rulings (01/28/13).</p>



Case no.	Title	Complainant	Action (month/day/year)
DS404	United States—Anti-dumping Measures on Certain Shrimp from Viet Nam	Vietnam	<p>Vietnam requests consultations (02/01/10). Panel is established (05/18/10) and composed (07/26/10). Panel report is circulated (07/11/11); and the DSB adopts the panel report (09/02/11).</p> <p>Vietnam and U.S. inform DSB they have agreed that a reasonable period of time for the U.S. to implement the DSB recommendations expires on July 2, 2012 (10/31/11).</p>
DS406	United States—Measures Affecting the Production and Sale of Clove Cigarettes	Indonesia	<p>Indonesia requests consultations (04/07/10). Panel established (07/20/10) and composed (09/09/10). Panel report circulated to members (09/02/11). U.S. notifies DSB of its decision to appeal to the Appellate Body (01/05/12). Appellate Body report is circulated to members (04/04/12) and adopted (04/24/12).</p> <p>U.S. informs DSB of its intent to implement DSB recommendations and rulings in a manner that protects public health and respects its WTO obligations, and will need a reasonable period of time to do so (05/24/12).</p> <p>Indonesia and the U.S. inform the DSB that the reasonable period of time is by July 24, 2013 (06/14/12).</p> <p><i>Proceedings under Article 22 of the DSU (remedies).</i> Indonesia requests authorization from DSB to suspend concessions or other obligations under Article 22.2 of the DSU (08/12/13). U.S. objects to level of suspension of concessions or other obligations and refers the matter to arbitration pursuant to Article 22.6 of the DSU (08/22/13). Matter referred to arbitration at DSB meeting (08/23/13). U.S. and Indonesia request Arbitrator to suspend circulation of Arbitrator's award (06/23/14), and Arbitrator does so (06/24/14). U.S. and Indonesia notify the DSB they have reached a mutually agreed solution, and that Indonesia is withdrawing its request to suspend concessions or other obligations (10/03/14). Chair of Arbitrator notifies DSB it is not necessary to issue a decision, and that the Arbitrator has completed its work (10/08/14).</p>
DS413	China—Certain Measures Affecting Electronic Payment Services	United States	<p>U.S. requests consultations (09/15/10). Panel is established (03/25/11) and composed (07/04/11). Panel report is circulated to members (07/16/12) and adopted by DSB (08/31/12).</p> <p>China states that it intends to implement the DSB's recommendations and rulings and will need a reasonable period of time to do so (09/28/12).</p> <p>China and U.S. inform the DSB that the reasonable period of time for China to implement is by July 31, 2013 (11/22/12).</p> <p>China reports to the DSB that it has fully implemented the DSB's recommendations and rulings; the U.S. states that it does not agree, and that it will monitor and review China's actions (07/23/13).</p> <p>China and the U.S. inform the DSB of agreed procedures under Articles 21 and 22 of the DSU (08/19/13).</p>

## Appendix A: Data Tables

Case no.	Title	Complainant	Action (month/day/year)
DS414	China—Countervailing and Anti-Dumping Duties on Grain Oriented Flat-rolled Electrical Steel from the United States	United States	<p>U.S. requests consultations (09/15/10). Panel established (03/25/11) and composed (05/10/11). Panel report circulated to members (06/15/12). China notifies DSB of its decision to appeal to the Appellate Body (07/20/12). Appellate Body report is circulated to members (10/18/12) and adopted by DSB (11/16/12).</p> <p><i>Reasonable period of time; arbitrator's determination.</i> China states that it intends to implement the DSB's recommendations and rulings and will need a reasonable period of time to do so (11/30/12). U.S. requests that the reasonable period of time be determined through binding arbitration pursuant to Article 21.3(c) of the DSU (02/08/13). Director-General appoints arbitrator (02/28/13). Arbitration report circulated; arbitrator determines that the reasonable period of time is July 31, 2013 (05/03/13). China and U.S. inform DSB of agreed procedures under Articles 21 and 22 of DSU (08/19/13). China and U.S. inform DSB of agreed procedures under Articles 21 and 22 of DSU (08/19/13).</p> <p><i>Compliance proceedings.</i> U.S. requests consultations pursuant to Article 21.5 of the DSU (01/13/14). U.S. requests establishment of a compliance panel (02/13/14); the DSB agrees to refer to original panel if possible (02/26/14); the panel is composed (03/17/14). Panel chair informs DSB that it expects to issue panel report in the second quarter of 2015 (09/22/14).</p>
DS419	China—Measures Concerning Wind Power Equipment	United States	<p>U.S. requests consultations (12/22/10). EU and Japan request to join consultations (01/12/11 and 01/17/11, respectively).</p>
DS420	United States—Anti-Dumping Measures on Corrosion-Resistant Carbon Steel Flat Products from Korea	Korea	<p>Korea requests consultations (01/31/11). Korea requests establishment of a panel (09/15/11). Korea withdraws request for panel (09/27/11). Korea requests establishment of a panel (02/09/12). Korea informs DSB of agreement on procedures between U.S. and Korea (02/14/12). Panel is established (02/22/12). Prior to composition of the panel, Korea requests that panel proceedings be suspended in accordance with Article 12.12 of the DSU until further notification (06/12/12).</p>
DS422	United States—Anti-Dumping Measures on Shrimp and Diamond Sawblades from China	China	<p>China requests consultations (02/28/11). Panel is established (10/25/11) and composed (12/21/11). Panel report is circulated (06/08/12), and DSB adopts panel report (07/23/12). China and U.S. inform DSB that they have agreed that the reasonable period of time for the U.S. to implement is by March 23, 2013 (07/27/12). U.S. informs DSB that it has fully implemented DSB recommendations and rulings; China states that it does not share U.S. view as U.S. has not revoked antidumping duty on sawblades (03/26/13).</p>
DS424	United States—Anti-Dumping Measures on Imports of Stainless Steel Sheet and Strip in Coils from Italy	European Union	<p>EU requests consultations (04/01/11). Japan requests to join the consultations (04/18/11).</p>

Case no.	Title	Complainant	Action (month/day/year)
DS427	China—Anti-Dumping and Countervailing Duty Measures on Broiler Products from the United States	United States	U.S. requests consultations (09/20/11). Panel established (01/20/12) and composed (05/24/12). Panel report circulated (08/02/13) and is adopted by DSB (09/25/13). China informs DSB it intends to implement DSB recommendations and rulings (10/22/13). China and U.S. inform DSB that they have agreed that a reasonable period of time to implement is by July 9, 2014 (12/19/13). China informs the DSB that it has fully implemented the DSB recommendations and rulings, but the U.S. disagrees that China has fully complied (07/22/14). China and the U.S. inform the DSB of agreed procedures under Articles 21 and 22 of the DSU (07/15/14).
DS429	United States—Anti-Dumping Measures on Certain Frozen Warmwater Shrimp from Viet Nam	Vietnam	Vietnam requests consultations (02/20/12). Panel is established (02/27/13) and composed (07/12/13). Panel report is circulated (11/17/14). Vietnam notifies DSB it will appeal decision to the Appellate Body (01/06/15).
DS430	India—Measures Concerning the Importation of Certain Agricultural Products from the United States	United States	U.S. requests consultations (03/06/12). Panel is established (06/25/12) and composed (02/18/13). Panel report is circulated (10/14/14). India and U.S. request DSB to extend period for filing an appeal by 60 days (11/06/14), and DSB agrees (11/18/14). India notifies DSB it will appeal the decision to the Appellate Body (01/26/15).
DS431	China—Measures Related to the Exportation of Rare Earths, Tungsten and Molybdenum	United States	U.S. requests consultations (03/13/12). Single panel is established to examine DS431 (as well as DS432 and DS433 brought by the EU and Japan) (07/23/12) ; panel is composed (09/24/12). Panel report is circulated (03/26/14). U.S. notifies the DSB that it will appeal the decision to the Appellate Body (04/08/14); China notifies the DSB it will appeal the decision in this dispute (04/17/14) and the other two disputes (04/25/14). Appellate Body issues three reports in one document (08/07/14); DSB adopts Appellate Body and panel reports (08/29/14). China informs the DSB that it intends to implement the DSB's recommendations and rulings, and will need a reasonable period of time to do so (09/26/14). China and U.S. inform the DSB they have agreed that a reasonable period of time will expire on May 2, 2015 (12/08/14).
DS436	United States—Counter-vailing Measures on Certain Hot-Rolled Carbon Steel Flat Products from India	India	India requests consultations (04/24/12). Panel is established (08/31/12) and composed (02/18/13). Panel report is circulated (07/14/14). India notifies the DSB that it will appeal the decision (08/08/14), and U.S. files an appeal (08/13/14). Appellate Body issues its report (12/08/14); and the DSB adopts the Appellate Body and panel reports (12/19/14). U.S. informs the DSB that it intends to implement the DSB's recommendations and rulings and will need a reasonable period of time to do so (01/16/15).

## Appendix A: Data Tables

Case no.	Title	Complainant	Action (month/day/year)
DS437	United States—Counter- vailing Duty Measures on Certain Products from China	China	China requests consultations (05/25/12). Panel is established (09/28/12) and composed (11/26/12). Panel report is circulated (07/14/14). China appeals the panel decision to the Appellate Body (08/22/14); U.S. files a cross-appeal of a preliminary determination by the panel (08/27/14). Appellate Body issues its report (12/18/14); DSB adopts Appellate Body and panel reports (01/16/15).
DS440	China—Anti-Dumping and Countervailing Duties on Certain Automobiles from the United States	United States	U.S. requests consultations (07/05/12). Panel is established (10/23/12) and composed (02/11/13). Panel report is circulated (05/23/14), and adopted by the DSB (06/18/14).
DS444	Argentina—Measures Affecting the Importation of Goods	United States	U.S. requests consultations (08/21/12). Single panel is established to examine DS438, DS444, and DS445 (01/28/13); the panel is composed (05/27/13). Panel report is circulated (08/22/14). Argentina notifies DSB of its decision to appeal (09/26/14). Appellate Body issues its reports in DS438, DS444, and DS445 (01/15/15); and the DSB adopts the Appellate Body and panel reports (01/26/14).
DS447	United States—Measures Affecting the Importation of Animals, Meat and Other Animal Products from Argentina	Argentina	Argentina requests consultations (08/30/12). Panel is established (01/28/13) and composed (08/08/13). Panel chair informs DSB that the panel expects to issue its final report to the parties in early 2015 (03/07/14).
DS448	United States—Measures Affecting the Importation of Fresh Lemons	Argentina	Argentina requests consultations (09/03/12). Argentina requests establishment of a panel (12/06/12); establishment is deferred (12/17/12).
DS449	United States—Counter- vailing and Anti-dumping Measures on Certain Products from China	China	China requests consultations (09/17/12). Panel is established (12/17/12) and composed (03/04/13). Panel report is circulated (03/27/14). China notifies the DSB it will appeal the decision to the Appellate Body (04/08/14); the U.S. notifies the DSB of its decision to appeal (04/17/14). Appellate Body issues its report (07/07/14), and the DSB adopts the Appellate Body and panel reports (07/22/14); U.S. informs DSB it intends to implement the DSB recommendations and rulings and will need a reasonable period of time to do so (08/21/14).
DS450	China—Certain Measures Affecting the Automobile and Automobile-Parts Industries	United States	U.S. requests consultations (09/17/12).
DS455	Indonesia—Importation of horticultural products, animals and animal products	United States	U.S. requests consultations (01/10/13). Panel is established (04/24/13).
DS456	India—Certain Measures Relating to Solar Cells and Solar Modules	United States	U.S. requests consultations (02/06/13); U.S. requests supplementary consultations (02/10/14). Panel is established (05/23/14) and composed (09/24/14).
DS464	United States—Anti- dumping and Countervailing Measures on large residential washers from Korea	Korea	Korea requests consultations (08/29/13). Panel is established (01/22/14) and composed (06/20/14). Chair informs the DSB that the panel expects to issue its final report by the end of 2015 (12/15/14).

Case no.	Title	Complainant	Action (month/day/year)
DS465	Indonesia—Importation of Horticultural Products, Animals and Animal Products	United States	U.S. requests consultations (08/30/13).
DS471	United States—Certain Methodologies and their Application to Anti-Dumping Proceedings Involving China	China	China requests consultations (12/3/13). Panel is established (03/26/14) and composed (08/28/14).
DS478	Indonesia—Importation of Horticultural Products, Animals and Animal Products	United States	U.S. requests consultations (05/08/14).
DS487	United States—Conditional Tax Incentives for Large Civil Aircraft	European Union	EU requests consultations (12/19/14).
DS488	United States—Anti-Dumping Measures on Certain Oil Country Tubular Goods from Korea	Korea	Korea requests consultations (12/19/14).

Source: WTO, “Chronological List of Disputes Cases,” [https://www.wto.org/english/tratop\\_e/dispu\\_e/dispu\\_status\\_e.htm](https://www.wto.org/english/tratop_e/dispu_e/dispu_status_e.htm).

Note: This list focuses on formal actions in disputes during 2014; some intermediate procedural actions are omitted. Selected pre-2014 and post-2014 actions are noted to place the 2014 actions in context.

**Table A.23:** NAFTA Chapter 19 substantive challenges to original and five-year review determinations of USITC and USDOC, developments in 2014

File no.	Dispute <sup>a</sup>	Action (month/day/year)
USA-CDA-2009-1904-01	Steel Wire Rod (AD) (Investigating authority: International Trade Administration)	Request for panel review (01/16/09). Decision date: (04/29/14).
USA-MEX-2012-1904-02	Bottom Mount Combination Refrigerator-Freezers (AD) (Investigating authority: International Trade Administration)	Request for panel review (04/24/12). Status: Terminated.
USA-MEX-2014-1904-01	Steel Concrete Reinforcing Bar from Mexico (AD) (Investigating authority: International Trade Administration)	Request for panel review (10/16/14). Status: Active. <sup>b</sup>
USA-MEX-2014-1904-02	Steel Concrete Reinforcing Bar from Mexico and Turkey (AD) (Investigating authority: International Trade Commission)	Request for panel review (12/01/14). Status: Active.
MEX-USA-2012-1904-01	Chicken Thighs and Legs (AD) (Investigating authority: Secretaría de Economía)	Request for panel review (09/03/12). Status: Active.
MEX-USA-2012-1904-02	Ethylene Glycol Monobutyl Ether (AD) (Investigating authority: Secretaría de Economía)	Request for panel review (10/09/12). Status: Active.

Source: NAFTA Secretariat, “Status Report: NAFTA and FTA Dispute Settlement Proceedings,” <http://www.nafta-sec-alena.org/en/StatusReport.aspx> (accessed March 24, 2015).

Note: This list includes active cases during 2014, including those in which little if any formal action occurred during 2014.

<sup>a</sup> AD stands for antidumping duty and CVD stands for countervailing duty.

<sup>b</sup> The request for panel review was subsequently withdrawn and the status of the case changed to “terminated.” See notice of the U.S. NAFTA Secretariat published in the *Federal Register* on May 29, 2015, 80 Fed. Reg. 30661.

**Table A.24:** U.S. merchandise trade with the European Union (28 countries), by USITC digest sector, 2012–14

Sector grouping	Description	2012	2013	2014	% change 2013–14
<b>Million \$</b>					
<b>Total exports</b>					
1	Agricultural products	12,411	13,999	14,866	6.2
2	Forest products	5,225	5,171	5,291	2.3
3	Chemicals and related products	56,879	57,280	59,104	3.2
4	Energy-related products	26,129	26,574	24,363	-8.3
5	Textiles and apparel	2,409	2,513	2,601	3.5
6	Footwear	92	111	105	-5.9
7	Minerals and metals	27,701	21,203	24,282	14.5
8	Machinery	18,729	19,330	21,123	9.3
9	Transportation equipment	52,979	52,951	56,755	7.2
10	Electronic products	46,444	46,499	49,485	6.4
11	Miscellaneous manufactures	9,137	8,930	10,705	19.9
12	Special provisions	7,551	7,589	8,018	5.6
	Total	265,686	262,151	276,698	5.5
<b>General imports</b>					
1	Agricultural products	20,516	21,475	22,739	5.9
2	Forest products	4,535	4,751	4,941	4.0
3	Chemicals and related products	87,933	86,888	96,196	10.7
4	Energy-related products	27,776	24,483	22,338	-8.8
5	Textiles and apparel	5,425	5,696	6,236	9.5
6	Footwear	1,687	1,869	2,087	11.7
7	Minerals and metals	30,279	29,456	32,646	10.8
8	Machinery	41,693	41,877	47,377	13.1
9	Transportation equipment	85,625	90,980	100,111	10.0
10	Electronic products	42,489	43,086	45,130	4.7
11	Miscellaneous manufactures	15,267	17,409	17,868	2.6
12	Special provisions	18,971	19,624	20,168	2.8
	Total	382,197	387,591	417,837	7.8

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown.

**Table A.25:** Leading U.S. total exports to the European Union (28 countries), by Schedule B subheading, 2012–14

Schedule B subheading	Description	2012	2013	2014	% change 2013–14
8800.00	Aircraft, spacecraft, and parts thereof	27,243	29,080	30,756	5.8
2710.19	Petroleum oils & oils (not light) from bituminous minerals or preps n.e.s.o.i. 70%+ by wt. from petroleum oils or bitum. min.	16,199	18,265	15,815	-13.4
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	11,358	10,063	10,445	3.8
3002.10	Antisera and other blood fractions, and modified immunological products	3,747	5,096	6,894	35.3
9018.90	Instruments and appliances for medical, surgical or veterinary sciences, n.e.s.o.i., and parts and accessories thereof	3,959	4,177	4,386	5.0
7102.39	Diamonds, nonindustrial, worked, including polished or drilled	3,433	3,503	4,358	24.4
2701.12	Bituminous coal, whether or not pulverized, but not agglomerated	6,232	4,543	3,840	-15.5
9701.10	Paintings, drawings and pastels, hand executed works of art, framed or not framed	2,772	2,909	3,837	31.9
8703.33	Passenger motor vehicles with compression-ignition internal combustion piston engine (diesel), cylinder capacity over 2,500 cc	3,838	3,433	3,741	9.0
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	3,438	3,389	3,557	5.0
7108.12	Gold, nonmonetary, unwrought n.e.s.o.i. (other than powder)	7,364	1,504	3,298	119.2
9018.39	Medical etc. needles n.e.s.o.i., catheters, cannulae and the like; parts and accessories thereof	2,488	2,779	2,902	4.4
3822.00	Composite diagnostic or laboratory reagents, other than those pharmaceuticals in heading 3002 or 3006; certified reference materials	2,417	2,577	2,630	2.1
8703.32	Passenger motor vehicles with compression-ignition internal combustion piston engine (diesel), cylinder capacity over 1,500 cc but not over 2,500 cc	2,269	1,931	2,326	20.5
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	1,563	1,533	1,975	28.9
1201.90	Soybeans, whether or not broken, other than seed	1,481	1,528	1,860	21.7
7113.19	Jewelry and parts thereof, of precious metal other than silver	1,582	1,374	1,795	30.6
0802.12	Almonds, fresh or dried, shelled	1,020	1,452	1,675	15.3
8471.50	Processing units other than those of 8471.41 and 8471.49, n.e.s.o.i.	1,614	1,268	1,488	17.4
9018.19	Electro-diagnostic apparatus (and apparatus for functional exploratory examination or for checking physiological parameters) n.e.s.o.i., and parts, etc.	1,477	1,426	1,482	3.9
2711.12	Propane, liquefied	373	894	1,463	63.6
9021.39	Artificial parts of the body (other than artificial joints) and parts and accessories thereof, n.e.s.o.i.	1,114	1,243	1,451	16.8
3002.20	Vaccines for human medicine	1,378	698	1,411	102.3

Appendix A: Data Tables

<b>Schedule B subheading</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>% change 2013–14</b>
8473.30	Parts and accessories for automatic data processing machines and units thereof, magnetic or optical readers, transcribing machines, etc., n.e.s.o.i.	1,089	1,295	1,384	6.8
8411.99	Parts of gas turbines, n.e.s.o.i. (other than parts for turbojets or turbopropellers)	1,947	1,559	1,300	-16.6
	Total of items shown	111,393	107,520	116,067	7.9
	All other HTS subheadings	154,293	154,630	160,631	3.9
	Total of all commodities	265,686	262,151	276,698	5.5

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.”



**Table A.26:** Leading U.S. general imports from the European Union (28 countries), by HTS provision, 2012–14

HTS provision	Description	2012	2013	2014	% change
		Million \$			2013–14
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	16,735	14,828	18,773	26.6
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	14,275	16,708	18,462	10.5
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	18,016	18,281	18,368	0.5
2710.12	Light oils and preparations	18,478	15,456	12,981	-16.0
8411.91	Parts of turbojets or turbopropellers	6,581	7,056	7,322	3.8
8802.40	Airplanes and other aircraft n.e.s.o.i., of an unladen weight exceeding 15,000 kg	3,750	5,778	6,803	17.7
2710.19	Petroleum oils & oils (not light) from bituminous minerals or preps n.e.s.o.i. 70%+ by wt. from petroleum oils or bitum. min.	4,804	5,550	6,696	20.6
3002.10	Antisera and other blood fractions, and modified immunological products	3,505	4,308	5,007	16.2
9701.10	Paintings, drawings and pastels, hand executed works of art, framed or not framed	4,491	5,210	4,933	-5.3
3004.31	Medicaments, in measured doses, etc., containing insulin but not containing antibiotics	2,874	3,587	4,926	37.3
2934.99	Nucleic acids and their salts, whether or not chemically defined; other heterocyclic compounds; n.e.s.o.i.	4,716	3,715	4,852	30.6
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	4,520	4,526	4,752	5.0
8411.12	Turbojets of a thrust exceeding 25 kn	3,480	3,594	4,154	15.6
7102.39	Diamonds, nonindustrial, worked, including polished or drilled	3,650	4,198	4,107	-2.2
3004.39	Medicaments, in measured doses, etc., containing hormones or other steroids used primarily as hormones, but not containing antibiotics, n.e.s.o.i.	4,020	3,608	3,746	3.8
2933.59	Heterocyclic compounds containing a pyrimidine ring (hydrogenated or not) or a piperazine ring in the structure, n.e.s.o.i.	3,331	4,096	3,332	-18.7
3002.20	Vaccines for human medicine	1,381	2,383	3,065	28.6
8407.34	Spark-ignition reciprocating piston engines for propulsion of vehicles except railway or tramway stock, over 1,000 cc cylinder capacity	2,680	2,685	2,987	11.2
2204.21	Wine of fresh grapes (other than sparkling wine) and grape must with fermentation prevented, etc. by adding alcohol, containers of not over 2 liters	2,594	2,788	2,879	3.3
3002.90	Human blood; animal blood prepared for therapeutic, etc. uses; toxins, cultures of micro-organisms (excluding yeasts) and similar products n.e.s.o.i.	3,426	1,682	2,609	55.1
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	2,177	2,180	2,564	17.6
9021.39	Artificial parts of the body (other than artificial joints) and parts and accessories thereof, n.e.s.o.i.	2,475	2,794	2,437	-12.8

## Appendix A: Data Tables

<b>HTS provision</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>% change 2013-14</b>
9018.90	Instruments and appliances for medical, surgical or veterinary sciences, n.e.s.o.i., and parts and accessories thereof	2,206	2,324	2,427	4.4
8708.40	Gear boxes and parts thereof, for motor vehicles	1,820	2,067	2,256	9.2
8486.20	Machines and apparatus for the manufacture of semiconductor devices or electronic integrated circuits	1,371	570	2,246	294.1
	Total of items shown	137,358	139,972	152,684	9.1
	All other HTS subheadings	244,839	247,619	265,153	7.1
	Total of all commodities	382,197	387,591	417,837	7.8

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.”

**Table A.27:** U.S. merchandise trade with Canada, by USITC digest sector, 2012–14

Sector grouping	Description	2012	2013	2014	% change 2013–14
		Million \$			
<b>Total exports</b>					
1	Agricultural products	25,429	26,568	27,258	2.6
2	Forest products	10,902	11,008	10,785	-2.0
3	Chemicals and related products	40,210	40,515	40,971	1.1
4	Energy-related products	19,692	25,860	33,587	29.9
5	Textiles and apparel	5,251	5,423	5,459	0.7
6	Footwear	419	459	493	7.3
7	Minerals and metals	32,350	31,851	30,746	-3.5
8	Machinery	30,710	30,656	31,756	3.6
9	Transportation equipment	76,651	77,510	77,300	-0.3
10	Electronic products	35,799	35,147	34,841	-0.9
11	Miscellaneous manufactures	9,362	9,441	9,837	4.2
12	Special provisions	5,874	7,171	9,091	26.8
	<b>Total</b>	<b>292,651</b>	<b>301,610</b>	<b>312,125</b>	<b>3.5</b>
<b>General imports</b>					
1	Agricultural products	23,214	24,935	26,370	5.8
2	Forest products	16,464	18,088	18,942	4.7
3	Chemicals and related products	33,540	33,299	33,529	0.7
4	Energy-related products	103,792	110,241	116,232	5.4
5	Textiles and apparel	2,414	2,323	2,302	-0.9
6	Footwear	49	47	58	24.7
7	Minerals and metals	32,431	32,670	33,272	1.8
8	Machinery	13,374	13,589	13,659	0.5
9	Transportation equipment	73,442	71,518	74,189	3.7
10	Electronic products	9,521	9,123	9,104	-0.2
11	Miscellaneous manufactures	4,474	4,401	4,512	2.5
12	Special provisions	11,548	12,320	13,894	12.8
	<b>Total</b>	<b>324,264</b>	<b>332,553</b>	<b>346,063</b>	<b>4.1</b>

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.  
 Note: Because of rounding, figures may not add to totals shown.

Appendix A: Data Tables

**Table A.28:** Leading U.S. total exports to Canada, by Schedule B subheading, 2012–14

Schedule B subheading	Description	2012	2013	2014	% change 2013–14
		Million \$			
2709.00	Petroleum oils and oils from bituminous minerals, crude	2,634	5,076	11,544	127.4
2710.12	Light oils and preparations	5,875	7,922	8,230	3.9
8800.00	Aircraft, spacecraft, and parts thereof	5,690	6,504	7,130	9.6
8704.31	Motor vehicles for goods transport n.e.s.o.i., with spark-ignition internal combustion piston engine, gvw not over 5 metric tons	6,618	7,462	6,865	-8.0
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	6,036	5,960	6,789	13.9
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	5,595	6,156	6,431	4.5
2710.19	Petroleum oils & oils (not light) from bituminous minerals or preps n.e.s.o.i. 70%+ by wt. from petroleum oils or bitum. min.	4,465	5,414	5,384	-0.5
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	5,334	5,403	5,030	-6.9
2711.21	Natural gas, gaseous	2,851	3,705	4,437	19.8
8407.34	Spark-ignition reciprocating piston engines for propulsion of vehicles except railway or tramway stock, over 1,000 cc cylinder capacity	3,750	3,590	3,028	-15.7
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	2,498	2,498	2,796	11.9
8708.40	Gear boxes and parts thereof, for motor vehicles	2,667	3,163	2,365	-25.2
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	2,485	2,199	2,356	7.1
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	2,084	1,997	2,203	10.3
8471.30	Portable automatic data processing machines, weight not more than 10 kg, consisting of at least a central processing unit, keyboard & a display	1,970	1,980	2,167	9.5
8701.20	Road tractors for semi-trailers	2,269	1,889	2,047	8.4
8481.80	Taps, cocks, valves and similar appliances for pipes, vats or the like, including thermostatically controlled valves, n.e.s.o.i.	1,657	1,660	1,666	0.3
8471.50	Processing units other than those of 8471.41 and 8471.49, n.e.s.o.i.	1,618	1,605	1,613	0.5
8542.31	Processors or controllers	1,364	1,475	1,473	-0.1
8708.30	Brakes and servo-brakes and parts thereof n.e.s.o.i., for motor vehicles	1,287	1,315	1,370	4.1
8537.10	Boards, panels, consoles, etc. with electrical apparatus, for electric control or distribution of electricity, for a voltage not exceeding 1,000 v	1,049	1,210	1,295	7.0
8708.80	Suspension systems and parts thereof, for motor vehicles	1,456	1,370	1,263	-7.8
7606.12	Aluminum alloy rectangular (including square) plates, sheets and strip, over 0.2 mm thick	1,238	1,192	1,248	4.7

<b>Schedule B subheading</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>% change 2013–14</b>
8716.10	Trailers and semi-trailers for housing or camping	1,123	1,193	1,185	-0.6
8409.91	Parts for use with spark-ignition internal combustion piston engines (including rotary engines), n.e.s.o.i.	1,384	996	1,135	13.9
	Total of items shown	74,999	82,937	91,051	9.8
	All other HTS subheadings	217,652	218,673	221,075	1.1
	Total of all commodities	292,651	301,610	312,125	3.5

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.”

Appendix A: Data Tables

**Table A.29:** Leading U.S. general imports from Canada, by HTS provision, 2012–14

HTS provision	Description	2012	2013	2014	% change 2013–14
		Million \$			
2709.00	Petroleum oils and oils from bituminous minerals, crude	72,866	76,654	83,156	8.5
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	28,787	25,458	23,954	-5.9
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	16,257	17,679	18,627	5.4
2711.21	Natural gas, gaseous	7,503	9,168	10,953	19.5
2710.19	Petroleum oils & oils (not light) from bituminous minerals or preps n.e.s.o.i. 70%+ by wt. from petroleum oils or bitum. min.	9,322	9,387	7,851	-16.4
2710.12	Light oils and preparations	7,114	7,136	5,728	-19.7
4407.10	Coniferous wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, etc., over 6 mm (.236 in.) thick	3,246	4,226	4,810	13.8
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	2,978	3,129	3,403	8.8
8802.40	Airplanes and other aircraft n.e.s.o.i., of an unladen weight exceeding 15,000 kg	1,467	2,294	3,331	45.2
7108.12	Gold, nonmonetary, unwrought n.e.s.o.i. (other than powder)	2,553	3,183	3,270	2.8
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	2,747	2,587	3,174	22.7
7601.20	Aluminum alloys, unwrought	2,158	2,112	2,661	26.0
2716.00	Electrical energy	1,914	2,429	2,626	8.1
3104.20	Potassium chloride	3,225	3,073	2,483	-19.2
8407.34	Spark-ignition reciprocating piston engines for propulsion of vehicles except railway or tramway stock, over 1,000 cc cylinder capacity	2,612	1,900	2,458	29.4
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	2,301	2,320	2,192	-5.5
3901.90	Polymers of ethylene n.e.s.o.i., in primary forms	1,640	1,836	2,150	17.1
7601.10	Aluminum, not alloyed, unwrought	2,065	2,358	2,083	-11.7
2711.12	Propane, liquefied	1,493	1,576	1,770	12.3
0102.29	Live cattle other than purebred breeding	1,057	1,262	1,741	37.9
4703.21	Chemical woodpulp, soda or sulfate, other than dissolving grades, semibleached or bleached, coniferous	1,398	1,446	1,518	5.0
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	1,217	1,367	1,485	8.6
3901.20	Polyethylene having a specific gravity of 0.94 or more, in primary forms	1,247	1,357	1,444	6.4
4802.61	Uncoated paper/paperboard for writing/printing/other graphic purposes n.e.s.o.i., ov 10% total fiber by mechanical/chemi- process, in rolls	1,401	1,491	1,400	-6.1

<b>HTS provision</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>% change 2013–14</b>
7403.11	Refined copper cathodes and sections of cathodes	925	1,274	1,359	6.6
	Total of items shown	179,493	186,702	195,627	4.8
	All other HTS subheadings	144,771	145,851	150,436	3.1
	Total of all commodities	324,264	332,553	346,063	4.1

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.”

**Table A.30:** U.S. merchandise trade with China, by USITC digest sector, 2012–14

Sector grouping	Description	2012	2013	2014	% change
		Million \$			2013–14
<b>Total exports</b>					
1	Agricultural products	27,201	26,840	26,078	-2.8
2	Forest products	6,376	6,905	7,041	2.0
3	Chemicals and related products	14,433	14,536	14,719	1.3
4	Energy-related products	2,702	3,155	2,139	-32.2
5	Textiles and apparel	1,285	1,388	1,274	-8.2
6	Footwear	54	51	56	8.9
7	Minerals and metals	12,461	12,238	10,967	-10.4
8	Machinery	8,966	9,542	10,084	5.7
9	Transportation equipment	18,506	26,057	29,932	14.9
10	Electronic products	16,893	19,304	19,897	3.1
11	Miscellaneous manufactures	802	767	845	10.1
12	Special provisions	837	954	990	3.8
	<b>Total</b>	<b>110,516</b>	<b>121,736</b>	<b>124,024</b>	<b>1.9</b>
<b>General imports</b>					
1	Agricultural products	7,063	6,989	7,008	0.3
2	Forest products	8,029	8,288	8,818	6.4
3	Chemicals and related products	28,022	29,470	31,874	8.2
4	Energy-related products	393	511	634	24.1
5	Textiles and apparel	45,066	46,469	47,204	1.6
6	Footwear	17,148	17,016	17,066	0.3
7	Minerals and metals	27,034	27,786	30,922	11.3
8	Machinery	41,031	44,346	48,024	8.3
9	Transportation equipment	17,046	18,052	21,499	19.1
10	Electronic products	170,940	176,141	186,289	5.8
11	Miscellaneous manufactures	59,420	60,787	62,866	3.4
12	Special provisions	4,436	4,592	4,453	-3.0
	<b>Total</b>	<b>425,626</b>	<b>440,448</b>	<b>466,656</b>	<b>6.0</b>

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add to totals shown.



**Table A.31:** Leading U.S. total exports to China, by Schedule B subheading, 2012–14

Schedule B subheading	Description	2012	2013	2014	% change 2013–14
		Million \$			
1201.90	Soybeans, whether or not broken, other than seed	14,876	13,303	14,798	11.2
8800.00	Aircraft, spacecraft, and parts thereof	8,356	12,587	13,923	10.6
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	2,999	4,961	7,198	45.1
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	2,217	3,279	2,972	-9.3
8542.31	Processors or controllers	1,676	1,936	2,749	42.0
7404.00	Copper waste and scrap	2,975	2,792	2,123	-24.0
7602.00	Aluminum waste and scrap	2,366	2,249	1,764	-21.6
1007.90	Grain sorghum, other than seed		95	1,479	1,455.7
2303.30	Brewing or distilling dregs and waste, whether or not in the form of pellets	616	1,384	1,259	-9.0
4101.50	Whole raw bovine or equine hides and skins, of weight exceed 16 kg, fresh, pickled or otherwise preserved but not tanned or further prepared	827	1,040	1,125	8.2
8486.20	Machines and apparatus for the manufacture of semiconductor devices or electronic integrated circuits	477	834	1,119	34.3
5201.00	Cotton, not carded or combed	3,411	2,183	1,106	-49.3
8517.12	Telephones for cellular networks or for other wireless networks	782	1,434	1,092	-23.9
4707.10	Waste and scrap of unbleached kraft paper or paperboard or of corrugated paper or paperboard	1,214	1,074	1,025	-4.5
4403.20	Coniferous wood in the rough, whether or not stripped of bark or sapwood or roughly squared, not treated	568	863	876	1.6
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	144	468	840	79.6
4703.21	Chemical woodpulp, soda or sulfate, other than dissolving grades, semibleached or bleached, coniferous	769	812	838	3.2
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	639	652	804	23.3
8542.39	Electronic integrated circuits, n.e.s.o.i.	602	653	764	17.1
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	401	509	713	40.1
8542.32	Memories	618	1,044	707	-32.3
8703.90	Passenger motor vehicles, n.e.s.o.i.	158	194	678	248.5
2603.00	Copper ores and concentrates	664	610	650	6.6
2710.12	Light oils and preparations	392	581	631	8.6

Appendix A: Data Tables

<b>Schedule B subheading</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>% change 2013–14</b>
9030.40	Instruments and apparatus n.e.s.o.i., specially designed for telecommunications (for example, cross-talk meters, gain measuring instruments etc.)	583	1,011	588	-41.9
	Total of items shown	48,326	56,545	61,822	9.3
	All other HTS subheadings	62,189	65,191	62,202	-4.6
	Total of all commodities	110,516	121,736	124,024	1.9

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.”

**Table A.32:** Leading U.S. general imports from China, by HTS provision, 2012–14

HTS provision	Description	2012	2013	2014	% change 2013–14
		Million \$			
8517.12	Telephones for cellular networks or for other wireless networks	33,104	37,596	41,898	11.4
8471.30	Portable automatic data processing machines, weight not more than 10 kg, consisting of at least a central processing unit, keyboard & a display	40,836	39,610	38,574	-2.6
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	10,874	11,901	13,237	11.2
8473.30	Parts and accessories for automatic data processing machines and units thereof, magnetic or optical readers, transcribing machines, etc., n.e.s.o.i.	8,575	8,798	10,633	20.9
9503.00	Toys, including riding toys o/than bicycles, puzzles, reduced scale models	9,315	9,468	10,307	8.9
9504.50	Video game consoles and machines, other than of 9504.30; parts and acc.	4,734	4,653	4,536	-2.5
8504.40	Electrical static converters; power supplies for adp machines or units of 8471	3,676	4,061	4,484	10.4
8528.72	Reception apparatus for television, incorporating a screen or video display device, color	4,233	2,991	4,188	40.0
8443.99	Parts and accessories of printing machinery, n.e.s.o.i.	3,351	3,741	3,908	4.5
6403.99	Footwear, with outer soles of rubber, plastics or composition leather and uppers of leather n.e.s.o.i., not covering the ankle	4,211	4,293	3,869	-9.9
8471.70	Automatic data processing storage units, n.e.s.o.i.	4,224	3,786	3,583	-5.4
6402.99	Footwear, with outer soles and uppers of rubber or plastics n.e.s.o.i., not covering the ankle	3,988	3,803	3,493	-8.2
8443.31	Machines which perform two or more of the functions of printing, copying or facsimile transmission, capable of connecting to an adp machine or to a ne	3,779	3,544	3,180	-10.3
6110.20	Sweaters, pullovers, sweatshirts, vests and similar articles of cotton, knitted or crocheted	3,074	3,308	3,116	-5.8
4202.92	Container bags, boxes, cases and satchels n.e.s.o.i., with outer surface of sheeting of plastics or of textile materials	3,090	3,101	3,057	-1.4
9401.61	Seats with wooden frames, upholstered, n.e.s.o.i.	2,464	2,762	2,952	6.9
8471.50	Processing units other than those of 8471.41 and 8471.49, n.e.s.o.i.	2,844	2,791	2,880	3.2
9403.20	Metal furniture, n.e.s.o.i.	2,531	2,699	2,841	5.3
6403.91	Footwear, with outer soles of rubber, plastics or composition leather and uppers of leather n.e.s.o.i., covering the ankle	2,550	2,471	2,805	13.5
8528.51	Monitors, other than crt, designed for use with adp machines	3,139	2,997	2,720	-9.2
6404.19	Footwear, with outer soles of rubber or plastics and uppers of textile materials, n.e.s.o.i.	2,270	2,387	2,525	5.8
9405.40	Electric lamps and lighting fittings, n.e.s.o.i.	2,078	2,422	2,525	4.2
9403.60	Wooden furniture, n.e.s.o.i.	2,390	2,420	2,516	4.0
8544.42	Insulated electric conductors, for a voltage not exceeding 1000 v, fitted with connectors	1,926	2,157	2,444	13.3

Appendix A: Data Tables

<b>HTS provision</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>% change 2013–14</b>
6307.90	Made-up textile articles, n.e.s.o.i.	2,159	2,194	2,349	7.1
	Total of items shown	165,413	169,953	178,621	5.1
	All other HTS subheadings	260,213	270,495	288,035	6.5
	Total of all commodities	425,626	440,448	466,656	6.0

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.”

**Table A.33:** U.S. merchandise trade with Mexico, by USITC digest sector, 2012–14

Sector grouping	Description	2012	2013	2014	% change 2013–14
Million \$					
<b>Total exports</b>					
1	Agricultural products	19,497	18,884	20,088	6.4
2	Forest products	5,528	5,733	5,829	1.7
3	Chemicals and related products	32,326	33,717	35,775	6.1
4	Energy-related products	24,128	23,528	24,116	2.5
5	Textiles and apparel	4,973	5,361	5,735	7.0
6	Footwear	97	121	120	-0.8
7	Minerals and metals	19,600	20,898	23,070	10.4
8	Machinery	19,676	21,212	23,168	9.2
9	Transportation equipment	35,661	39,146	41,366	5.7
10	Electronic products	45,042	47,931	50,651	5.7
11	Miscellaneous manufactures	2,764	2,655	3,018	13.7
12	Special provisions	6,615	6,893	7,391	7.2
	<b>Total</b>	<b>215,907</b>	<b>226,079</b>	<b>240,326</b>	<b>6.3</b>
<b>General imports</b>					
1	Agricultural products	17,752	19,296	21,194	9.8
2	Forest products	1,525	1,652	1,815	9.9
3	Chemicals and related products	9,130	9,652	10,656	10.4
4	Energy-related products	39,816	34,813	30,269	-13.1
5	Textiles and apparel	5,784	5,829	5,975	2.5
6	Footwear	492	549	500	-9.0
7	Minerals and metals	21,997	19,277	19,416	0.7
8	Machinery	25,328	26,358	28,927	9.7
9	Transportation equipment	77,861	85,139	96,238	13.0
10	Electronic products	65,628	65,174	64,730	-0.7
11	Miscellaneous manufactures	5,005	5,382	6,113	13.6
12	Special provisions	7,275	7,407	8,325	12.4
	<b>Total</b>	<b>277,594</b>	<b>280,529</b>	<b>294,157</b>	<b>4.9</b>

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add to totals shown.

Appendix A: Data Tables

**Table A.34:** Leading U.S total exports to Mexico, by Schedule B subheading, 2012–14

Schedule B subheading	Description	2012	2013	2014	% change 2013–14
		Million \$			
2710.12	Light oils and preparations	11,604	11,444	10,724	-6.3
8473.30	Parts and accessories for automatic data processing machines and units thereof, magnetic or optical readers, transcribing machines, etc., n.e.s.o.i.	8,553	9,310	10,457	12.3
2710.19	Petroleum oils & oils (not light) from bituminous minerals or preps n.e.s.o.i. 70%+ by wt. from petroleum oils or bitum. min.	8,277	7,273	7,747	6.5
8408.20	Compression-ignition internal combustion piston engines (diesel or semi-diesel), for the propulsion of vehicles except railway or tramway stock	1,879	2,256	3,805	68.7
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	5,255	4,521	3,554	-21.4
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	2,478	3,195	3,247	1.6
2711.21	Natural gas, gaseous	1,587	2,162	2,887	33.5
8800.00	Aircraft, spacecraft, and parts thereof	2,433	3,226	2,819	-12.6
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	2,420	2,471	2,649	7.2
3926.90	Articles of plastics, n.e.s.o.i.	1,928	2,156	2,389	10.8
8542.31	Processors or controllers	2,223	2,385	2,362	-1.0
8538.90	Parts for electrical apparatus for electrical circuits, boards, panels etc. for electric control or distribution of electricity, n.e.s.o.i.	1,784	1,931	2,323	20.3
1005.90	Corn (maize), other than seed corn	2,565	1,790	2,286	27.7
8708.40	Gear boxes and parts thereof, for motor vehicles	1,950	2,123	2,273	7.0
8471.70	Automatic data processing storage units, n.e.s.o.i.	2,493	2,306	2,255	-2.2
2603.00	Copper ores and concentrates	922	1,548	2,178	40.7
8542.39	Electronic integrated circuits, n.e.s.o.i.	1,584	2,026	2,005	-1.1
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	1,474	1,779	1,920	8.0
1201.90	Soybeans, whether or not broken, other than seed	1,860	1,538	1,819	18.3
8536.90	Electrical apparatus for switching, protecting or making connections to or in electrical circuits, for a voltage not exceeding 1,000 v, n.e.s.o.i.	1,465	1,600	1,806	12.8
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	2,216	1,840	1,601	-13.0
7326.90	Articles of iron or steel, n.e.s.o.i.	1,389	1,435	1,559	8.6
8409.91	Parts for use with spark-ignition internal combustion piston engines (including rotary engines), n.e.s.o.i.	1,260	1,380	1,516	9.8
8544.49	Insulated electric conductors, for a voltage not exceeding 1000 v, not fitted with connectors	1,359	1,428	1,492	4.5

<b>Schedule B subheading</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>% change 2013–14</b>
9401.90	Parts of seats (except parts of medical, dentist', barbers' and similar seats), n.e.s.o.i.	831	1,074	1,340	24.7
	Total of items shown	71,790	74,200	79,011	6.5
	All other HTS subheadings	144,117	151,879	161,315	6.2
	Total of all commodities	215,907	226,079	240,326	6.3

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.”

Appendix A: Data Tables

**Table A.35:** Leading U.S. general imports from Mexico, by HTS provision, 2012–14

HTS provision	Description	2012	2013	2014	%change 2013–14
		Million \$			
2709.00	Petroleum oils and oils from bituminous minerals, crude	37,217	31,940	27,740	-13.2
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	12,204	15,344	14,839	-3.3
8704.31	Motor vehicles for goods transport n.e.s.o.i., with spark-ignition internal combustion piston engine, gvw not over 5 metric tons	9,016	9,898	11,904	20.3
8528.72	Reception apparatus for television, incorporating a screen or video display device, color	11,495	10,757	10,792	0.3
8471.50	Processing units other than those of 8471.41 and 8471.49, n.e.s.o.i.	11,060	11,184	10,485	-6.2
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	5,958	6,547	7,274	11.1
8701.20	Road tractors for semi-trailers	4,477	5,010	6,810	35.9
8544.30	Insulated ignition wiring sets and other wiring sets for vehicles, aircraft and ships	5,510	5,685	6,521	14.7
9401.90	Parts of seats (except parts of medical, dentist', barbers' and similar seats), n.e.s.o.i.	4,851	5,179	5,781	11.6
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	3,459	3,869	4,237	9.5
8704.22	Motor vehicles for goods transport n.e.s.o.i., with compression-ignition internal combustion piston engine (diesel), gvw over 5 but not over 20 metric tons	2,842	3,293	4,019	22.1
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	3,212	3,256	3,674	12.9
8537.10	Boards, panels, consoles, etc. with electrical apparatus, for electric control or distribution of electricity, for a voltage not exceeding 1,000 v	2,882	3,462	3,670	6.0
9018.90	Instruments and appliances for medical, surgical or veterinary sciences, n.e.s.o.i., and parts and accessories	2,681	2,784	3,038	9.1
8407.34	Spark-ignition reciprocating piston engines for propulsion of vehicles except railway or tramway stock, over 1,000 cc cylinder capacity	2,051	2,752	2,785	1.2
7108.12	Gold, nonmonetary, unwrought n.e.s.o.i. (other than powder)	5,427	3,668	2,779	-24.2
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	3,347	2,760	2,759	0.0
8418.10	Combined refrigerator-freezers fitted with separate external doors	2,241	2,441	2,517	3.1
8708.40	Gear boxes and parts thereof, for motor vehicles	2,061	2,278	2,453	7.7
2203.00	Beer made from malt	1,825	1,925	2,450	27.3
8409.91	Parts for use with spark-ignition internal combustion piston engines (including rotary engines), n.e.s.o.i.	2,068	2,106	2,245	6.6
8415.90	Parts, n.e.s.o.i., of air conditioning machines	1,366	1,699	2,230	31.2
7106.91	Silver, unwrought n.e.s.o.i. (other than powder)	3,469	2,713	2,124	-21.7
8704.21	Motor vehicles for goods transport n.e.s.o.i., with compression-ignition internal combustion piston engine (diesel), gvw not over 5 metric tons	1,342	1,691	2,092	23.7



<b>HTS provision</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>%change 2013–14</b>
8703.22	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,000 cc but not over 1,500 cc	738	791	2,089	164.0
	Total of items shown	142,798	143,034	147,307	3.0
	All other HTS subheadings	134,796	137,495	146,851	6.8
	Total of all commodities	277,594	280,529	294,157	4.9

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.”

**Table A.36:** U.S. merchandise trade with Japan, by USITC digest sector, 2012–14

Sector grouping	Description	2012			2013			2014			% change 2013–14
		Million \$									
<b>Total exports</b>											
1	Agricultural products	14,720	13,393	14,401	7.5						
2	Forest products	2,187	2,250	2,190	-2.7						
3	Chemicals and related products	12,694	11,199	11,736	4.8						
4	Energy-related products	3,484	3,307	2,974	-10.1						
5	Textiles and apparel	697	722	660	-8.6						
6	Footwear	92	84	77	-8.0						
7	Minerals and metals	3,443	3,654	3,874	6.0						
8	Machinery	3,543	3,877	4,347	12.1						
9	Transportation equipment	11,924	10,507	10,421	-0.8						
10	Electronic products	14,270	13,336	13,111	-1.7						
11	Miscellaneous manufactures	1,889	1,864	1,949	4.6						
12	Special provisions	1,022	1,011	1,223	21.0						
Total		69,964	65,206	66,964	2.7						
<b>General imports</b>											
1	Agricultural products	787	763	782	2.5						
2	Forest products	525	468	452	-3.3						
3	Chemicals and related products	12,916	12,660	12,642	-0.1						
4	Energy-related products	697	779	568	-27.0						
5	Textiles and apparel	758	712	745	4.6						
6	Footwear	2	3	2	-37.7						
7	Minerals and metals	8,153	7,433	7,399	-0.5						
8	Machinery	20,832	18,908	18,749	-0.8						
9	Transportation equipment	70,144	67,913	65,156	-4.1						
10	Electronic products	26,304	24,217	22,898	-5.4						
11	Miscellaneous manufactures	1,597	1,223	1,148	-6.1						
12	Special provisions	3,723	3,495	3,397	-2.8						
Total		146,438	138,573	133,939	-3.3						

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add to totals shown.

**Table A.37:** Leading U.S. total exports to Japan, by Schedule B subheading, 2012–14

Schedule B subheading	Description	2012	2013	2014	% change 2013–14
		Million \$			
8800.00	Aircraft, spacecraft, and parts thereof	7,168	6,155	6,508	5.7
1005.90	Corn (maize), other than seed corn	2,988	1,849	2,686	45.3
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	2,234	1,903	2,232	17.3
9018.90	Instruments and appliances for medical, surgical or veterinary sciences, n.e.s.o.i., and parts and accessories thereof	1,262	1,330	1,206	-9.3
0203.19	Meat of swine, n.e.s.o.i., fresh or chilled	1,007	1,075	999	-7.1
1201.90	Soybeans, whether or not broken, other than seed	1,126	1,004	995	-0.9
1001.99	Wheat & meslin other than durum or seed wheat	1,079	1,027	924	-10.0
2711.12	Propane, liquefied	117	544	906	66.6
2909.19	Acyclic ethers (excluding diethyl ether) and their halogenated, sulfonated, nitrated or nitrosated derivatives	685	668	855	28.0
8486.20	Machines and apparatus for the manufacture of semiconductor devices or electronic integrated circuits	261	695	779	11.9
0201.30	Meat of bovine animals, boneless, fresh or chilled	570	708	753	6.3
2804.61	Silicon, containing by weight not less than 99.99% of silicon	625	643	747	16.2
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	912	739	746	0.9
9018.39	Medical etc. needles n.e.s.o.i., catheters, cannulae and the like; parts and accessories thereof	935	805	739	-8.2
0203.29	Meat of swine, n.e.s.o.i., frozen	758	723	731	1.0
7113.19	Jewelry and parts thereof, of precious metal other than silver	474	510	615	20.6
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	639	657	602	-8.3
0202.30	Meat of bovine animals, boneless, frozen	307	456	556	21.9
9021.39	Artificial parts of the body (other than artificial joints) and parts and accessories thereof, n.e.s.o.i.	722	692	530	-23.4
3002.10	Antisera and other blood fractions, and modified immunological products	452	441	514	16.6
1214.90	Forage products, n.e.s.o.i., including rutabagas (swedes), mangolds, fodder roots, hay, clover, forage kale, vetches etc., whether or not in pellet form	614	579	503	-13.2
2701.12	Bituminous coal, whether or not pulverized, but not agglomerated	897	612	460	-24.9
3822.00	Composite diagnostic or laboratory reagents, other than those pharmaceuticals in heading 3002 or 3006; certified reference materials	486	465	450	-3.1
8529.90	Parts (except antennas and reflectors) for use with radio transmission, radar, radio navigational aid, reception and television apparatus, n.e.s.o.i.	544	358	432	20.8

Appendix A: Data Tables

<b>Schedule B subheading</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>% change 2013–14</b>
4403.20	Coniferous wood in the rough, whether or not stripped of bark or sapwood or roughly squared, not treated	350	455	424	-6.8
	Total of items shown	27,214	25,092	26,892	7.2
	All other HTS subheadings	42,749	40,113	40,072	-0.1
	Total of all commodities	69,964	65,206	66,964	2.7

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.”

**Table A.38:** Leading U.S. general imports from Japan, by HTS provision, 2012–14

HTS provision	Description	2012	2013	2014	% change
		Million \$			2013–14
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	21,033	22,097	20,474	-7.3
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	13,514	13,054	12,145	-7.0
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	3,236	3,811	4,828	26.7
8708.40	Gear boxes and parts thereof, for motor vehicles	3,797	3,366	3,098	-8.0
8443.99	Parts and accessories of printing machinery, n.e.s.o.i.	3,532	3,163	2,987	-5.6
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	2,927	2,313	2,196	-5.1
8429.52	Mechanical shovels, excavators and shovel loaders with 360 degree revolving superstructure, self-propelled	2,701	1,871	2,056	9.9
8411.91	Parts of turbojets or turbopropellers	1,416	1,665	1,869	12.3
8486.20	Machines and apparatus for the manufacture of semiconductor devices or electronic integrated circuits	2,088	1,603	1,536	-4.2
2933.79	Lactams (excluding 6-hexanelactam), n.e.s.o.i.	1,112	1,303	1,389	6.6
8409.91	Parts for use with spark-ignition internal combustion piston engines (including rotary engines), n.e.s.o.i.	1,283	1,249	1,327	6.2
8703.22	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,000 cc but not over 1,500 cc	2,699	2,523	1,186	-53.0
8525.80	Television cameras; digital cameras and video camera recorders	2,299	1,449	1,067	-26.4
9102.11	Wrist watches, battery powered, with cases of materials (except of or clad with precious metal) n.e.s.o.i., with mechanical display only	839	1,023	990	-3.2
8408.90	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines), n.e.s.o.i.	1,012	811	953	17.5
8486.90	Parts and accessories	1,042	956	903	-5.6
9018.19	Electro-diagnostic apparatus (and apparatus for functional exploratory examination or for checking physiological parameters) n.e.s.o.i., and parts, etc.	726	781	878	12.5
8481.80	Taps, cocks, valves and similar appliances for pipes, vats or the like, including thermostatically controlled valves, n.e.s.o.i.	794	751	804	7.0
8457.10	Machining centers for working metal	910	715	784	9.7
8701.90	Tractors, n.e.s.o.i.	911	783	774	-1.2
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	719	676	733	8.5
8407.21	Outboard engines for marine propulsion	510	593	700	18.1
8542.31	Processors or controllers	727	701	700	-0.1
8504.40	Electrical static converters; power supplies for adp machines or units of 8471	644	653	692	5.9

## Appendix A: Data Tables

<b>HTS provision</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>% change 2013–14</b>
8537.10	Boards, panels, consoles, etc. with electrical apparatus, for electric control or distribution of electricity, for a voltage not exceeding 1,000 v	550	617	634	2.7
	Total of items shown	71,018	68,528	65,703	-4.1
	All other HTS subheadings	75,419	70,045	68,236	-2.6
	Total of all commodities	146,438	138,573	133,939	-3.3

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.”

**Table A.39:** U.S. merchandise trade with Korea, by ITC digest sectors, 2012–14

Sector grouping	Description	2012	2013	2014	% change
		Million \$			2013–14
<b>Total exports</b>					
1	Agricultural products	6,540	5,835	7,524	28.9
2	Forest products	850	866	890	2.8
3	Chemicals and related products	6,902	7,157	7,407	3.5
4	Energy-related products	1,971	1,636	2,035	24.4
5	Textiles and apparel	387	409	391	-4.4
6	Footwear	112	94	88	-6.3
7	Minerals and metals	4,117	4,082	3,682	-9.8
8	Machinery	6,042	5,944	6,829	14.9
9	Transportation equipment	5,712	6,380	6,149	-3.6
10	Electronic products	8,249	7,974	8,052	1.0
11	Miscellaneous manufactures	802	769	813	5.7
12	Special provisions	581	569	684	20.2
	<b>Total</b>	<b>42,265</b>	<b>41,715</b>	<b>44,544</b>	<b>6.8</b>
<b>General imports</b>					
1	Agricultural products	555	638	671	5.2
2	Forest products	516	540	617	14.4
3	Chemicals and related products	5,555	5,030	5,855	16.4
4	Energy-related products	3,072	3,035	3,067	1.1
5	Textiles and apparel	1,338	1,313	1,332	1.4
6	Footwear	26	23	18	-20.1
7	Minerals and metals	5,910	5,552	7,706	38.8
8	Machinery	6,892	6,635	7,101	7.0
9	Transportation equipment	18,804	20,841	24,042	15.4
10	Electronic products	14,610	16,701	17,381	4.1
11	Miscellaneous manufactures	668	828	819	-1.0
12	Special provisions	954	1,253	997	-20.4
	<b>Total</b>	<b>58,902</b>	<b>62,386</b>	<b>69,606</b>	<b>11.6</b>

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add to totals shown.

Appendix A: Data Tables

**Table A.40:** Leading U.S. total exports to Korea, by Schedule B subheading, 2012–14

Schedule B subheading	Description	2012	2013	2014	% change 2013–14
		Million \$			
8542.31	Processors or controlers	2,017	2,456	2,582	5.1
8486.20	Machines and apparatus for the manufacture of semiconductor devices or electronic integrated circuits	1,982	1,321	2,182	65.2
8800.00	Aircraft, spacecraft, and parts thereof	2,593	2,613	2,001	-23.4
1005.90	Corn (maize), other than seed corn	618	243	1,058	334.8
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	545	688	701	2.0
2710.12	Light oils and preparations	43	260	670	157.9
8431.43	Parts for boring or sinking machinery, n.e.s.o.i.	226	462	477	3.2
7204.49	Ferrous waste and scrap, n.e.s.o.i.	947	746	474	-36.4
8486.90	Parts and accessories	501	444	463	4.1
8542.32	Memories	1,440	660	436	-33.8
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	415	468	418	-10.7
1001.99	Wheat & meslin other than durum or seed wheat	645	340	414	22.0
2701.12	Bituminous coal, whether or not pulverized, but not agglomerated	683	511	409	-19.9
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	196	341	402	17.7
0202.20	Meat of bovine animals, cuts with bone in (other than half or whole carcasses), frozen	206	265	365	37.8
1201.90	Soybeans, whether or not broken, other than seed	395	280	361	28.7
2926.10	Acrylonitrile	513	327	351	7.2
0203.29	Meat of swine, n.e.s.o.i., frozen	308	189	346	83.6
8542.39	Electronic integrated circuits, n.e.s.o.i.	361	394	345	-12.2
0202.30	Meat of bovine animals, boneless, frozen	269	215	335	56.1
8802.40	Airplanes and other aircraft n.e.s.o.i., of an unladen weight exceeding 15,000 kg	252	36	313	777.6
8703.33	Passenger motor vehicles with compression-ignition internal combustion piston engine (diesel), cylinder capacity over 2,500 cc	188	185	285	54.0
7110.21	Palladium, unwrought or in powder form	230	268	276	2.6
2902.50	Styrene (vinylbenzene; phenylethylene)	122	264	275	3.8



<b>Schedule B subheading</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>% change 2013-14</b>
4101.50	Whole raw bovine or equine hides and skins, of weight exceed 16 kg, fresh, pickled or otherwise preserved but not tanned or further prepared	249	294	270	-8.1
	Total of items shown	15,944	14,270	16,210	13.6
	All other HTS subheadings	26,321	27,445	28,334	3.2
	Total of all commodities	42,265	41,715	44,544	6.8

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

Appendix A: Data Tables

**Table A.41:** Leading U.S. general imports from Korea, by HTS provision, 2012–14

HTS provision	Description	2012	2013	2014	% change 2013–14
		Million \$			
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	8,818	8,578	10,159	18.4
8517.12	Telephones for cellular networks or for other wireless networks	4,525	6,087	6,525	7.2
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	1,614	2,268	2,794	23.2
2710.19	Petroleum oils & oils (not light) from bituminous minerals or preps n.e.s.o.i. 70%+ by wt. from petroleum oils or bitum. min.	2,757	2,495	2,782	11.5
8473.30	Parts and accessories for automatic data processing machines and units thereof, magnetic or optical readers, transcribing machines, etc., n.e.s.o.i.	1,135	1,523	1,815	19.2
8703.22	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,000 cc but not over 1,500 cc	188	1,257	1,627	29.5
8542.39	Electronic integrated circuits, n.e.s.o.i.	1,816	1,692	1,520	-10.2
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	974	1,049	1,273	21.4
7306.29	Seamed steel casing or tubing of kind used in drill. oil/gas, w/ext. diam 406.4mm or less or o/than circ. x-sect	831	785	1,265	61.1
8418.10	Combined refrigerator-freezers fitted with separate external doors	976	1,027	993	-3.3
4011.10	New pneumatic tires, of rubber, of a kind used on motor cars (including station wagons and racing cars)	1,299	1,010	939	-7.1
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	805	834	875	4.8
2902.20	Benzene	594	357	816	128.6
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	460	674	701	4.0
8523.51	Solid state non volatile storage devices	326	417	629	50.7
8517.70	Parts of telecommunications apparatus	359	385	584	51.8
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	415	485	573	18.2
8429.52	Mechanical shovels, excavators and shovel loaders with 360 degree revolving superstructure, self-propelled	652	456	488	6.9
8708.94	Steering wheels, steering columns and steering boxes and parts thereof, for motor vehicles	378	411	451	9.8
8542.32	Memories	543	876	449	-48.7
8451.29	Drying machines (except centrifugal type) for textile yarns, fabrics or made up textile articles, with a dry linen capacity exceeding 10 kg	477	597	441	-26.1
7306.19	Seamed (o/than welded stainless steel) pipe, w/ext. diam 406.4mm or less or o/than circ. x-sect, line pipe of a kind used for oil and gas pipelines	514	428	436	1.9
8708.40	Gear boxes and parts thereof, for motor vehicles	444	614	402	-34.6

<b>HTS provision</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>% change 2013–14</b>
8542.31	Processors or controlers	343	419	397	-5.3
8409.91	Parts for use with spark-ignition internal combustion piston engines (including rotary engines), n.e.s.o.i.	308	364	395	8.5
	Total of items shown	31,551	35,090	39,331	12.1
	All other HTS subheadings	27,351	27,297	30,275	10.9
	Total of all commodities	58,902	62,386	69,606	11.6

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.”

**Table A.42:** U.S. merchandise trade with Brazil, by USITC digest sector, 2012–14

Sector grouping	Description	2012	2013	2014	% change
		Million \$			2013–14
<b>Total exports</b>					
1	Agricultural products	720	1,968	1,651	-16.1
2	Forest products	450	416	404	-3.0
3	Chemicals and related products	9,540	10,339	10,352	0.1
4	Energy-related products	7,498	6,799	7,508	10.4
5	Textiles and apparel	304	273	303	10.9
6	Footwear	3	2	5	126.3
7	Minerals and metals	1,429	1,470	1,254	-14.7
8	Machinery	4,165	4,353	3,958	-9.1
9	Transportation equipment	10,334	9,397	8,547	-9.0
10	Electronic products	8,249	8,010	7,258	-9.4
11	Miscellaneous manufactures	325	317	401	26.6
12	Special provisions	791	774	776	0.2
	<b>Total</b>	<b>43,807</b>	<b>44,119</b>	<b>42,418</b>	<b>-3.9</b>
<b>General imports</b>					
1	Agricultural products	5,078	4,646	4,406	-5.2
2	Forest products	1,805	2,161	2,166	0.3
3	Chemicals and related products	2,624	2,276	2,337	2.7
4	Energy-related products	9,285	5,761	6,367	10.5
5	Textiles and apparel	112	117	131	12.2
6	Footwear	210	199	208	4.2
7	Minerals and metals	5,651	5,232	6,237	19.2
8	Machinery	1,253	1,067	997	-6.6
9	Transportation equipment	3,419	3,368	4,232	25.7
10	Electronic products	327	263	273	3.8
11	Miscellaneous manufactures	418	461	384	-16.7
12	Special provisions	1,942	2,084	2,599	24.7
	<b>Total</b>	<b>32,123</b>	<b>27,634</b>	<b>30,337</b>	<b>9.8</b>

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add to totals shown.

**Table A.43:** Leading U.S. total exports to Brazil, by Schedule B subheading, 2012–14

Schedule B subheading	Description	2012	2013	2014	% change 2013–14
Million \$					
8800.00	Aircraft, spacecraft, and parts thereof	5,714	5,206	4,736	-9.0
2710.19	Petroleum oils & oils (not light) from bituminous minerals or preps n.e.s.o.i. 70%+ by wt. from petroleum oils or bitum. min.	3,929	3,780	4,274	13.1
2710.12	Light oils and preparations	1,350	808	969	19.9
2711.12	Propane, liquefied	239	676	929	37.3
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	716	752	844	12.3
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	772	852	832	-2.3
2701.12	Bituminous coal, whether or not pulverized, but not agglomerated	1,235	981	784	-20.0
8542.31	Processors or controllers	1,128	1,202	769	-36.0
1001.99	Wheat & meslin other than durum or seed wheat	13	1,236	753	-39.1
3808.91	Insecticides	304	482	534	10.8
9018.90	Instruments and appliances for medical, surgical or veterinary sciences, n.e.s.o.i., and parts and accessories thereof	291	335	324	-3.3
8471.70	Automatic data processing storage units, n.e.s.o.i.	346	342	300	-12.3
3105.40	Ammonium dihydrogenorthophosphate (monoammonium phosphate) and mixtures thereof with diammonium hydrogenorthophosphate (diammonium phosphate)	186	193	287	49.1
2815.12	Sodium hydroxide (caustic soda), in aqueous solution (soda lye or liquid soda)	375	305	271	-11.2
2902.50	Styrene (vinylbenzene; phenylethylene)	246	308	267	-13.3
2207.10	Ethyl alcohol, undenatured, of an alcoholic strength by volume of 80% vol. or higher	122	113	266	135.3
8473.30	Parts and accessories for automatic data processing machines and units thereof, magnetic or optical readers, transcribing machines, etc., n.e.s.o.i.	388	319	265	-16.8
3901.90	Polymers of ethylene n.e.s.o.i., in primary forms	145	243	247	1.5
8431.43	Parts for boring or sinking machinery, n.e.s.o.i.	415	280	246	-12.2
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	211	232	242	4.6
3808.93	Herbicides, anti-sprouting products and plant-growth regulators	165	200	236	17.6
2931.90	Other organo inorganic compounds	75	152	219	44.4
9018.39	Medical etc. needles n.e.s.o.i., catheters, cannulae and the like; parts and accessories thereof	176	199	217	9.3

## Appendix A: Data Tables

<b>Schedule B subheading</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>% change 2013–14</b>
8481.80	Polyethers n.e.s.o.i., in primary forms	217	259	210	-18.8
	Taps, cocks, valves and similar appliances for pipes, vats or the like, including thermostatically controlled valves, n.e.s.o.i.	153	179	196	9.4
	Total of items shown	18,911	19,633	19,220	-2.1
	All other HTS subheadings	24,896	24,485	23,198	-5.3
	Total of all commodities	43,807	44,119	42,418	-3.9

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.”

**Table A.44:** Leading U.S. general imports from Brazil, by HTS provision, 2012–14

HTS provision	Description	2012	2013	2014	% change 2013–14
Million \$					
2709.00	Petroleum oils and oils from bituminous minerals, crude	7,506	4,163	5,152	23.8
8802.40	Airplanes and other aircraft n.e.s.o.i., of an unladen weight exceeding 15,000 kg	395	1,135	1,730	52.3
7207.12	Semifinished products of iron or nonalloy steel, under 0.25% (wt.) carbon, rectangular cross section, width not less than twice the thickness	1,890	1,487	1,553	4.5
0901.11	Coffee, not roasted, not decaffeinated	1,242	1,007	1,265	25.6
2710.19	Petroleum oils & oils (not light) from bituminous minerals or preps n.e.s.o.i. 70%+ by wt. from petroleum oils or bitum. min.	1,612	1,331	1,022	-23.2
4703.29	Chemical woodpulp, soda or sulfate, other than dissolving grades, semibleached or bleached, nonconiferous	820	1,032	932	-9.7
7201.10	Nonalloy pig iron containing 0.5% (wt.) or less phosphorus, in primary forms	882	688	644	-6.5
6802.93	Worked monumental or building stone n.e.s.o.i., of granite	477	606	639	5.5
1201.90	Soybeans, whether or not broken, other than seed		183	555	203.1
2207.10	Ethyl alcohol, undenatured, of an alcoholic strength by volume of 80% vol. or higher	1,463	1,207	492	-59.2
7224.90	Semifinished products of alloy steel (other than stainless) n.e.s.o.i.	9	265	463	75.0
8409.99	Parts for use with compression-ignition internal combustion piston engines, n.e.s.o.i.	422	335	333	-0.5
8802.30	Airplanes and other aircraft n.e.s.o.i., of an unladen weight exceeding 2,000 kg but not exceeding 15,000 kg	458	448	304	-32.2
4409.10	Wood continuously shaped (tongued, grooved, rebated, v-jointed, beaded, molded, etc.) along any of its edges or faces, planed, etc. or not, coniferous	217	277	296	6.8
7202.93	Ferroniobium	287	219	288	31.6
2009.11	Orange juice, frozen, whether or not sweetened	155	154	255	65.3
2401.20	Tobacco, partly or wholly stemmed/stripped	360	397	251	-36.8
2902.20	Benzene	175	248	239	-3.5
1602.50	Meat or meat offal of bovine animals, prepared or preserved, n.e.s.o.i.	196	225	218	-3.1
2804.69	Silicon, containing by weight less than 99.99% of silicon	218	179	213	19.3
4802.56	Paper/paperboard for writing/printing/other graphic purpose, wt 40g/m2-150g/m2, n/o 10% fiber by mechanical/chemi- process, sized sheets	137	186	207	11.6
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	109	122	204	67.0
8412.90	Parts for engines and motors, n.e.s.o.i.	438	183	196	6.8
8429.20	Graders and levelers, self-propelled	352	151	190	25.8

Appendix A: Data Tables

<b>HTS provision</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>% change 2013–14</b>
2601.12	Agglomerated iron ores	41	31	187	499.1
	Total of items shown	19,862	16,259	17,828	9.6
	All other HTS subheadings	12,262	11,375	12,509	10.0
	Total of all commodities	32,123	27,634	30,337	9.8

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.”



**Table A.45:** U.S. merchandise trade with Taiwan, by USITC digest sector, 2012–14

Sector grouping	Description	2012	2013	% change	
				2014	2013–14
Million \$					
<b>Total exports</b>					
1	Agricultural products	3,301	3,207	3,639	13.5
2	Forest products	479	543	513	-5.6
3	Chemicals and related products	4,519	4,310	4,396	2.0
4	Energy-related products	663	1,227	1,063	-13.4
5	Textiles and apparel	119	113	118	5.1
6	Footwear	9	9	10	17.5
7	Minerals and metals	2,619	2,183	2,011	-7.8
8	Machinery	4,757	4,894	4,535	-7.3
9	Transportation equipment	1,375	2,339	3,508	50.0
10	Electronic products	5,761	5,367	5,694	6.1
11	Miscellaneous manufactures	325	880	850	-3.4
12	Special provisions	411	401	498	24.3
Total		24,337	25,472	26,836	5.4
<b>General imports</b>					
1	Agricultural products	468	474	500	5.4
2	Forest products	208	215	215	0.1
3	Chemicals and related products	3,132	3,225	3,572	10.8
4	Energy-related products	287	26	55	110.5
5	Textiles and apparel	1,154	1,140	1,187	4.1
6	Footwear	43	50	51	1.4
7	Minerals and metals	5,188	5,114	5,736	12.2
8	Machinery	3,951	4,006	4,366	9.0
9	Transportation equipment	3,083	3,176	3,365	5.9
10	Electronic products	17,253	16,378	17,385	6.1
11	Miscellaneous manufactures	2,903	2,819	2,905	3.1
12	Special provisions	1,192	1,315	1,234	-6.2
Total		38,861	37,940	40,572	6.9

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add to totals shown.

Appendix A: Data Tables

**Table A.46:** Leading U.S. total exports to Taiwan, by Schedule B subheading, 2012–14

Schedule B subheading	Description	2012	2013	2014	% change 2013–14
Million \$					
8486.20	Machines and apparatus for the manufacture of semiconductor devices or electronic integrated circuits	1,925	2,355	2,131	-9.5
8800.00	Aircraft, spacecraft, and parts thereof	663	930	1,924	106.9
8542.32	Memories	1,175	994	1,248	25.6
7204.49	Ferrous waste and scrap, n.e.s.o.i.	1,219	967	822	-15.0
1201.90	Soybeans, whether or not broken, other than seed	763	576	729	26.6
2710.12	Light oils and preparations	360	793	728	-8.2
8542.39	Electronic integrated circuits, n.e.s.o.i.	861	690	710	2.9
8542.31	Processors or controllers	432	509	600	17.9
8486.90	Parts and accessories	464	538	542	0.8
9306.90	Bombs, grenades, torpedoes, mines, missiles and similar munitions of war and parts thereof; other ammunition and projectiles and parts thereof, n.e.s.o.i.	21	564	528	-6.4
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	169	398	493	24.0
1005.90	Corn (maize), other than seed corn	310	181	402	122.8
1001.99	Wheat & meslin other than durum or seed wheat	357	371	348	-6.2
8802.12	Helicopters of an unladen weight exceeding 2,000 kg		346	344	-0.6
9031.41	Optical instruments for inspecting semiconductor wafers or devices or for inspecting photomasks or reticles used in manufg semiconductor devices	467	272	283	3.8
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	408	405	270	-33.3
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	173	216	214	-1.2
2933.71	6-hexanelactam (epsilon-caprolactam)	151	184	199	8.2
8473.30	Parts and accessories for automatic data processing machines and units thereof, magnetic or optical readers, transcribing machines, etc., n.e.s.o.i.	130	162	181	12.1
2804.61	Silicon, containing by weight not less than 99.99% of silicon	158	151	178	18.1
2844.20	Uranium and its compounds enriched in u235; plutonium and its compounds; alloys and other products containing enriched uranium or plutonium	171	114	168	47.0
9030.90	Parts and accessories of instruments and apparatus for measuring, checking or detecting electrical quantities, or ionizing radiations, n.e.s.o.i.	115	133	164	23.3
3824.90	Chemical products and preparations of the chemical or allied industries, n.e.s.o.i.; residual products of the chemical or allied industries, n.e.s.o.i.	205	282	163	-42.1

<b>Schedule B</b>					<b>% change</b>
<b>subheading</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2013–14</b>
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	88	112	161	43.3
7106.10	Silver powder	181	140	160	14.6
	Total of items shown	10,966	12,381	13,690	10.6
	All other HTS subheadings	13,372	13,092	13,146	0.4
	Total of all commodities	24,337	25,472	26,836	5.4

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.”

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**Table A.47:** Leading U.S. general imports from Taiwan, by HTS provision, 2012–14

HTS provision	Description	2012	2013	2014	% change 2013–14
Million \$					
8517.12	Telephones for cellular networks or for other wireless networks	2,422	2,011	1,627	-19.1
8542.32	Memories	1,060	1,392	1,527	9.7
8473.30	Parts and accessories for automatic data processing machines and units thereof, magnetic or optical readers, transcribing machines, etc., n.e.s.o.i.	1,300	1,396	1,421	1.8
8542.39	Electronic integrated circuits, n.e.s.o.i.	1,133	1,185	1,403	18.4
8542.31	Processors or controllers	890	871	1,006	15.5
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	545	623	996	59.8
8541.40	Photosensitive semiconductor devices, including photovoltaic cells; light-emitting diodes	464	645	829	28.6
8526.91	Radio navigational aid apparatus	1,377	808	809	0.2
8523.51	Solid state non volatile storage devices	515	553	690	24.8
8512.20	Electrical lighting or visual signaling equipment, for use on cycles or motor vehicles, except for use on bicycles	446	491	557	13.6
7318.15	Threaded screws and bolts n.e.s.o.i., with or without their nuts or washers, of iron or steel	512	493	511	3.6
8528.71	Reception apparatus for television, not designed to incorporate a screen or video display device	950	531	488	-8.2
8525.80	Television cameras; digital cameras and video camera recorders	552	612	480	-21.6
7318.14	Self-tapping screws, threaded, of iron or steel	428	428	479	11.9
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	444	463	457	-1.2
8471.30	Portable automatic data processing machines, weight not more than 10 kg, consisting of at least a central processing unit, keyboard & a display	436	366	445	21.7
8712.00	Bicycles and other cycles (including delivery tricycles), not motorized	429	432	401	-7.2
8534.00	Printed circuits	355	371	371	0.2
8481.80	Taps, cocks, valves and similar appliances for pipes, vats or the like, including thermostatically controlled valves, n.e.s.o.i.	321	319	366	14.6
7318.16	Nuts, threaded, of iron or steel	312	325	359	10.3
8471.70	Automatic data processing storage units, n.e.s.o.i.	324	352	334	-5.2
9506.91	Articles and equipment for general physical exercise, gymnastics or athletics; n.e.s.o.i.; parts and accessories thereof	288	301	319	5.7
8504.40	Electrical static converters; power supplies for adp machines or units of 8471	318	319	297	-6.9
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	269	271	283	4.4

<b>HTS provision</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>% change 2013–14</b>
9403.20	Metal furniture, n.e.s.o.i.	259	216	278	28.7
	Total of items shown	16,349	15,775	16,733	6.1
	All other HTS subheadings	22,512	22,165	23,839	7.6
	Total of all commodities	38,861	37,940	40,572	6.9

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.  
 Note: Because of rounding, figures may not add up to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.”

**Table A.48:** U.S. merchandise trade with India, by USITC digest sector, 2012–14

Sector grouping	Description	2012			2013		2014		% change 2013–14
		Million \$							
<b>Total exports</b>									
1	Agricultural products	879	920	1,134					23.4
2	Forest products	775	763	905					18.7
3	Chemicals and related products	3,678	3,288	3,146					-4.3
4	Energy-related products	1,697	1,336	1,318					-1.4
5	Textiles and apparel	178	171	178					4.2
6	Footwear	4	3	3					1.3
7	Minerals and metals	7,036	6,533	6,215					-4.9
8	Machinery	1,857	1,558	1,535					-1.5
9	Transportation equipment	2,566	3,863	3,732					-3.4
10	Electronic products	2,665	2,668	2,735					2.5
11	Miscellaneous manufactures	378	420	399					-5.0
12	Special provisions	392	319	327					2.3
	Total	22,106	21,842	21,628					-1.0
<b>General imports</b>									
1	Agricultural products	5,793	4,455	4,440					-0.3
2	Forest products	158	179	205					14.9
3	Chemicals and related products	8,063	8,294	8,879					7.1
4	Energy-related products	3,270	3,946	4,622					17.1
5	Textiles and apparel	6,420	6,903	7,383					7.0
6	Footwear	266	297	349					17.4
7	Minerals and metals	8,673	10,343	11,066					7.0
8	Machinery	2,003	1,827	2,181					19.4
9	Transportation equipment	1,743	1,448	1,891					30.5
10	Electronic products	1,284	1,194	1,224					2.5
11	Miscellaneous manufactures	2,299	2,446	2,565					4.9
12	Special provisions	542	514	424					-17.5
	Total	40,513	41,845	45,228					8.1

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add to totals shown.

**Table A.49:** Leading U.S. total exports to India, by Schedule B subheading, 2012–14

Schedule B subheading	Description	2012	2013	2014	% change 2013–14
7102.39	Diamonds, nonindustrial, worked, including polished or drilled	2,579	3,858	3,724	-3.5
8800.00	Aircraft, spacecraft, and parts thereof	1,235	1,592	1,421	-10.7
8802.40	Airplanes and other aircraft n.e.s.o.i., of an unladen weight exceeding 15,000 kg	0	1,152	1,357	17.9
7108.12	Gold, nonmonetary, unwrought n.e.s.o.i. (other than powder)	2,907	1,515	1,189	-21.5
2701.12	Bituminous coal, whether or not pulverized, but not agglomerated	861	400	418	4.5
0802.11	Almonds, fresh or dried, in shell	278	324	405	25.1
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	290	309	376	21.6
2707.99	Oils and products of the distillation of high temperature coal tar, n.e.s.o.i.; similar products which have a predominate (wt.) aromatic constituent, n.e.s.o.i.	393	430	335	-22.0
2713.11	Petroleum coke, not calcined	196	231	315	36.5
3105.30	Diammonium hydrogenorthophosphate (diammonium phosphate)	558	315	278	-11.9
7113.19	Jewelry and parts thereof, of precious metal other than silver	223	248	238	-4.1
4702.00	Chemical woodpulp, dissolving grades	51	52	195	273.1
7204.49	Ferrous waste and scrap, n.e.s.o.i.	379	142	179	26.0
2710.19	Petroleum oils & oils (not light) from bituminous minerals or preps n.e.s.o.i. 70%+ by wt. from petroleum oils or bitum. min.	90	191	162	-15.4
4707.10	Waste and scrap of unbleached kraft paper or paperboard or of corrugated paper or paperboard	145	150	159	6.0
2809.20	Phosphoric acid and polyphosphoric acids	221	190	143	-24.7
9018.90	Instruments and appliances for medical, surgical or veterinary sciences, n.e.s.o.i., and parts and accessories thereof	123	142	131	-7.6
8805.10	Aircraft launching gear and parts thereof; deck-arrestors or similar gear and parts thereof	74	104	127	21.9
0713.10	Peas (pisum sativum), dried shelled, including seed	59	69	123	78.9
9030.40	Instruments and apparatus n.e.s.o.i., specially designed for telecommunications (for example, cross-talk meters, gain measuring instruments etc.)	86	100	115	15.5
3824.90	Chemical products and preparations of the chemical or allied industries, n.e.s.o.i.; residual products of the chemical or allied industries, n.e.s.o.i	109	112	109	-2.6
7602.00	Aluminum waste and scrap	90	83	103	24.0
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	72	80	100	24.5

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<b>Schedule B subheading</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>% change 2013–14</b>
8409.99	Parts for use with compression-ignition internal combustion piston engines, n.e.s.o.i.	119	104	99	-5.6
8517.70	Parts of telecommunications apparatus	66	49	95	93.4
	Total of items shown	11,204	11,943	11,898	-0.4
	All other HTS subheadings	10,902	9,900	9,730	-1.7
	Total of all commodities	22,106	21,842	21,628	-1.0

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.”



**Table A.50:** Leading U.S. general imports from India, by HTS provision, 2012–14

HTS provision	Description	2012	2013	2014	% change
		Million \$			2013–14
7102.39	Diamonds, nonindustrial, worked, including polished or drilled	5,398	7,401	7,590	2.6
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	3,497	3,669	3,902	6.4
2710.12	Light oils and preparations	2,405	2,825	2,697	-4.5
2710.19	Petroleum oils & oils (not light) from bituminous minerals or preps n.e.s.o.i. 70%+ by wt. from petroleum oils or bitum. min.	846	1,102	1,895	71.9
0306.17	Other shrimps and prawns, cooked in shell or uncooked, dried, salted or in brine, frozen	534	970	1,270	31.0
7113.19	Jewelry and parts thereof, of precious metal other than silver	1,134	1,159	1,196	3.2
1302.32	Mucilages and thickeners, whether or not modified, derived from locust beans, locust bean seeds or guar seeds	3,373	1,615	1,190	-26.3
6302.31	Bed linen (other than printed) of cotton, not knitted or crocheted	766	850	796	-6.3
6302.60	Toilet and kitchen linen of cotton terry toweling or similar cotton terry fabrics	578	585	628	7.4
3004.20	Medicaments, in measured doses, etc., containing antibiotics, n.e.s.o.i.	377	424	442	4.3
6110.20	Sweaters, pullovers, sweatshirts, vests and similar articles of cotton, knitted or crocheted	342	399	404	1.2
7113.11	Jewelry and parts thereof, of silver	342	358	351	-1.9
7210.49	Flat-rolled iron or nonalloy steel products, not corrugated, 600 mm or more wide, plated or coated with zinc other than electrolytically	198	218	328	50.4
6206.30	Women's or girls' blouses, shirts and shirt-blouses of cotton, not knitted or crocheted	209	247	259	4.6
8708.30	Brakes and servo-brakes and parts thereof n.e.s.o.i., for motor vehicles	175	159	226	41.9
6205.20	Men's or boys' shirts of cotton, not knitted or crocheted	210	224	218	-2.4
0801.32	Cashew nuts, fresh or dried, shelled	264	265	214	-19.2
8701.90	Tractors, n.e.s.o.i.	196	192	210	9.2
8481.90	Parts for taps, cocks, valves and similar appliances for pipes, vats or the like, including pressure reducing and thermostatically controlled valves	188	188	204	8.2
2902.20	Benzene	210	213	201	-5.5
6109.10	T-shirts, singlets, tank tops and similar garments of cotton, knitted or crocheted	192	173	188	9.2
6403.99	Footwear, with outer soles of rubber, plastics or composition leather and uppers of leather n.e.s.o.i., not covering the ankle	135	150	188	25.4
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	196	160	183	14.3
8528.71	Reception apparatus for television, not designed to incorporate a screen or video display device	200	274	182	-33.6

## Appendix A: Data Tables

<b>HTS provision</b>	<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>% change 2013–14</b>
8409.99	Parts for use with compression-ignition internal combustion piston engines, n.e.s.o.i.	189	154	179	16.3
	Total of items shown	22,155	23,972	25,141	5.0
	All other HTS subheadings	18,358	17,873	20,088	12.2
	Total of all commodities	40,513	41,845	45,228	8.1

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce.

Note: Because of rounding, figures may not add up to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.”

# **Appendix B**

## **Additional Tables Corresponding to Figures in the Report**



In compliance with Section 508, an amendment to the United States Workforce Rehabilitation Act of 1973, alternative text is used by screen readers to provide people with disabilities text equivalent for non-text elements. The tables in this appendix are referenced in the alternative text for the figures contained in this report.

**Table B.1:** U.S. trade balance in goods and services, 1995–2014

<b>Year</b>	<b>Services</b>	<b>Goods</b>
1996	86,935	-191,000
1997	90,155	-198,428
1998	82,081	-248,221
1999	73,011	-336,171
2000	69,038	-445,787
2001	59,505	-421,276
2002	57,059	-474,491
2003	49,425	-540,409
2004	58,150	-663,507
2005	72,106	-780,730
2006	82,401	-835,689
2007	122,158	-818,886
2008	131,770	-830,109
2009	124,637	-505,910
2010	145,830	-645,857
2011	192,020	-740,646
2012	204,490	-742,095
2013	225,276	-701,669
2014	231,076	-735,787

Source: USDOC, BEA, "U.S. International Transactions," various issues, 1996–2014.

Note: Merchandise trade data are on a balance-of-payments basis.

Appendix B: Additional Tables Corresponding to Figures in the Report

**Table B.2:** U.S. merchandise trade with major trading partners, 2010–14

Country/region	Trade flow	2010	2011	2012	2013	2014
Billion \$						
EU						
	Total exports	239.9	269.6	265.7	262.2	276.7
	General imports	-319.6	-368.9	-382.2	-387.6	-417.8
	Merchandise trade balance	-79.7	-99.3	-116.5	-125.4	-141.1
Canada						
	Total exports	249.3	281.3	292.7	301.6	312.1
	General imports	277.6	315.3	324.3	332.6	346.1
	Merchandise trade balance	-28.4	-34.0	-31.6	-30.9	-33.9
China						
	Total exports	91.9	104.1	110.5	121.7	124.0
	General imports	365.0	399.4	425.6	440.4	466.7
	Merchandise trade balance	-273.0	-295.2	-315.1	-318.7	-342.6
Mexico						
	Total exports	163.7	198.3	215.9	226.1	240.3
	General imports	230.0	262.9	277.6	280.5	294.2
	Merchandise trade balance	-66.3	-64.6	-61.7	-54.4	-53.8
Japan						
	Total exports	60.5	65.8	70.0	65.2	67.0
	General imports	120.6	128.9	146.4	138.6	133.9
	Merchandise trade balance	-60.1	-63.1	-76.5	-73.4	-67.0
Korea						
	Total exports	38.8	43.5	42.3	41.7	44.5
	General imports	48.9	56.7	58.9	62.4	69.6
	Merchandise trade balance	-10.1	-13.2	-16.6	-20.7	-25.1
Brazil						
	Total exports	35.4	43.0	43.8	44.1	42.4
	General imports	24.0	31.7	32.1	27.6	30.3
	Merchandise trade balance	11.5	11.3	11.7	16.5	12.1
Taiwan						
	Total exports	26.1	25.9	24.3	25.5	26.8
	General imports	35.8	41.4	38.9	37.9	40.6
	Merchandise trade balance	-9.8	-15.5	-14.5	-12.5	-13.7
India						
	Total exports	19.2	21.5	22.1	21.8	21.6
	General imports	29.5	36.2	40.5	41.8	45.2
	Merchandise trade balance	-10.3	-14.6	-18.4	-20.0	-23.6
World						
	Total exports	1,278.5	1,482.5	1,545.7	1,579.6	1,623.4
	General imports	1,913.9	2,208.0	2,276.3	2,268.3	2,345.2
	Merchandise trade balance	-635.4	-725.4	-730.6	-688.7	-721.7

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce

Note: Because of rounding, figures may not add up to totals shown.

**Table B.3:** U.S. private services trade with major trading partners, 2010–14

Country/region	Trade flow	2010	2011	2012	2013	2014
Billion \$						
EU						
	Exports	177.9	197.6	197.9	204.3	217.6
	Imports	131.9	144.7	147.2	153.8	160.0
	Trade balance	46.0	52.9	50.7	50.5	57.5
Canada						
	Exports	52.7	57.9	61.2	62.9	62.5
	Imports	26.9	30.2	30.5	30.2	30.3
	Trade balance	25.7	27.7	30.7	32.7	32.3
China						
	Exports	22.3	28.2	32.8	37.4	41.1
	Imports	10.5	11.7	13.3	14.3	14.6
	Trade balance	11.8	16.5	19.5	23.2	26.5
Mexico						
	Exports	24.4	26.1	27.8	29.5	29.3
	Imports	13.8	14.5	15.3	17.6	20.1
	Trade balance	10.5	11.6	12.5	11.8	9.2
Japan						
	Exports	42.8	43.2	46.0	45.8	46.3
	Imports	22.2	22.1	24.5	27.4	28.3
	Trade balance	20.6	21.1	21.5	18.4	18.0
Korea						
	Exports	15.2	16.5	17.7	20.6	20.3
	Imports	6.7	7.2	7.9	8.2	7.9
	Trade balance	8.5	9.2	9.8	12.3	12.3
Brazil						
	Exports	18.3	23.1	24.8	26.4	27.6
	Imports	5.1	6.9	7.5	7.3	8.5
	Trade balance	13.2	16.2	17.3	19.1	19.1
Taiwan						
	Exports	9.2	10.4	11.2	11.2	11.8
	Imports	5.6	6.2	6.9	7.0	7.3
	Trade balance	3.7	4.3	4.3	4.2	4.5
India						
	Exports	10.1	11.6	12.1	13.2	14.3
	Imports	14.7	17.3	18.4	19.0	20.3
	Trade balance	(4.5)	(5.7)	(6.3)	(5.8)	(6.0)
World						
	Exports	491.4	542.9	603.4	630.6	662.9
	Imports	355.3	377.4	404.5	422.5	436.8
	Trade balance	136.1	165.5	199.0	208.1	226.1

Source: USDOC, BEA, U.S. International Transactions Accounts Data, tables 1.2 and 1.3, March 19, 2015.

Note: Because of rounding, figures may not add up to totals shown.

Appendix B: Additional Tables Corresponding to Figures in the Report

**Table B.4:** U.S. real gross domestic product, percent change, 2005–2014

Year	Real GDP % change
2005	3.1
2006	2.7
2007	1.9
2008	-0.3
2009	-3.1
2010	2.4
2011	1.8
2012	2.8
2013	2.2
2014	2.4

Source: USDOC. <http://www.bea.gov/national/xls/gdpchg.xls> (accessed March 19, 2015).

**Table B.5:** U.S. merchandise trade with selected major trading partners and the world, 2014

Major trading partner	U.S. total exports	U.S. general imports	Share of total exports	Share of total imports
	Million \$		Percent	
EU28	276,698	417,837	17.0	17.8
Canada	312,125	346,063	19.2	14.8
China	124,024	466,656	7.6	19.9
Mexico	240,326	294,157	14.8	12.5
Japan	66,964	133,939	4.1	5.7
Korea	44,544	69,606	2.7	3.0
Brazil	42,418	30,337	2.6	1.3
Taiwan	26,836	40,572	1.7	1.7
India	21,628	45,228	1.3	1.9
All others	467,880	500,793	28.8	21.4
All partners	1,623,443	2,345,187		

Source: USITC DataWeb (accessed February 12, 2015); data compiled from the official statistics of the U.S. Department of Commerce

Note: Because of rounding, figures may not add to totals shown.



**Table B.6:** U.S. private services trade with major trading partners and the world, 2014

Major trading partners	U.S. exports	U.S. imports	Share of U.S.	Share of U.S.
			exports	imports
	Million \$		Percent	
EU-28	217,557	160,014	31.7	35.2
Canada	62,537	30,284	9.1	6.7
Japan	46,280	28,262	6.8	6.2
China	41,139	14,629	6.0	3.2
Mexico	29,291	20,061	4.3	4.4
Brazil	27,610	8,537	4.0	1.9
India	14,283	20,272	2.1	4.5
Korea	20,259	7,941	3.0	1.7
Australia	18,756	6,679	2.7	1.5
Taiwan	11,806	7,307	1.7	1.6
Singapore	12,161	5,385	1.8	1.2
All other	183,901	145,126	26.8	31.9
World	685,580	454,497		

Source: USDOC, BEA, "U.S. International Transaction Accounts Data: Table 3.1," March 19, 2014.