



2024 TRADE POLICY AGENDA

A N D

2023 ANNUAL REPORT

of the PRESIDENT *of the* UNITED STATES
on the TRADE AGREEMENTS PROGRAM

UNITED STATES TRADE REPRESENTATIVE



FOREWORD

The 2024 Trade Policy Agenda and 2023 Annual Report of the President of the United States on the Trade Agreements Program are submitted to the Congress pursuant to Section 163 of the Trade Act of 1974, as amended (19 U.S.C. § 2213). Chapter IV and Annex III of this document meet the requirements of Sections 122 and 124 of the Uruguay Round Agreements Act with respect to the World Trade Organization. This report includes an annex listing trade agreements entered into by the United States since 1984. This report also includes an annex on U.S. trade in 2023, for which goods trade data by country are for full year 2022 and full-year services data by country are for 2022 (latest data available).

The Office of the United States Trade Representative (USTR) is responsible for the preparation of this document and gratefully acknowledges the contributions of all USTR staff to its writing and production. We note, in particular, the contributions of Brian Rose and Catherine White. Appreciation is extended to partner Trade Policy Staff Committee agencies.

March 2024

LIST OF FREQUENTLY USED ACRONYMS

AD.....	Antidumping
AfCFTA	African Continental Free Trade Area
AGOA	African Growth and Opportunity Act
APEC	Asia-Pacific Economic Cooperation
ASEAN	Association of Southeast Asian Nations
CAFTA-DR.....	Dominican Republic–Central America–United States Free Trade Agreement
CBERA	Caribbean Basin Economic Recovery Act
CBI.....	Caribbean Basin Initiative
CBP	U.S. Department of Homeland Security Customs and Border Protection
CVD.....	Countervailing Duty
DEIA	Diversity, Equity, Inclusion, and Accessibility
DOL	U.S. Department of Labor
DSB.....	WTO Dispute Settlement Body
DST	Digital Services Tax
DSU	WTO Dispute Settlement Understanding
EU	European Union
FOIA	Freedom of Information Act
GATS.....	General Agreement on Trade in Services
GATT.....	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product
GI	Geographical Indication
GPA	WTO Agreement on Government Procurement
GSP	Generalized System of Preferences
ICT.....	Information and Communications Technology
ICTIME.....	Interagency Center on Trade Implementation, Monitoring, and Enforcement
ILO.....	International Labor Organization
IP	Intellectual Property
IPEF	Indo-Pacific Economic Framework for Prosperity
ITA.....	WTO Information Technology Agreement
KORUS	United States–Korea Free Trade Agreement
LDC	Least-Developed Country
MENA.....	Middle East and North Africa
MFN.....	Most-Favored-Nation
MOU	Memorandum of Understanding
MSME.....	Micro-, Small, and Medium-Sized Enterprise
NAFTA	North American Free Trade Agreement
OECD.....	Organization for Economic Cooperation and Development
RRM.....	Rapid Response Mechanism

SBA.....	U.S. Small Business Administration
SCM.....	WTO Agreement on Subsidies and Countervailing Measures
SME.....	Small and Medium-Sized Enterprise
SPS.....	Sanitary and Phytosanitary
STIP.....	United States–Kenya Strategic Trade and Investment Partnership
TAA.....	Trade Adjustment Assistance
TBT.....	Technical Barriers to Trade
TCB.....	Trade Capacity Building
TFA.....	WTO Trade Facilitation Agreement
TIFA.....	Trade and Investment Framework Agreement
TPRG.....	Trade Policy Review Group
TPSC.....	Trade Policy Staff Committee
TRIMS.....	Trade-Related Investment Measures
TRIPS.....	Trade-Related Aspects of Intellectual Property Rights
TRQ.....	Tariff-Rate Quota
TTC.....	United States–European Union Trade and Technology Council
USAID.....	U.S. Agency for International Development
USDA.....	U.S. Department of Agriculture
USITC.....	U.S. International Trade Commission
USMCA.....	United States–Mexico–Canada Agreement
USTR.....	United States Trade Representative
WOAH.....	World Organisation for Animal Health
WTO.....	World Trade Organization

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**THE PRESIDENT'S
2024 TRADE POLICY AGENDA**

THE PRESIDENT'S 2024 TRADE POLICY AGENDA

I. INTRODUCTION

The Biden-Harris Administration is building the economy from the middle out and the bottom up. We created 3.1 million jobs last year—more than any year under the previous administration—for a total of 14.8 million jobs created under President Biden. Unemployment has been under 4 percent for 24 months in a row, which is the longest stretch in over 50 years, with record lows for Black workers, workers with disabilities, and workers without a high school diploma. More Americans are in the workforce than before the pandemic, and inflation fell to 2 percent over the last six months. We have seen a record 15 million applications to start new businesses under President Biden. Our Administration is fighting every day to lower costs for hardworking families, rebuilding American manufacturing and strengthening supply chains so Americans get the products they need when they need them, and investing in clean energy to respond to the climate crisis while lowering energy bills. The American Rescue Plan, the Bipartisan Infrastructure Law, the CHIPS and Science Act, and the Inflation Reduction Act were historic investments in America, and they are working.

The Biden-Harris Administration is using trade as a force for good. Our trade policy is a key part of this Administration's vision to deliver economic justice and to democratize economic opportunity. Done right, and in coordination with other policy disciplines, it can grow the middle class, address inequality, and tackle the climate crisis. We remain committed to a fair and open global trading system—one that puts working families first, raises living standards, ensures full employment, and promotes sustainable development. As a member of the White House Competition Council, the Office of the United States Trade Representative (USTR) will continue to level the playing field by prioritizing fair competition in our bilateral and plurilateral negotiations to reduce vulnerabilities and supply chain chokepoints and reverse the race to the bottom.

Our new approach to trade is centered on bringing more people into the process and developing policies and initiatives that are resilient and sustainable and create broad-based growth. In 2024, our trade agenda will continue to focus on unlocking new opportunities for American workers and families—while also supporting and strengthening the middle class, driving decarbonization and sustainability, and creating good-paying jobs across the American economy. In the aftermath of the COVID-19 pandemic and Russia's full-scale invasion of Ukraine, it also means fortifying relationships with our partners and allies and strengthening critical supply chains to withstand shocks and disruptions to the system and to defend democratic values.

Realizing this vision starts with enforcing our existing trade agreements to hold our trading partners accountable, including under the United States–Mexico–Canada Agreement (USMCA). Under the USMCA's transformative Facility-Specific Rapid Response Labor Mechanism (RRM), we will continue to secure tangible results for workers across industries, raise labor standards across North America, and drive a race to the top. We are also using other mechanisms to open, maintain, and enhance access to markets and address unfair trade practices that harm our workers and businesses and ensure that they enjoy the benefits that they were promised.

This also means continuing to forge new partnerships, especially with developing economies, and deepening existing ones to update the rules governing the global economy and trade.

In June 2023, the American Institute in Taiwan (AIT) and the Taipei Economic and Cultural Representative Office in the United States (TECRO) signed the first agreement under the United States–Taiwan Initiative on 21st-Century Trade, which includes important commitments and economically meaningful outcomes in a number of areas, including customs administration and trade facilitation, good regulatory practices, services domestic regulation, anticorruption, and small and medium-sized enterprises. We will continue negotiations on additional chapters in 2024 under the auspices of AIT and TECRO.

In 2023, U.S. Trade Representative Tai visited Nairobi to meet with the Kenyan President and other government officials, and labor, civil society, and private sector stakeholders to take note of progress under the United States–Kenya Strategic Trade and Investment Partnership (STIP). We will continue discussions with Kenya to make progress on negotiations toward this bilateral trade agreement in the year ahead.

In the Indo-Pacific and the Western Hemisphere, the United States is leading with a positive economic vision through the Indo-Pacific Economic Framework for Prosperity (IPEF) and the Americas Partnership for Economic Prosperity (Americas Partnership). With the European Union (EU), we are intensifying cooperation on pressing issues, such as the People’s Republic of China’s (PRC) non-market policies and practices. Further, we are continuing negotiations on a first-of-its-kind trade arrangement to address non-market excess capacity and the greenhouse gas emissions of the steel and aluminum industries. We are also continuing to utilize the Trade and Technology Council (TTC) and the Trade and Labor Dialogue to pursue shared priorities with the EU, including supply chain resilience, challenges posed by non-market economies, inclusive digital trade, and the elimination of forced labor from global supply chains.

Following the successful U.S.–Africa Leaders Summit in December 2022, our Administration is continuing to strengthen our partnerships with the African continent, as demonstrated by a successful United States–sub-Saharan Africa Trade and Economic Cooperation Forum (AGOA Forum) in November 2023. The United States will host the AGOA Forum this year and will continue supporting Africa’s regional and continental integration efforts, with the well-being of workers, women, and youth informing our work, among other priorities.

At the World Trade Organization (WTO), the United States continues to drive the conversation on transforming the institution to be more responsive to the rapidly changing global economic environment, the needs of workers and their communities, and global environmental challenges such as climate change.

Finally, a vital element of our effort to build an inclusive trade policy agenda is to meet people where they are, particularly those who have been historically excluded from the policymaking process and the benefits of trade. In 2023, U.S. Trade Representative Tai and USTR officials visited more than 20 states to hear directly from farmers, agricultural producers, workers, union leaders, indigenous leaders, and small business owners.

This also means seeking public input on inclusive trade policy and better understanding the effects of trade policy on underrepresented, underserved, and overburdened workers and communities, and ensuring that they have a say in how our policies are designed and implemented going forward. The independent United States International Trade Commission’s (USITC) first-of-its-kind study of the distributional effects of trade and trade policy on U.S. workers brought to light the devastating effects experienced by certain communities and illustrated the lack of data, and particularly disaggregated data, that could further inform a more equitable trade policy. USTR will closely monitor the ongoing distributional effects investigation, which began in October 2023, and will continue working with partners to design trade policy that addresses inequality and supports the goals and aspirations of all Americans. USTR will also continue to implement its Equity Action Plan to ensure that equity, including racial and gender equity, is embedded in its work.

By placing workers and everyday people at the center of our trade policy, the Biden-Harris Administration will continue to use trade to build a durable and fair tomorrow by pursuing resilience, sustainability, and inclusive prosperity.

II. ADVANCING A WORKER-CENTERED TRADE POLICY

A. Standing up for Workers' Rights

In an interconnected global economy, the rights of workers around the world impact workers in the United States as well. That is why our Administration will always put workers and their rights at the center of our trade policies. We are continuing our unprecedented work to restore worker power, promote good jobs, and strengthen U.S. competitiveness. Through the first-ever Presidential Memorandum on workers' rights globally, we are institutionalizing labor diplomacy and labor engagements through our embassies, aligning our efforts in multilateral fora to pursue high labor standards and enhance worker protections and workers' right to organize, and lifting up labor stakeholders' voices.

Trading partners should compete on the merits, not on the basis of exploitation. Through the Biden-Harris Administration's efforts to promote fair competition, we will continue to level the playing field for American workers. One of the Administration's top priorities is the effective enforcement of the USMCA, which includes the strongest labor provisions in any trade agreement ever, as well as a ground-breaking enforcement tool, the RRM. The RRM allows the United States to quickly take action and target specific facilities in Mexico where workers are being denied their rights to freedom of association and collective bargaining.

The United States invoked the RRM nineteen times since 2021, including thirteen times in 2023, at facilities that span various sectors, including the automotive, apparel, transportation services, and call center industries. Several cases remain ongoing, while fourteen have already resulted in either comprehensive remediation plans between the United States and Mexico or were successfully resolved during the RRM review process. Eight cases resulted in backpay to workers, six resulted in reinstatement of workers, eight resulted in independent unions representing workers at the facility, and many resulted in successful negotiation for higher wages, workers' rights trainings, and improved policies at the facilities.

For example, in May 2023, the United States requested Mexico's review of whether the Goodyear SLP facility in San Luis Potosi was denying workers the beneficial terms of a sector-wide agreement, and instead subjecting them to an inferior facility-specific agreement negotiated between the company and an incumbent, employer-aligned union. As a result of the RRM, the United States and Mexico decided on a course of remediation that included applying the sector-wide agreement at the facility and educating workers on the benefits they are entitled to in that agreement, improving and maintaining salaries and benefits to match the terms of that agreement, and providing \$4 million in backpay to workers for pay they should have received under the sector-wide agreement. Workers at the facility ultimately voted to remove the incumbent union and elected an independent union to represent their interest.

In August 2023, the United States requested Mexico's review of whether pilots at Aerotransportes Mas de Carga (Mas Air) were being harassed, intimidated and retaliated against due to their union affiliation, and whether the company denied the pilots the opportunity to vote on an accurate and appropriately presented collective bargaining agreement. As a result of the RRM, the pilots who were unjustly dismissed from the company were offered reinstatement and backpay, or severance if they did not want to return to their former jobs. In addition, the company adopted and posted a position of neutrality on collective bargaining, and created a hotline where workers can anonymously submit complaints about labor rights violations. Mexico

also provided workers' rights trainings to the pilots. The pilots were later able to vote for representation, resulting in the election of an independent union to represent them at the facility.

While the United States and Mexico have by-and-large worked closely and collaboratively through this mechanism, we have not always been able to resolve RRM matters on our own, such as in the Grupo Mexico San Martin Mine case. There, the United States requested Mexico to review whether the mine operator in Zacatecas chose to bypass the existing union—which had the sole right to collectively bargain with the operator—and to resume operations during an ongoing strike. After Mexico found no denial of workers' rights, the United States requested a dispute settlement panel under the USMCA to make its own assessment. This marked the first time a panel has been convened in connection with the mechanism.

These are only some of the year's successes under the RRM. They show that we can work with trading partners to promote workers' rights and workplace democracy, which not only benefits workers abroad but creates a more level playing field for U.S. workers. Moreover, by prioritizing the advancement of workers' rights in our interactions with trading partners, we are cultivating mutually beneficial relationships that enhance workplace democracy and labor protections internationally. USTR, working with the U.S. Department of Labor and other agencies that make up the USMCA Interagency Labor Committee for Monitoring and Enforcement, will continue to support workers and work with the Government of Mexico to closely monitor situations that may involve violations of workers' rights. The Biden-Harris Administration will continue to utilize the RRM wherever necessary to address denials of workers' rights.

Another ground-breaking achievement of the USMCA is the requirement that each Party prohibit the importation of goods produced with forced labor. The United States is working closely with Canada and Mexico to exchange information on enforcement approaches and best practices related to addressing forced labor risks in supply chains, including through a trilateral dialogue, with the goal of a North America free from imports produced with forced labor.

In addition to our work under the USMCA, our Administration undertook several efforts to advance workers' rights and raise labor standards to create sustainable growth, including on addressing forced labor.

- In 2023, USTR conducted a thorough interagency review of existing trade policies and tools to combat forced labor as well as review of public comments to develop its first-ever focused trade strategy to combat forced labor. The strategy will include objectives and key priorities for addressing forced labor through trade policy. USTR looks forward to releasing the strategy in 2024 and bringing further attention to the U.S. Government toolkit, which has been cultivated over the last 25 years to prevent this harmful practice.
- In October 2023, the G7 Trade Ministers reaffirmed their commitment to take measures to eradicate forced labor and the importance of promoting respect for human rights and international labor standards in business activities and global supply chains. The United States will continue to work with our trading partners through multilateral fora to highlight, and spur progress on, the scourge of forced labor.
- Through the Trade and Labor Dialogue with the European Union, the United States will continue to work with union and business leaders to eliminate forced labor in global supply chains and to ensure an equitable green transition for workers and businesses.
- In January 2023, the United States also signed a Memorandum of Cooperation with Japan to launch a Task Force on the Promotion of Human Rights and International Labor Standards in Supply Chains under the U.S.–Japan Partnership on Trade. Through the Task Force, the United States and Japan plan to exchange information on relevant laws, policies, and guidance, facilitate stakeholder dialogues with

businesses and worker organizations, and promote best practices for human rights and internationally recognized labor rights due diligence.

- USTR serves as an active member of the U.S. Department of Homeland Security-led (DHS) Forced Labor Enforcement Task Force (FLETf), which is responsible for monitoring the enforcement of the prohibition on importing goods made by forced labor. The FLETf is also responsible for implementing the Uyghur Forced Labor Prevention Act (UFLPA), which aims to prevent the systemic use of forced labor in the Xinjiang Uyghur Autonomous Region (XUAR) by strengthening the existing prohibition against the importation of goods made wholly or in part with forced labor into the United States. Our Administration will continue to fully enforce our laws prohibiting the import of goods made by forced labor and fight against the economic exploitation and human rights abuses committed against Uyghurs and other ethnic and religious minorities in the PRC.
- In 2023, the Biden-Harris Administration deepened its engagement with the Government of Bangladesh, domestic labor stakeholders, and U.S. and international brands on strengthening labor rights protections for Bangladeshi workers. USTR will continue to work with its partners in the federal government and stakeholders to engage with Bangladesh on necessary labor reforms, including aligning its domestic labor laws with international labor standards; addressing growing concerns on worker rights in the areas of violence against and harassment of workers, unfair labor practices, freedom of association, collective bargaining, as outlined in the International Labor Organization Road Map; and establishing a fair and transparent minimum wage process for garment workers.
- In 2023, the United States and the Philippines launched a new Labor Working Group under the United States–Philippines Trade and Investment Framework Agreement (TIFA). Through the Labor Working Group, the United States is seeking concrete actions to protect union organizers against violence and harassment, promote workers’ rights to freedom of association and collective bargaining, as well as to facilitate dialogue among U.S. and Philippine governments, worker organizations, and employer organizations to inform the objectives of the group.
- Published in January 2023, the [2022 Review of Notorious Markets for Counterfeiting and Piracy](#) included an issue focus section that examined the impact of online piracy on U.S. workers. The section described how online piracy can impact the wages, residuals, pensions, and health care benefits that workers in the creative industries depend on and how government and stakeholder coordination is critical to effectively address the rapidly shifting delivery methods of infringing content.

The Biden-Harris Administration is also bringing its worker-centered trade policy and commitment to fair competition to other multilateral fora and to bilateral discussions.

During 2023, the United States continued to support including labor issues in the next generation of trade agreements negotiated by Asia-Pacific Economic Cooperation (APEC) economies. To further this goal, USTR established an APEC work program in the Committee on Trade and Investment examining the importance of multi-stakeholder engagement in trade policy and proposed a project on labor-related technical assistance and capacity building provisions in regional trade arrangements and free trade agreements. Further, for the first time at the Trade Ministers-level, the United States led a conversation with prominent U.S. labor leaders during the APEC Ministers Responsible for Trade Meeting in May 2023. U.S. leadership in APEC’s Human Resources Development Working Group culminated in the unanimous adoption of the Detroit Non-Binding Principles and Recommendations by Senior Officials in October 2023, establishing social dialogue as a region-wide tool for shaping economic policies across the Asia-Pacific region.

In November 2023, the United States and South Africa co-hosted the 20th AGOA Forum in Johannesburg, which included a side event dedicated solely to labor issues and a breakout session on the topic of “Enhancing Women Workers’ Voices to Promote Rights at Work and Inclusive Development.” The Forum underscored, among other matters, the importance of worker rights and inclusive, sustainable trade and trade policies. The United States will host the AGOA Forum this year and build upon last year’s unprecedented convening of trade ministers, labor, civil society, the private sector, the African Diaspora, and micro-, small, and medium-sized enterprises.

The United States continues to call upon other regional and multilateral organizations to consider how they can more effectively hear from workers and be relevant in addressing the needs of ordinary people. In 2024, the United States will continue advocating for workers’ rights on the world stage and collaborating with our partners and allies to improve outcomes for workers across the globe.

B. Accelerating Decarbonization and Promoting Sustainable Environmental Practices

Accelerating decarbonization and promoting environmentally sustainable practices continue to be top priorities for the Biden-Harris Administration, especially as the climate crisis is having a particular impact on underserved and overburdened communities and is a serious environmental justice concern. Trade is an indispensable tool to achieve these goals. In 2024, the United States will continue to use a range of available tools, including new and existing trade initiatives, to seek higher levels of environmental protection from our trading partners and promote decarbonization efforts necessary to keep a global warming limit of 1.5 degrees Celsius within reach.

New Agreements and Approaches to Advance Our Climate Goals and Protect the Environment

Collaborating with key trading partners to forge new partnerships and create new approaches is critical to promote a sustainable trade agenda.

In October 2021, the United States and the EU launched negotiations on the world’s first emissions-based sectoral arrangement on steel and aluminum trade, known as the Global Arrangement on Sustainable Steel and Aluminum (Global Arrangement). Through these negotiations, the United States is seeking an innovative model that incentivizes emissions reductions while limiting anti-competitive and non-market global worldwide excess capacity. A successful Global Arrangement would drive investment in green steel and aluminum production in the United States, Europe, and around the world, reducing emissions in two of the most carbon-intensive industrial sectors and ensuring a competitive U.S. steel and aluminum industry for decades to come. In 2024, we will continue our discussions with the EU on a forward-looking, high-standard arrangement, while providing predictability and stability to steel and aluminum workers and their families on both sides of the Atlantic. We will also engage other partners interested in our goals for the Global Arrangement. This arrangement will be proof that trade policy is an important part of our climate agenda, and that effective climate action can—and must—support good-paying, quality jobs.

To help inform these continued discussions on the steel and aluminum sectors, in June 2023, USTR requested that the USITC investigate and publish a report to assess the greenhouse gas emissions intensity of steel and aluminum produced in the United States.

Through regional engagements, such as the IPEF and the Americas Partnership, and our bilateral negotiations with Kenya and Taiwan, we will pursue opportunities to maintain and improve levels of environmental protection of our trading partners and increase climate ambition, including to decarbonize our respective economies. We will seek commitments by our trading partners that will enable and mobilize

the technologies, public and private investment, and technical resources needed to scale up clean energy infrastructure and facilitate trade in climate-friendly goods, services, and technologies, while generating high-quality jobs that power economic growth and advance progress toward the goals of the Paris Agreement.

Additionally, in 2024, the United States will continue to advance our priorities on trade and environment under the United States–European Union TTC. This will include continuing work under the Transatlantic Initiative on Sustainable Trade, in particular to advance our respective priorities to address the climate crisis and further advance a resilient, sustainable, and inclusive trade agenda.

The United States will also continue working to address unsustainable and illegal, unreported, and unregulated (IUU) fishing practices that are destroying the marine ecosystem. For decades, IUU fishing has been a global problem affecting ocean ecosystems, threatening economic and food security, and putting law-abiding fishers and seafood producers at a disadvantage. The United States has been a leader in combating IUU fishing and, through implementation of our National Strategy for Combating Illegal, Unreported, and Unregulated Fishing and other Maritime Security and Fisheries Enforcement Act of December 2019 initiatives, we will continue to work to curtail the global trade in seafood and seafood products derived from IUU fishing and promote global maritime security. We will also continue to enhance existing activities through new initiatives to comprehensively address IUU fishing and associated labor rights abuses, including working to prevent importation of IUU fish and fish products or those associated with forced labor.

Further, in the lead up to and during the Twelfth Ministerial Conference of the WTO, in June 2022, we worked with other WTO Members to conclude the Agreement on Fisheries Subsidies, the first-ever multilateral WTO agreement with the environment at its core. The Agreement prohibits subsidies to vessels or operators engaged in IUU fishing, for fishing overfished stocks, and for fishing on the unregulated high seas. Moreover, the Agreement contains strong transparency provisions that will add significant understanding of the universe of fish subsidies. In April 2023, the United States became one of the first WTO Members to deposit its instrument of acceptance of the Agreement. The Biden-Harris Administration will continue to work with other Members to both bring this new Agreement into force and to continue negotiations to build on this Agreement with additional disciplines on subsidies that contribute to overfishing and overcapacity and to enhance transparency related to forced labor on fishing vessels.

Environmental sustainability, including supporting circular economy approaches, was a priority during our APEC host year in 2023, under the theme of “Creating a Resilient and Sustainable Future for All.” To advance this priority, the United States promoted multiple efforts to better address environmental and climate challenges. For example, we led a Recyclable Materials Policy Program (RMPP) under APEC’s Committee on Trade and Investment. Under this program, the United States hosted a successful workshop and developed a report to guide economies’ efforts in the trade and investment of compostable bioplastics products while reducing plastics pollution throughout the APEC region. We also hosted a Good Regulatory Practices Greening the Economy session to share best practices and discuss shared challenges in remanufacturing. In 2024, the United States will continue to further APEC work in areas such as trade in remanufactured goods; verifying the environmental contributions of certain goods, services, and technologies; and enabling the development, deployment, and uptake of relevant new technologies, such as zero-emission and autonomous vehicles.

The United States also seeks to continue to protect our shared environment, including oceans and marine resources, those whose livelihoods depend on them, and local communities, from the harm caused by plastics pollution. In 2022, the United States supported the launch of multilateral negotiations for an international agreement on ocean plastics pollution. In 2023, the United States joined the WTO Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (DPP) and will continue to seek

opportunities to tackle plastics pollution. In 2024, we will continue efforts in both the Intergovernmental Negotiating Committee on Plastic Pollution, launched by the United Nations Environment Assembly, and the WTO, recognizing the role that trade plays as both a contributor to the problem of plastics pollution, and its potential to serve as an important part of the solution.

Further, the United States will continue to support and promote more resource-efficient and circular economy approaches in other international fora, and expand and deepen climate-related discussions at the WTO and continue U.S. leadership in these areas, including through the WTO's Committee on Trade and Environment and the Trade and Environmental Sustainability Structured Discussions (TESSD), and at the Organization for Economic Cooperation and Development (OECD).

Enforcing Environmental Provisions Through Existing Agreements and Tools

The United States will also continue to take innovative approaches through our existing agreements and tools to advance our climate and environmental goals.

The USMCA provides another important example of how trade policy, when done right, is a powerful tool to advance responsible climate action. The Agreement includes the most comprehensive environmental commitments of any U.S. trade agreement, including provisions to address wildlife trafficking, illegal logging and IUU fishing, fisheries subsidies, marine litter, and air and water pollution. The United States is fully engaging with the Governments of Canada and Mexico on these issues, including by hosting a marine litter workshop in March 2023 and through the third meeting of the USMCA Environment Committee in September 2023.

The Biden-Harris Administration is using the full range of tools at its disposal to confront these issues.

On February 10, 2022, USTR requested consultations with Mexico under the environment chapter of the USMCA, concerning the effectiveness of Mexico's enforcement of its environmental laws and compliance with its USMCA environment commitments relating to the protection of the vaquita porpoise, the prevention of illegal fishing, and trafficking of totoaba fish. Since that time, USTR has led a number of technical-level consultations, in an attempt to develop a plan of action to enhance Mexico's enforcement of its fisheries-related environmental laws in the Upper Gulf of California and implementation of its USMCA environment commitments. The United States proposed the plan of action in August 2022 and received Mexico's counterproposal in January 2023. Mexico's counterproposal lacked the substance required by the United States to resolve the environment consultations at the technical level and as such, the United States elevated the consultations to the Senior Representative level in March 2023. Following discussion at the Senior Representative level, and a detailed review of the Compliance Action Plan submitted by Mexico to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the United States shared a revised draft plan of action with Mexico on September 12, 2023 and will continue to work to ensure that Mexico abides by its USMCA commitments.

Another example is our work on illegally-harvested timber, which harms the environment, depletes natural resources, and disadvantages U.S. workers and businesses who use lawful and sustainable means to make their goods.

In October 2021, the United States announced an agreement with Vietnam that addresses U.S. concerns in the Vietnam Timber Section 301 investigation. This was the first Section 301 investigation to address an environmental concern, and the agreement secures commitments that will help keep illegally harvested or traded timber out of the supply chain and protect the environment and natural resources.

In April 2022, the United States and Vietnam convened the first meeting of the Timber Working Group (TWG) under that agreement, which was established to facilitate coordination between the parties and oversee the implementation of the Timber Agreement. The third meeting of the TWG was convened in August 2023. These meetings established a strong basis for continued implementation of the Timber Agreement. In 2024, the Biden-Harris Administration will continue to closely monitor Vietnam’s implementation of this agreement. Further, we will also work to identify other trading partners that engage in practices related to the import and use of illegal timber, and we are prepared to take action to address this serious environmental concern, as needed.

In October 2023, USTR announced that the Interagency Committee on Trade in Timber Products from Peru (Timber Committee) has directed United States Customs and Border Protection (CBP) to continue to block any timber products originating from Peru that were produced or exported by Inversiones La Oroza SRL (Oroza), a Peruvian exporter, based on illegally harvested timber found in its supply chain in 2016. The Timber Committee directed CBP to continue to deny entry to any future shipments of timber products originating from Peru that were produced or exported by Oroza until the Government of Peru demonstrates that Oroza has complied with all applicable laws, regulations, and other measures of Peru governing the harvest of and trade in timber. The United States will continue to engage closely with Peru to combat illegal logging and work toward improving forest sector governance.

Moreover, the United States will continue to monitor implementation of environmental provisions of all our trade agreements, including the United States–Chile Free Trade Agreement, the United States–Peru Trade Promotion Agreement, the United States–Panama Trade Promotion Agreement, the Dominican Republic–Central America Free Trade Agreement, and the United States–Colombia Trade Promotion Agreement.

The Biden-Harris Administration will continue to use all available tools—and create new ones as needed—to use trade policy to tackle the climate crisis and to protect the environment.

C. Supporting U.S. Agriculture

The Biden-Harris Administration also recognizes that farmers, ranchers, fishers, and food manufacturers are key to our inclusive, worker-centered trade policy, and we are achieving quick, economically meaningful wins for them. From 2000 to 2023, annual U.S. agricultural exports grew from \$58 billion to \$181 billion.

In 2024, our Administration will continue to improve economic opportunities for U.S. farmers, ranchers, and food manufacturers by expanding market access opportunities in foreign markets through the negotiation of agreements that include provisions intended to eliminate or reduce nontariff barriers that can hamper market access for U.S. agricultural products. The Administration will seek to include in these agreements enforceable provisions that build on WTO obligations, including provisions to ensure that sanitary and phytosanitary (SPS) measures are science-based, developed through transparent, predictable processes, and implemented in a nondiscriminatory manner.

U.S. farmers are integral to the Biden-Harris Administration’s worker-centered trade policy, and they will see more open trade in 2024 as a result of our ongoing efforts. We will continue to build upon the many wins achieved for our stakeholders in 2023, including:

- In April 2023, Japan implemented a new biofuels policy that will allow the United States to capture up to 100 percent of Japan’s on-road ethanol market. Under the new policy, exports of U.S. ethanol

could increase by over 80 million gallons annually, representing an additional \$150 to \$200 million in exports each year.

- In May 2023, the Bangladesh Ministry of Agriculture published a regulatory order allowing the importation of U.S. cotton into Bangladesh without fumigation on-arrival, removing a long-standing trade irritant.
- In June 2023, India and the United States agreed to terminate six WTO disputes, and India removed retaliatory tariffs on several U.S. products, including chickpeas, lentils, almonds, walnuts, apples, boric acid, and diagnostic reagents. Further, in September 2023, India and the United States agreed to resolve the remaining WTO poultry-avian influenza dispute. As part of the agreement, India agreed to reduce tariffs on certain U.S. products, including frozen turkey, frozen duck, fresh blueberries and cranberries, frozen blueberries and cranberries, dried blueberries and cranberries, and processed blueberries and cranberries to applied tariff rates of five to ten percent.
- In September 2023, the EU agreed to the continued use of simplified export certificates for U.S. wine exports to the EU. The EU had previously indicated changes to this export certificate under new ingredient labeling regulations for wine. The simplified export certificate streamlines the importation of U.S. wine into the EU. In 2022, U.S. exports of wine and related products to the EU were \$209 million.
- In October 2023, following extensive engagement by USTR, including interventions at the WTO Committee on the Application of Sanitary and Phytosanitary Measures, South Africa announced the lifting of restrictions on U.S. poultry and poultry product exports from 27 U.S. states that have been declared free from highly pathogenic avian influenza (HPAI). South Africa's restrictions on U.S. poultry had been in place well after the U.S. states had been declared HPAI-free. In 2022, U.S. exports of poultry and poultry products to South Africa were \$57 million.

These outcomes demonstrate the Biden-Harris Administration's continued commitment to work constructively with our trading partners to provide greater economic opportunity for U.S. producers and rural communities.

Enforcement also plays a critical role in promoting predictability and leveling the playing field in agricultural trade. The Biden-Harris Administration will continue enforcing our existing agreements so U.S. producers can compete on a level playing field in global markets.

For example, the United States will continue to hold Canada to its commitments through enforcement action under the USMCA. In January 2022, the United States won a USMCA dispute on Canada's dairy tariff-rate quota (TRQ) allocation measures. Canada's revised policies did not fix the problem for U.S. dairy farmers, and despite the conclusions of the November 2023 panel report, the United States continues to have serious concerns about how Canada is implementing the dairy market access commitments it made in the USMCA. The United States will continue to work to address this issue with Canada, and we will not hesitate to use all available tools to enforce our trade agreements and ensure that U.S. workers, farmers, manufacturers, and exporters receive the full benefits of the USMCA.

Additionally, the United States continues to engage with Mexico to address concerns with Mexico's policies regarding agricultural biotechnology, which threaten to cause serious economic harm to U.S. farmers and Mexican livestock producers, and stifle important innovations needed to help producers respond to pressing climate and food security challenges. In August 2023, after undergoing dispute settlement consultations with Mexico under the USMCA, the United States established a dispute settlement panel under the

USMCA. Through the dispute panel, the United States will seek to resolve our concerns and help ensure that consumers can continue to access safe and affordable food and agricultural products and American farmers can continue to access the Mexican market and use innovative tools to respond to climate and food security challenges.

In 2024, the Biden-Harris Administration will continue to ensure that our trade agreements benefit American workers, farmers, ranchers, and producers. We will also use our enforcement tools as necessary to ensure that our trading partners deliver on their commitments and that U.S. agricultural products are not subject to unfair, unjustified, or discriminatory restrictions.

D. Bolstering Supply Chain Resilience

Strengthening our supply chains is a critical component of the Biden-Harris Administration's efforts to advance our worker-centered trade policy, create sustainable economic growth, and ensure that the global trade and economic system is more resilient in the face of supply shocks. We are undertaking a whole-of-government effort to proactively strengthen supply chain resilience and mitigate the impact of disruptions, including the COVID-19 pandemic and Russia's full-scale invasion of Ukraine. To advance this priority, USTR continues to craft a new approach to trade and investment policy, one that is supported by innovative tools and strategies, closely integrated and coordinated with domestic economic policy and support for U.S. manufacturing, and advances the principles of transparency, diversity, security, and sustainability.

This includes addressing supply chain risks arising from unfair trade practices, creating opportunities for businesses to increase sourcing options, including and especially those located domestically, facilitating the movement of supply chains to trusted partners through friend-shoring and near-shoring, and strengthening labor standards and environmental protections governing global supply chains.

Pursuant to Executive Order 14017 (America's Supply Chains), which President Biden signed in 2021, our Administration began assessing vulnerabilities in and taking action to strengthen the resilience of, critical U.S. supply chains, including conducting a 100-day review for four priority product areas—semiconductors, large capacity batteries, critical minerals and materials, and pharmaceuticals and active pharmaceutical ingredients—and detailed assessments of seven industrial bases.

As a member of the White House Council on Supply Chain Resilience, USTR will continue to work across the U.S. Government and engage and coordinate with like-minded trading partners to develop durable solutions that advance supply chain resilience, including to address food security, facilitate trade in safe and effective medicines and minimize drug shortages, secure smoother and more efficient movement of essential goods during a pandemic, and protect the uninterrupted flow of trade to and within North America during an emergency.

Reducing dependencies and vulnerabilities and strengthening supply chain resilience is also at the heart of all our trade initiatives, including the IPEF—which has a pillar dedicated to this issue—and the Americas Partnership. Further, in March 2023, the United States and Japan signed a critical minerals agreement to strengthen and diversify critical minerals supply chains, promote fair competition and market-oriented conditions for trade in critical minerals, advance robust labor and environmental standards, and cooperate in efforts to ensure secure, transparent, sustainable, and equitable critical minerals supply chains. Our Administration is pursuing similar agreements with the European Union and the United Kingdom, and will continue to promote economic security and supply chain resilience with partners and allies and in multilateral fora like the G7, G20, APEC, and the OECD.

The Biden-Harris Administration will continue its work to bolster supply chain resilience to promote economic security, good-paying jobs and worker protections, and the health of small and medium-sized businesses, with strong standards for environmental sustainability and community engagement. Further, steps to address identified supply chain vulnerabilities and develop the foundation for increased resilience will be an important component of the United States' ongoing engagement with its trade partners.

III. RE-ALIGNING THE U.S.-CHINA TRADE RELATIONSHIP

The U.S.-China economic and trade relationship is one of profound consequence. As the two largest economies in the world, the bilateral relationship affects not just the two participants, but the entire globe.

The Biden-Harris Administration acknowledges that this relationship is complex and competitive. With respect to trade, competition must be fair. The PRC's approach to trade is marked by pervasive non-market policies and practices that drive frictions in many of the PRC's relationships—not just ours. The PRC, as a large, non-market economy, uses its unique leverage to distort the marketplace through unfair, anticompetitive practices, which harm workers and businesses in the United States and in other countries, including some of our closest allies and partners. At the same time, by unduly concentrating production of certain goods in the PRC, these non-market policies and practices also undermine supply chain resilience and harm consumers that, in the long run, are deprived of the innovation and choice that fair competition would produce.

To successfully counter the range of threats posed by the PRC, we must be frank about the challenges we face. The PRC became a dominant supplier for many important goods and technologies by manipulating cost structures and controlling key industries. Additionally, the PRC uses trade and economic measures in an abusive or arbitrary way to achieve strategic political objectives.

The PRC has also unfairly limited market access for imported goods and services and restricted the ability of foreign manufacturers and services suppliers to do business in the PRC. Further, it has used various, often illicit, means to secure foreign intellectual property and technology to pursue its industrial policy objectives.

The PRC fails to provide its people with even fundamental labor rights, including the right to organize and bargain collectively. Low operating costs resulting from artificially low wages and poor worker protections remain some of the key reasons why companies have chosen to offshore production there. Moreover, the use of state-sponsored forced labor, including in the XUAR, is an affront to human dignity and a further example of the PRC's unfair, non-market economic policies and practices.

Similarly, the PRC uses environmental policies designed to make it a manufacturing destination of choice for production processes that would be barred in other countries. The PRC's unfair, non-market policies and practices are also reflected in its approach to the environment, including: its weak environmental regulation and enforcement; subsidies that contribute to overfishing; illegal fishing practices; decimation of the infrastructure for recyclable commodities through a vast web of import bans; and overproduction of industrial goods. The PRC's policies are also harmful to the environment, including its tolerance of imports of illegally harvested wildlife products, which enables a major source of demand.

To address these challenges, the Biden-Harris Administration is taking a holistic and pragmatic approach to our relationship grounded in the principles of our worker-centered trade policy.

It starts with the groundbreaking domestic investments enacted through the President's leadership, which allow the United States to engage and compete with the PRC from a position of strength. This includes, for example, repairing our roads and bridges through the Bipartisan Infrastructure Law, bolstering our

capacity for critical technologies through the CHIPS and Science Act, and manufacturing clean energy technology through the Inflation Reduction Act. In addition, we are taking steps to build supply chain resilience that will defend American workers and consumers from the harms wrought by the PRC's trade and economic abuses. We are also considering all existing tools—and will seek new ones as needed—to combat the harms of the PRC's state-led, non-market policies and practices.

Critically, we are bringing renewed focus to engagement with our partners and allies, whose workers and societies also suffer harm from the PRC's unfair trade and economic practices. We share core democratic values and an essential interest in fair, market-based competition. Our collective ability to defend against the PRC's unfair practices requires that democratic, market economies continue the resolve to confront policies and practices that are fundamentally at odds with a global trading system based on fair market competition.

The United States will continue to engage with partners and allies in multiple formats to develop and coordinate effective responses to non-market policies and practices in order to defend U.S. workers and industries, enhance economic security, and strengthen supply chains.

For example, in June 2023, Australia, Canada, Japan, New Zealand, the United Kingdom, and the United States endorsed a Joint Declaration expressing a shared concern and commitment to work together to effectively deter and address trade-related economic coercion and non-market policies and practices, including efforts to coordinate responses on economic coercion. In 2024, our Administration will continue similar efforts in the G7 and bilaterally with the European Union, Japan, and others.

The Biden-Harris Administration will continue holding the PRC accountable for its use of state-sponsored forced labor, which is not just an extreme form of unfair competition but a moral stain. The United States is implementing and enforcing its statutory ban on the importation of goods made in whole or in part with forced labor, including through implementation of the Uyghur Forced Labor Prevention Act. The Administration will also continue working with our trading partners and businesses to eradicate the use of forced labor throughout global supply chains. To support this effort, the United States issued an addendum to the Xinjiang Supply Chain business advisory in 2023.

We are also mindful of the effects that trade actions can have on American businesses, especially small businesses, and workers. In May 2022, USTR commenced the statutory four-year review process by notifying representatives of domestic industries that benefit from the Section 301 tariffs on imports from the PRC of the possible termination of those actions and of the opportunity for the representatives to request continuation. In September 2022, USTR announced that because requests for continuation were received, the tariff actions had not terminated and USTR would conduct a review of the tariff actions. The statutory review provides an opportunity for USTR to make a full assessment of the Section 301 tariffs and their effectiveness in changing the PRC's behavior and counteracting the PRC's unfair policies and practices. USTR will continue a targeted tariff exclusions process to ensure that our economic interests are being served, and we will keep open the option of further tariff exclusions processes as warranted.

IV. ENGAGING WITH KEY TRADING PARTNERS AND MULTILATERAL INSTITUTIONS

Growing the middle class, opening new markets, addressing inequality, and incentivizing climate and environmental action are goals we share with many of our trading partners. Working with others to craft trade policies that promote these goals reflects the American leadership that many of our trading partners are seeking, and the Biden-Harris Administration continues to meet the challenge.

Using trade policy as a tool to achieve these shared goals, USTR continues to step up its engagement with partners, allies, multilateral institutions and international organizations. These actors and institutions play a pivotal role in cultivating meaningful outcomes to address shared concerns.

The Biden-Harris Administration has placed a focus on repairing previously strained relationships with partners and allies and recommitted the United States to the world's international institutions. We are applying the principles of our worker-centered trade policy to resolve long-standing disputes, and to create new partnerships and frameworks fit for jointly tackling our greatest shared challenges. We are also leading the effort to revitalize our international institutions to ensure that they effectively address the needs of working people and communities.

President Biden's strategy has already borne fruit, leading to mutually beneficial outcomes that advance the goals of shared prosperity and open the door to still greater cooperation.

A. Indo-Pacific Economic Framework for Prosperity

The Biden-Harris Administration remains committed to engaging economically with partners in the Indo-Pacific region. In the coming decades, we believe that competitiveness will largely be defined by how well countries are able to harness technology and the coming energy and climate transition to promote inclusive economic growth—and working with our partners and allies in the Indo-Pacific will be critical to achieving these goals.

The Indo-Pacific is one of the most dynamic regions in the world, and it is one of strategic importance to the United States. Additionally, the region is home to some of our closest allies and trading partners, including some with which we have longstanding trade agreements. By working closely with allies and partners to bolster our economic engagement in the Indo-Pacific, we can establish a new path forward that supports the global competitiveness of American workers and businesses and furthers the shared interests of our allies in the years to come.

That is why we launched the IPEF in May 2022. This framework will promote inclusive growth for workers and businesses, advance strong labor standards, and tackle climate change. The framework is also central to the Biden-Harris Administration's economic strategy in the Indo-Pacific and complements our national security goals in the region.

The IPEF is designed to tackle 21st-century challenges and opportunities through four pillars on trade; supply chain resilience; the clean economy; and the fair economy (tax and anticorruption).

Over the last year, the United States, led by USTR, and our diverse group of IPEF partners have been hard at work advancing our shared vision for a high-standard agreement under the Trade Pillar that delivers on the foundational goals that President Biden and other IPEF Leaders laid out when this framework was launched in May 2022. We are working toward an agreement with partners that includes high-standard provisions in a range of areas, including labor; environment; the digital economy; agriculture; good regulatory practices; services domestic regulation; competition policy; trade facilitation; inclusivity; and technical assistance and economic cooperation. We have made considerable and substantial progress on several chapters, and the Biden-Harris Administration is fully committed to continuing this work with our IPEF partners to build on this progress and momentum to fully realize the high standards and tangible benefits of the Trade Pillar.

B. Americas Partnership for Economic Prosperity

In our own hemisphere, we are pursuing the Americas Partnership to enhance our strong regional bonds in line with a shared vision for inclusive, people-centered economic growth. In addition to the United States, the founding members of the Americas Partnership are: Barbados, Canada, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, Mexico, Panama, Peru, and Uruguay. This group represents roughly 90 percent of the Western Hemisphere’s gross domestic product and nearly two-thirds of its people.

The Americas Partnership will deepen economic collaboration and integration in our hemisphere and serve as a lasting regional platform to pursue an ambitious, flexible, and goal-oriented economic and development agenda. In November 2023, President Biden hosted the inaugural Leaders’ Summit of the Americas Partnership, where he and other leaders identified initial cross-cutting priorities, including: (1) strengthening regional competitiveness and integration; (2) fostering shared prosperity and good governance; (3) building sustainable infrastructure; (4) protecting the climate and environment; and (5) promoting healthy communities.

The United States has deep economic ties in the region, including free trade agreements with nine of our initial partners. Through the Trade Track, USTR will work with our partners to develop inclusive and sustainable approaches to trade and investment that will support regional development and resilient supply chains for goods and services, enhance a predictable and transparent regulatory environment that can boost trade flows, and remove barriers to greater economic integration among our countries. This includes advancing implementation of the WTO Agreement on Trade Facilitation, digitization of customs mechanisms throughout the region, and identification of regulatory actions needed to enhance regional integration and develop mechanisms, actions, and information-sharing tools to ensure that the benefits of trade are more widely shared with micro, small, and medium-sized enterprises and historically underserved and overburdened communities.

USTR is working closely with partner countries to establish a Council on Trade and Competitiveness, which will meet regularly to implement the guidance with respect to trade matters in the [East Room Declaration of the Leaders of the Americas Partnership](#). We expect the Trade Ministers of the Americas Partnership countries to meet in person later this year and then at least once annually.

The Americas Partnership will reflect our values and create formal jobs that lead to decent work and promote internationally recognized labor rights, environmental sustainability, and economic inclusion. Our Administration will continue to consult closely with labor, environmental groups, civil society, industry and businesses, and Congress as we make progress on this important initiative.

C. World Trade Organization

The Biden-Harris Administration is committed to the WTO. Consistent with our approach to trade policy more broadly, our Administration believes the WTO should be a force for good that supports a race to the top and addresses global challenges as they arise.

The WTO was founded on shared values of fair, market-oriented competition, transparency and the rule of law, raising living standards and ensuring full employment, sustainable development, and respect for governments’ responsibility to promote our citizens’ welfare and security. The United States still believes these fundamental values support peace, prosperity, and economic security. The WTO, however, has not kept pace with the rapidly changing global economy. The WTO must improve its capacity to respond to the needs of everyday people, and urgent reform is critical to support the needs of our society, including on workers’ rights, supply chain fragility, and the climate. The inability of current WTO rules to effectively

constrain unfair trade and non-market economic practices has only become clearer. In addition, the WTO dispute settlement system needs to be reformed to better fulfill its objective of resolving disputes between Members.

That is why our Administration will continue to collaborate with other WTO Members on a reform agenda that reflects the priorities of our worker-centered approach—one that protects our planet; improves labor standards; advances gender equity, equality, and empowerment; facilitates an inclusive digital economy; and contributes to shared prosperity. This includes enhancing and improving transparency and inclusiveness to drive fact- and evidence-based deliberations to ensure a more relevant and practical approach to addressing current global challenges. This also includes restoring the efficacy of the negotiating arm, advancing an interest-based approach to reforming the dispute settlement functions of the WTO to restore confidence and fairness in the system, and improving the understanding of and respect for Members' WTO commitments. The United States will also continue to partner with other WTO members to better equip the organization to recognize and effectively address the unfair, non-market policies and practices that are at odds with the fundamental premise of market-based competition and create and perpetuate significant global market distortions.

The Biden-Harris Administration understands that change will take time, and we are simultaneously working to deliver results on achievable outcomes through the WTO's existing structure. The United States worked with WTO Members to deliver concrete outcomes during the Twelfth Ministerial Conference in June 2022, including accommodations to the intellectual property rules for COVID-19 vaccines; an extension of the moratorium on customs duties on electronic transmissions; a multilateral agreement on fisheries subsidies disciplines; and a Ministerial Declaration on food insecurity, and a work program to respond to modern sanitary and phytosanitary (SPS) challenges to feed a growing global population. Additionally, the United States will continue to collaborate with other WTO Members to improve external engagement practices of the organization and to explore practical steps Members could take to integrate inclusivity into trade and investment policy and the multilateral trading system, including by sharing domestic experiences.

The Thirteenth Ministerial Conference in February 2024 was an important milestone as the first WTO “reform ministerial,” but it should not be an endpoint. The United States remains fully committed to the WTO and ensuring the organization fulfills its foundational goals – that trade should raise living standards, ensure full employment, pursue sustainable development, and protect and conserve the environment. The United States will continue engaging with WTO Members in 2024 to make progress on these and other issues and to transform the organization to address the challenges of our time.

D. Asia-Pacific Economic Cooperation

As part of our enduring commitment to the region and broad-based economic growth, the United States concluded a successful year as the Asia-Pacific Economic Cooperation (APEC) host in 2023, with the theme of “Creating a Resilient and Sustainable Future for All.” The United States leveraged our host year to collaborate with like-minded partners to showcase the importance of engagement with the APEC region and to advance key U.S. trade priorities. This included advancing tangible work on the importance of sustainability and inclusion in the development and implementation of trade policy.

Our efforts culminated in the adoption of the 2023 APEC Leaders' Golden Gate Declaration, which reflects APEC economies' commitment to keep our markets open, to address supply chain disruptions, and to ensure our trade and investment benefits all of our people and economies. The Declaration also reflects a commitment to accelerate our efforts toward a clean and just energy transition—including tripling renewable energy capacity globally—and to cut in half the digital gender divide by 2030.

APEC Leaders also adopted the San Francisco Principles on Integrating Inclusivity and Sustainability into Trade and Investment Policy, which will guide APEC’s trade policy work moving forward to better support inclusive and sustainable outcomes. This builds on APEC’s ongoing work and supports our shared commitment toward the achievement of the APEC Putrajaya Vision 2040, including through the implementation of the Aotearoa Plan of Action.

As an incubator of ideas and a catalyst for collaboration, APEC is uniquely positioned to explore how the United States and our partners in the region can work together to build a more durable and resilient global economy. For example, at the APEC Ministers Responsible for Trade meeting in Detroit in May 2023, USTR hosted a first-ever APEC dialogue with labor leaders to discuss how APEC economies can use trade and investment to better empower workers throughout the region. Further, during the APEC Ministers Meeting in San Francisco in November 2023, USTR convened a first-of-its kind meeting between ministers and Indigenous leaders to discuss how to create policies that benefit Indigenous communities, which have been historically overlooked and underserved.

The United States is fully committed to continuing our work with other APEC economies, including with Peru as this year’s host, to further embed resiliency, sustainability, and inclusivity as core values in trade policy, including through implementation of the San Francisco Principles, and to advance the needs of workers, consumers, and businesses throughout the region. That includes lifting up workers and women entrepreneurs, empowering small businesses to enter the market, grow, and compete, and using trade to pursue decarbonization and protect our planet. These topics are more important than ever as we continue to face a world full of challenges and uncertainty—the economic fallout from COVID-19, Russia’s full-scale invasion of Ukraine, fragile supply chains, growing inequality, and a worsening climate crisis.

E. Organization for Economic Cooperation and Development

The Organization for Economic Cooperation and Development (OECD) has also recognized that trade must work for all, and it is another venue that provides the Administration with an opportunity to advance our worker-centered trade agenda.

An ongoing priority for the Biden-Harris Administration is the resolution of long-standing U.S. concerns about discriminatory digital services taxes (DSTs). As part of the historic 2021 OECD/G20 Inclusive Framework’s Two-Pillar Solution on global taxation, U.S. trading partners around the globe made a political agreement to withdraw existing DSTs and other similar measures as the global tax reform is implemented, and not to adopt any such new measures that target and discriminate against American companies and their workers. USTR continues to monitor the imposition of DSTs by U.S. trading partners and will evaluate all available options, including under our trade agreements and domestic statutes, if other countries move forward with new measures or fail to withdraw existing measures.

Our engagement in the OECD is also serving to deepen a shared understanding of how the PRC subsidizes key industries and the important role played by the PRC’s state-owned enterprises as both the recipients and providers of industrial subsidies. Through innovative analytical tools, the OECD is producing findings that will enable the United States to advance discussions on these critical issues together with like-minded partners.

Further, through the OECD Steel Committee and the Global Forum on Steel Excess Capacity, USTR will continue to lead efforts to bring greater transparency and discipline to market-distorting subsidies and other foreign government support measures that contribute to massive and persistent excess capacity in the global steel sector, which distort markets and increase carbon emissions. USTR will also continue to pursue a mutually supportive trade and environment agenda at the OECD, and through its co-lead role to the meetings

of the Joint Working Party on Trade and Environment, will advance work on trade and environmental services, circular economy and trade, and enabling reverse supply chains.

F. Bilateral Initiatives

President Biden has used trade policy as a tool to rebuild relationships with partners and to advance a worker-centered trade policy at the same time. Some of these engagements were held under the auspices of existing trade agreements, including free trade agreements and trade and investment framework agreements (TIFAs), while others are negotiations to form new partnerships.

1. India

The United States and India share a dynamic and important trade and investment relationship. In 2021, the United States and India relaunched the United States–India Trade Policy Forum (TPF), which had not met since 2017. Since then, our two governments have intensified our engagement to resolve several WTO disputes and improve market access for several U.S. agricultural products.

In January 2024, the United States and India convened the 14th meeting of the TPF in Delhi, India. Our governments underscored the significance of the TPF in forging robust bilateral trade ties and in enhancing the overall economic relationship and took stock of the significant progress made in addressing concerns impacting the bilateral trade relationship since the 13th TPF held in January 2023. We committed to pursue enhanced engagement leading to mutually beneficial outcomes in several areas, with a view to deepening the trade relationship for the benefit of working people. We identified certain areas, including critical minerals, customs and trade facilitation, supply chains, and trade in high technology products, in which our governments intend to develop an ambitious and forward-looking roadmap for enhanced cooperation in order to achieve economically meaningful outcomes.

The United States will continue to partner with India to tackle shared challenges, build resilient supply chains, and promote a transparent, rules-based trading system for democratic, market economies.

2. European Union

The United States and the EU share an economic relationship of critical importance, as well as the goals of growing the middle class, addressing inequality, and incentivizing responsible environmental stewardship. Geostrategic challenges, including Russia’s full-scale invasion of Ukraine and increased assertiveness of autocratic regimes, have reinforced the importance of our shared democratic values, commitment to universal human rights, and leadership role in upholding the liberal rules-based order. The Biden-Harris Administration believes that a strong U.S.-EU partnership is key to realizing this vision.

2022 and 2023 cemented our progress in cooperating to promote shared goals and manage challenges and irritants. Since Russia’s full-scale invasion of Ukraine, the Administration has worked closely with the EU to hold Russia accountable—including through close coordination on targeted sanctions. We will also continue to partner with the European Union to marshal significant levels of security assistance, humanitarian aid, and direct economic support for Ukraine.

Additionally, through negotiations on the Global Arrangement, we are demonstrating that trading partners can come together and align on common objectives and use trade tools to reduce the emissions intensity of our economies and drive cleaner trade. In 2024, we will continue negotiations with the EU on a forward-looking, high-standard arrangement, while providing predictability and stability to steel and aluminum workers and their families on both sides of the Atlantic.

Since holding the inaugural ministerial meeting of the United States–European Union TTC in September 2021, our officials have met regularly to collaborate on a number of concrete areas, such as challenges posed by non-market policies and practices and economic coercion; avoiding unnecessary barriers to trade in emerging technology products and services; promoting and protecting labor rights and decent work; combatting child and forced labor; expanding resilient and sustainable global supply chains; addressing food security challenges; and tackling the climate crisis.

Specifically, on labor, we have engaged through the Trade and Labor Dialogue to bring together labor, business, and government representatives from both sides of the Atlantic to focus on eliminating forced labor in global supply chains and better incorporating key stakeholder insights into our work.

The Biden-Harris Administration is also using the TTC to cooperate on issues that arise from the development and deployment of new technologies. This cooperation is based on our shared democratic values, including respect for human rights, and, among other things, work to encourage compatible standards and regulations as appropriate, while respecting the sovereign right to regulate.

Additionally, in 2024, we will continue to support the U.S.–European Union Small and Medium-Sized Enterprise (SME) Workshop to identify ways to expand bilateral trade and investment and to enhance broad and inclusive SME participation in that trade and investment.

3. Taiwan

The United States has a long-standing and dynamic trade relationship with Taiwan, a vibrant democracy and important trading partner in the region. Building on this history, in June 2022, the United States and Taiwan launched the United States–Taiwan Initiative on 21st-Century Trade under the auspices of the AIT and TECRO.

Since announcing the negotiating mandate in August 2022, the two sides have pursued an ambitious schedule of meetings to make progress as quickly as possible. In June 2023, AIT and TECRO signed the first agreement under the Initiative. This agreement includes high-standard commitments and economically meaningful outcomes in a number of trade areas, including customs administration and trade facilitation, good regulatory practices, services domestic regulation, anticorruption, and small and medium-sized enterprises.

The United States and Taiwan, under the auspices of AIT and TECRO, will continue negotiating a second agreement covering other economically significant areas. The United States places a high priority on partnering with Taiwan to further deepen and strengthen our trade and investment relationship.

4. Kenya

The United States will continue working with Kenya to deepen our trade and investment relationship, including by advancing worker-centered trade policies and promoting regional and continental economic integration in Africa.

On July 14, 2022, the United States and Kenya launched the STIP. The STIP builds on our cooperation to date and will pursue enhanced engagement leading to high-standard commitments in a wide range of areas with a view to increasing investment; promoting sustainable and inclusive economic growth; benefiting workers, consumers, and businesses (including micro-, small, and medium-sized enterprises (MSMEs)); and supporting African regional economic integration.

Since the first round of conceptual discussions in February 2023, our governments have continued discussions on important issues, including: agriculture; anticorruption; digital trade; environment and climate change action; good regulatory practices; MSMEs; workers' rights; supporting participation of women, youth, persons with disabilities, vulnerable populations, and the African Diaspora in trade; standards collaboration; trade facilitation and customs procedures; and services domestic regulation. In 2024, the Biden-Harris Administration will continue to work closely with the Kenyan Government on the STIP so that it can serve as a model for engagement with other willing countries on the African continent.

5. Japan

Japan has long been a valued trading partner of the United States, as well as a close ally. In 2023, the United States and Japan held two meetings of the United States–Japan Partnership on Trade, which reinforces a shared commitment to strengthen the U.S.-Japan alliance through regular engagement, advancing an agenda of cooperation and addressing bilateral trade issues of concern to either side. Through meetings of the Partnership, the United States and Japan continue to engage in depth on specific initiatives and efforts in a range of areas, including labor and environment-related priorities, agriculture, a supportive digital ecosystem for all, third-country concerns, trade facilitation, and multilateral cooperation.

In January 2023, our governments launched a Task Force on the Promotion of Human Rights and International Labor Standards in Supply Chains. Further, in March 2023, the United States and Japan signed a critical minerals agreement, which builds on the Partnership and will strengthen and diversify critical minerals supply chains and promote the adoption of electric vehicle battery technologies. This agreement memorializes the shared commitment of our governments with respect to the critical minerals sector to facilitate trade, promote fair competition and market-oriented conditions for trade in critical minerals, advance robust labor and environmental standards, and cooperate in efforts to ensure secure, transparent, sustainable, and equitable critical minerals supply chains. In 2024, the United States will continue to work with Japan to deepen our cooperation on these and other issues and to advance sustainable, resilient, and inclusive trade policies that lift up our people and economies.

6. Korea

Korea's stature as a valued trading partner and close ally of the United States continues to grow. The United States–Korea Free Trade Agreement (KORUS) continues to be both a reflection of that close relationship and the foundation upon which we can build to make it even more cooperative. Our governments have met regularly to work on issues such as agriculture trade, customs-related matters, government procurement, and the digital economy. In 2024, the United States and Korea will continue to convene the various committee and working group meetings under KORUS, including the Joint Committee. The United States will also continue to work with Korea to address our shared concerns, such as supply chain challenges, sustainable trade, emerging technologies, the digital economy, and trade facilitation.

7. Singapore

Singapore has long been a critical partner and was the first Asian economy to sign a free trade agreement with the United States. In 2023, following the United States–Singapore Free Trade Agreement Joint Committee Meeting in October 2021, our governments have been meeting regularly to press forward with work on the environment, labor, and supply chains, among other issues. In 2024, the United States and Singapore will take note of the 20th anniversary of our trade agreement and continue our close collaboration on these and other matters.

8. United Kingdom

In 2024, the United States and the United Kingdom will continue to deepen our trade relationship and work to promote trade based on fair competition, address forced labor in supply chains, and address the challenges posed by distortive policies of non-market economies. We will continue efforts in the large civil aircraft Working Group to explore concrete ways to more effectively address the challenge posed by the PRC's non-market policies and practices. We will also continue to work together on reforming and strengthening the WTO so it better serves the lives and livelihood of all people, and also explore ways to boost investment in clean energy technology.

Additionally, in 2024, we will continue to support the United States–United Kingdom Small and Medium-Sized Enterprise (SME) Dialogue to identify ways to expand bilateral trade and investment and to enhance broad and inclusive SME participation in that trade and investment. In October 2023, our governments convened the 7th SME Dialogue, and the United States will continue to expand bilateral trade and investment and identify ways to enhance broader and more inclusive SME participation in trade.

9. African Continental Free Trade Area

The United States will continue to engage with the African Continental Free Trade Area (AfCFTA) Secretariat to support regional and continental economic integration, attract investment in supply chains within the continent, and improve the livelihoods of African workers, including and especially women and youth under the AfCFTA.

Since signing the Memorandum of Understanding on Cooperation for Trade and Investment between the United States and the African Continental Free Trade Area in December 2022, the United States and the AfCFTA Secretariat have continued to monitor progress under the MOU, including at the 2023 AGOA Forum. The two sides will meet quarterly to discuss and enhance the trade and economic relationship between the United States and the AfCFTA Secretariat, the AfCFTA State Parties, and related stakeholders.

The Biden-Harris Administration also remains committed to working with the African Union, including the African Union Commission, to meet today's defining challenges and to develop a lasting partnership with the continent. Moreover, we look forward to constructive engagement to further improve AGOA—including how we can increase the utilization rates, particularly among smaller and less-developed countries, as well as ensure that the program's benefits fully reach all segments of society.

V. PROMOTING CONFIDENCE IN TRADE POLICY THROUGH ENFORCEMENT

The Biden-Harris Administration remains committed to vigorously enforcing our trade agreements as a critical element of pushing a global race to the top. Enforcement is a key component of our worker-centered trade policy agenda. We are using all of the tools at our disposal to combat unfair, non-market policies and practices, defend American jobs, and create broad-based and inclusive economic prosperity. American workers and businesses can compete with anyone when the playing field is level and competition is fair, and trade policy is an indispensable tool in achieving those goals. We are shaping a global trading system that enforces labor and environmental standards, protects intellectual property, and ensures that regulations are science-based and predictable.

As discussed above, our Administration has already taken unprecedented action to utilize trade policy as a tool to defend U.S. economic interests. Continuing to vigorously enforce the high standards of the USMCA

continues to be a top priority for our Administration in 2024. We continue to utilize the RRM to secure significant, tangible outcomes for workers across different sectors.

The United States will continue to work to address the dairy market access issue with Canada, and we will not hesitate to use all available tools to ensure that U.S. workers and farmers receive the full benefits of the USMCA. We are currently consulting with Mexico to address our concerns with Mexico's measures that undermine American companies and U.S.-produced energy in favor of Mexico's state-owned electrical utility, Comisión Federal de Electricidad (CFE), and state-owned oil and gas company, Petróleos Mexicanos (Pemex). We are also engaged in environmental consultations with Mexico under the USMCA's Environment Chapter relating to the protection of the critically endangered vaquita porpoise, the prevention of illegal fishing, and trafficking of totoaba fish. We will continue to use all available enforcement mechanisms to robustly uphold the USMCA's groundbreaking standards. The United States will continue to engage with Canada and Mexico to ensure that all U.S. goods receive fair treatment and that the regulatory environment is fair and transparent.

We are also actively deploying domestic enforcement tools to protect our economic interests.

USTR's Special 301 Report highlights the adequacy and effectiveness of U.S. trading partners' protection and enforcement of intellectual property (IP) rights. IP-intensive industries support more than 60 million U.S. jobs—from the independent inventor just starting out to the documentary filmmaker studying critical social issues. Robust protection and enforcement in foreign countries help protect these jobs and ensure that Americans can fairly compete in global marketplaces.

Similarly, the 2023 Notorious Markets List, released on January 30, 2024, is worker-centered in its focus. It identifies examples of online and physical markets that reportedly engage in or facilitate substantial copyright piracy or trademark counterfeiting. Consistent with the Administration's worker-centered trade policy, this year's publication highlights potential health and safety risks posed by counterfeit goods.

In addition, our Administration will continue to administer its preference programs in line with our worker-centered agenda and in accordance with the statutory eligibility criteria. As a result of the latest AGOA eligibility review, which included a public hearing, President Biden announced that, as of January 1, 2024, the United States had terminated the Central African Republic, Gabon, Niger, and Uganda from the program.

The designations of Gabon and Niger as AGOA beneficiaries were terminated due to concerns with political pluralism and the rule of law. The designation of the Central African Republic was terminated due to concerns with the rule of law, political pluralism, worker rights, and gross violations of internationally recognized human rights perpetrated by the government. The designation of Uganda was terminated due to gross violations of internationally recognized human rights perpetrated by the government. At the same time, the President also reinstated eligibility for Mauritania. USTR will continue to monitor democratic governance, worker rights, and human rights developments for AGOA beneficiary countries and use the eligibility review process to raise those issues. The United States remains committed to working with trading partners who are terminated from the AGOA program in an effort to support their efforts to meet the clear statutory benchmarks for reinstatement.

The United States also opposes acts, policies and practices by foreign countries that are intended to undervalue their currencies in order to gain an unfair competitive advantage over American businesses and workers. Under the Biden-Harris Administration, the U.S. Government has deployed the full range of available tools to put effective pressure on countries that have been judged to intervene excessively in the foreign exchange market. Our Administration remains committed to examining the currency practices of all major U.S. trading partners and holding them to account as necessary.

The Biden-Harris Administration will continue to monitor the practices of our trading partners and hold them accountable for meeting the standards established under our trade agreements. Further, we will also continue to review our existing trade tools, identify ways to strengthen them, and create new tools as necessary to achieve meaningful results that level the playing field for U.S. workers and businesses. In 2024, we will continue to work with Congress to fully evaluate the efficacy of our current trade tools and identify areas where new tools may be needed.

VI. PROMOTING EQUITABLE, INCLUSIVE, AND DURABLE TRADE POLICY AND EXPANDING STAKEHOLDER ENGAGEMENT

Trade policy, when done correctly, can play a critical role in advancing equitable and resilient economic growth for all communities, including underserved, marginalized, and overburdened communities, here in the United States and with trading partners who share concerns about rising inequality. The Biden-Harris Administration remains committed to thorough and thoughtful engagement as we develop and implement the President’s trade policy agenda.

Inclusive engagement is a key component to ensuring that our resulting trade policies are durable and equitable, and to building trusted, sustained lines of communication with those communities that will be affected by those decisions. As such, the Biden-Harris Administration will continue to expand the tables we set and meet with communities across the country—including Tribal nations, Indigenous communities, and Black, Latino, Asian American, Native Hawaiian, and Pacific Islander communities, rural and remote regions, working class communities, micro and small businesses, and youth, labor, civil, and human rights organizations—to ensure that the voices of all stakeholders are heard and respected as we evaluate and make these decisions.

A. Promoting Equitable, Inclusive, and Durable Trade Policy

In strengthening the nation’s competitiveness and expanding the benefits of trade, racial and gender equity are core elements of U.S. trade and investment policy. An intersectional, interconnected framework is particularly important in emerging sectors where the United States has the potential to be competitive and create well-paying U.S.-based jobs through trade. For these reasons, many of President Biden’s first actions directed the whole-of-government to embed equity in their policy goals, objectives, and outcomes.

As a result, the 2023 Annual Trade Report includes updates on USTR initiatives to advance racial and gender equity in U.S. trade policy. In addition, all U.S. trade policy tools, engagements, and new trade initiatives incorporate and reflect the core principles outlined in the Executive Orders on [*Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*](#) and [*Worker Organizing and Empowerment*](#), [*Revitalizing Our Nation’s Commitment to Environmental Justice for All*](#), the United States’ historic, first [*National Strategy on Gender Equity and Equality*](#), and the Presidential Memoranda on [*Tribal Consultation and Strengthening Nation-to-Nation Relationships*](#) and on [*Advancing the Human Rights of LGBTQI+ Persons around the World*](#).

In particular, in April 2022, USTR released its Equity Action Plan, developed in accordance with President Biden’s Executive Order on [*Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*](#). Through an intersectional, interconnected, whole-of-agency approach, the Plan includes incorporating equity, including racial and gender equity, and environmental justice into the following trade and investment-related policy actions: (1) annual public updates on strategies and

activities; (2) strengthening data to consider and improve the distributional effects of trade; (3) advisory committee administration, including questions posed to cleared advisors, training, and guidance; and (4) expanded and consistent USTR engagement with underserved and marginalized communities. In June 2023, USTR published an unprecedented [Federal Register Notice](#) (FRN) inviting public comments and recommendations on how all U.S. trade and investment policy actions, including responsible business conduct, could advance racial and gender equity and support for historically underserved communities. USTR will continue to use the responses to inform the development of inclusive, worker-centered trade policy.

USTR leveraged the U.S. APEC host year to amplify our Administration’s vision for inclusive economic growth. The Ministers Responsible for Trade meeting in Detroit and the APEC Ministers Meeting in San Francisco featured first-of-its-kind ministerial-level dialogues with labor and Indigenous leaders, respectively. By connecting APEC Ministers directly with labor and Indigenous leaders, USTR placed fair and inclusive trade and investment policies front and center throughout our APEC host year. USTR worked to center the role of trade in advancing economic inclusion for underrepresented groups in minister- and leader-level APEC statements, including through Ministers’ recognition of the role of trade in implementing APEC’s La Serena Roadmap for Women and Inclusive Growth, and Leader-level agreement to the San Francisco Principles, which will further guide APEC’s work going forward. In addition, USTR announced that the United States is exploring observership in the Indigenous Peoples Economic and Trade Cooperation Arrangement (IPETCA), as a result of Tribal consultations and engagements with Indigenous leaders and communities.

Additionally, U.S. Trade Representative Tai continues to play a constructive, active role as the co-chair of the White House Initiative and President’s Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders, and as a member of the Gender Policy Council and White House Council on Native American Affairs (WHCNAA). On January 17, 2023, the White House convened federal government officials and community leaders to release the Biden-Harris Administration’s first-ever [National Strategy to Advance Equity, Justice, and Opportunity for Asian American, Native Hawaiian, and Pacific Islander \(AA and NHPI\) Communities](#). The National Strategy includes detailed plans from thirty-two federal agencies, including USTR, which build on the Administration’s previous actions to promote safety and equity for AA and NHPI communities.

Further, data continues to be critical to informing our work with like-minded partners to advance inclusive growth and trade policy. In October 2021, USTR requested that the USITC conduct an independent, two-part investigation of the distributional effects of goods and services trade and trade policy on U.S. workers by skill, wage and salary level, gender, race/ethnicity, age, and income level, especially as they affect underrepresented and underserved communities.

On November 14, 2022, the USITC released its [report](#) cataloging information on the distributional effects of trade and trade policy on underrepresented and underserved communities. The USITC report confirmed that trade did have a negative and disproportionate impact on certain demographic groups, especially on Black, Hispanic, and other nonwhite workers, and workers without a college degree. The report also found that there was a lack of disaggregated data and limited research on the effects of trade and trade policy on other ethnic groups, including American Indians, Alaska Natives, and Asian American, Native Hawaiian, and Pacific Islanders.

This is why, in 2023, USTR requested that the USITC repeat the distributional effects investigation every three years for the next 15 years. Consequently, policymakers, researchers, and the public will be able to monitor and ensure progress in closing data and research gaps and gathering the necessary information to assess the distributional effects of trade and trade policy on U.S. workers, especially in underrepresented and underserved communities. USTR also continues to work with U.S. statistical agencies to achieve better

access to restricted data for researchers. The USITC report confirmed the need for U.S. trade policy to work better and benefit more Americans. Our Administration is working to ensure that we continue to develop the tools that will enable us to improve our policies to deliver more inclusive economic outcomes through trade.

Accordingly, in 2024, USTR will continue to explore opportunities for data collection, research, and analysis to assess and improve the distributional effects of trade and use the results of the USITC’s investigation to advance inclusive growth, economic resilience and competitiveness, and data needs in U.S. trade policy, including supporting efforts to close data gaps and improving data accessibility, granularity, and scope.

B. Engagement and Consultation with Partners and Stakeholders

The Biden-Harris Administration recognizes Congress’ important role in crafting U.S. trade and investment policy. We welcome and seek guidance and feedback from Members of Congress to share their views and constituents’ priorities regarding trade policy. USTR consults with Congressional committees and the leadership of both parties in the U.S. Senate and U.S. House of Representatives, holds meetings and calls with Members and their staff, participates in Congressional hearings and leads congressional delegations overseas to meet with trading partners and multilateral organizations. USTR also engages Members of Congress in their districts and states meeting with constituents, including workers, farmers, ranchers, producers, and community-based stakeholders. In addition, we share negotiating text with Members of Congress and appropriately cleared staff prior to sharing it with stakeholders outside of the federal government or with foreign countries. In 2024, the Administration will continue to actively engage with Congress and work with Members to ensure their feedback informs trade policy.

Additionally, the Biden-Harris Administration is committed to engaging with a wide range of diverse stakeholders—including historically marginalized and underserved communities, minority-serving institutions, and civil and human rights organizations—as we develop and implement our trade policy agenda. USTR will continue connecting with stakeholders with diverse perspectives and experiences throughout the country to listen, learn, and build trusted relationships and lines of communication to develop inclusive policy that delivers equitable results.

Our Administration has also regularly consulted and briefed the 28 advisory committees that USTR manages and co-leads as we seek input from labor unions, environmental groups, consumer groups, nongovernmental organizations, state and local governments, industry, and academia. In addition to seeking cleared advisor feedback on how to improve the administration of advisory committees, USTR will continue to explore how advisory committees may better consider and advise on advancing innovative, equitable trade and investment policy, and encourage diverse and inclusive perspectives to apply to serve on trade advisory committees.

**THE 2024 ANNUAL REPORT
OF THE PRESIDENT
ON THE TRADE AGREEMENTS PROGRAM**

I. AGREEMENTS, NEGOTIATIONS, AND OTHER INITIATIVES

A. NEW TRADE INITIATIVES

1. Indo-Pacific Economic Framework for Prosperity

In May 2022, the United States launched the Indo-Pacific Economic Framework for Prosperity (IPEF) with Australia, Brunei Darussalam, Fiji, India, Indonesia, Japan, the Republic of Korea, Malaysia, New Zealand, the Philippines, Singapore, Thailand, and Vietnam.

The goal of the IPEF is to advance resilience, sustainability, inclusiveness, economic growth, fairness, and competitiveness for participating economies. Through this initiative, the IPEF partners aim to contribute to cooperation, stability, prosperity, development, and peace within the Indo-Pacific region. This framework will offer tangible benefits that fuel economic activity and investment; promote sustainable and inclusive economic growth; and benefit workers, consumers, and businesses (including micro-, small, and medium-sized enterprises) across the region.

In 2023, the IPEF partners held six negotiating rounds covering all four pillars: (I) Trade, (II) Supply Chains, (III) Clean Economy, and (IV) Fair Economy and one special negotiating session, which focused on the Supply Chain, Clean Economy, and Fair Economy Pillars. The IPEF is designed to be flexible, and IPEF partners are not required to join all four pillars.

The Office of the United States Trade Representative (USTR) is leading for the United States on the Trade Pillar; the U.S. Department of Commerce (Commerce) is leading on Pillars II and III; and, for Pillar IV, USTR and Commerce are co-leading the anticorruption provisions, with Commerce as the overall lead.

On September 9, 2022, USTR and the IPEF partners issued a ministerial statement outlining the scope of negotiations for the Trade Pillar. Negotiations were informed by a public comment period. Current Trade Pillar partners are: Australia, Brunei Darussalam, Fiji, Indonesia, Japan, the Republic of Korea, Malaysia, New Zealand, Philippines, Singapore, Thailand, and Vietnam.

Commerce and the IPEF partners also issued ministerial statements in September 2022 covering the scope of negotiations for the pillars it leads, including the Supply Chain, Clean Economy, and Fair Economy Pillars. Current partners for the Commerce-led pillars are: Australia, Brunei Darussalam, Fiji, India, Indonesia, Japan, the Republic of Korea, Malaysia, New Zealand, the Philippines, Singapore, Thailand, and Vietnam.

Through the IPEF Trade Pillar negotiations, the United States seeks to build high-standard, inclusive, trade commitments and to develop new, creative, and economically meaningful approaches to trade policy in the Indo-Pacific region. USTR endeavors to advance U.S. trade policy goals of resilience, sustainability, and inclusivity by negotiating commitments in the following areas: labor, environment, agriculture, inclusivity, transparency and good regulatory practices, services domestic regulation, competition and consumer protection policy, customs administration and trade facilitation, digital economy, and technical assistance and economic cooperation. Negotiations on Pillar I (Trade) were ongoing as of December 2023.

In November 2023, the agreement under Pillar II (Supply Chains) was signed, and IPEF partners announced the substantial conclusion of negotiations on Pillars III (Clean Economy) and IV (Fair Economy) and the Agreement on the Indo-Pacific Framework.

2. United States–Taiwan Initiative on 21st-Century Trade

On June 1, 2022, the United States launched the U.S.–Taiwan Initiative on 21st-Century Trade under the auspices of the American Institute in Taiwan (AIT) and the Taipei Economic and Cultural Representative Office in the United States (TECRO). On August 17, 2022, after a public comment period, the two sides announced the official negotiating mandate for this trade initiative, which covers eleven areas of trade, and then commenced formal negotiations.

The U.S.–Taiwan Initiative on 21st-Century Trade is intended to develop concrete ways to deepen the economic and trade relationship between the two economies, advance mutual trade priorities based on shared values, and promote innovation and inclusive economic growth for workers and businesses. On June 1, 2023, AIT and TECRO signed the first agreement under the U.S.–Taiwan Initiative on 21st-Century Trade. This agreement includes high-standard commitments and economically meaningful outcomes in the areas of customs administration and trade facilitation, good regulatory practices, services domestic regulation, anticorruption, and small and medium-sized enterprises.

Shortly after the signing of the first agreement under this trade initiative, the two sides began discussing the remaining trade areas set forth in the negotiating mandate. These discussions included an in-person negotiating round in August 2023 focused on the areas of agriculture, labor, and environment as well as subsequent virtual meetings.

3. United States–Kenya Strategic Trade and Investment Partnership

The U.S. Government continued to pursue the United States-Kenya Strategic Trade and Investment Partnership (STIP) during 2023.

The United States and Kenya conducted productive concept discussion meetings on the United States–Kenya STIP in Washington, D.C. from February 1 through February 4, 2023. During the meetings, the two sides exchanged views on almost all of the areas outlined in [the July 2022 joint statement](#) announcing the initiative. The goal of the STIP is to increase investment; promote sustainable and inclusive economic growth; benefit workers, consumers, and businesses (including micro-, small, and medium-sized enterprises); and, support African regional economic integration.

The United States and Kenya held an in-person negotiating round for the STIP in Nairobi, Kenya from April 17 through April 20, 2023. The round focused on the areas of agriculture, anticorruption, micro, small and medium enterprises, and services domestic regulation.

The U.S. Trade Representative attended meetings with the Kenyan President and with Government of Kenya officials in Nairobi, Kenya from July 17 through July 19, 2023. Among other topics, the U.S. Trade Representative and the Kenyan President exchanged views on and provided direction for the United States-Kenya STIP negotiations.

The United States and Kenya held a second in-person negotiating round under the STIP in Washington, D.C., from October 4 through October 7, 2023. This round covered four of the negotiating areas: (1) agriculture, (2) anticorruption, (3) inclusivity, and (4) services domestic regulation.

4. United States–European Union Trade and Technology Council

The United States–European Union Trade and Technology Council (TTC) remained the principal coordination mechanism through which the United States engaged the European Union (EU) on trade policy during 2023. Across ten TTC working groups, the United States and the EU are pursuing policy outcomes on trade and technology that align with shared values and promote a rules-based economic system.

The TTC held its fourth ministerial meeting in Lulea, Sweden, on May 31, 2023. The U.S. Trade Representative co-chaired the ministerial meeting along with the U.S. Secretaries of State and Commerce, and two European Commission Executive Vice Presidents.

At the TTC ministerial meeting, the United States and the EU reiterated the desire to address the threat posed by a range of non-market policies and practices of third countries, including China. In 2023, the United States and the EU exchanged views and information about these policies and practices in the medical devices sector in China and their adverse impact on U.S. and EU workers and businesses and coordinated joint actions in response to these policies and practices. The United States and the EU also continued to exchange views and analysis on government-owned or government-controlled investment funds and the distortions caused by these funds.

The United States and the EU also announced efforts to enhance coordination to deter and counter economic coercion and bolster transatlantic preparedness and resilience in support of stakeholders, while sharing deep concern, underscored by the transatlantic business community, about actions against independent business diligence and advisory firms that are essential for investor confidence and the integrity of commercial transactions.

The United States and the EU shared concerns about the impact of non-market economic policies and practices on the global supply of semiconductors, particularly in legacy chips. To avoid negative spillover effects from excess global capacity, the United States and the EU, in cooperation with like-minded partners, intend to exchange information and market intelligence about non-market policies and practices that undermine the well-being of the global semiconductor industry and explore cooperative measures to address the distortionary effects of these policies and practices.

For further discussion of non-market economic policies and practices, see Chapter II.E Enforcement Activities to Counter Non-Market Policies and Practices and Enhance Economic Security.

The United States and the EU endorsed a work program for the Transatlantic Initiative on Sustainable Trade (TIST). Through the TIST, the United States and the EU plan to boost transatlantic trade and investment to further the deployment of goods and services essential to the transition to more circular and net-zero economies; strengthen the resilience and sustainability of key supply chains; ensure that the green transition of the U.S. and EU economies is fair and inclusive; and promote efforts to advance the transition to a low-emission and green future at a global level.

In conjunction with the TTC ministerial meeting in Sweden, the U.S. Trade Representative and the European Commission Executive Vice President for Trade led a high-level meeting of the tripartite U.S.–EU Trade and Labor Dialogue (TALD) in May 2023. The participants, U.S. and EU labor and business representatives, discussed how to eradicate forced labor from U.S. and EU supply chains and how to ensure a successful green transition for workers and businesses. During the meeting, U.S. and EU labor and business organizations also presented joint recommendations on eradicating forced labor.

For further discussion of labor-related activities, see Chapter III.H.2 Trade and Labor Monitoring and Enforcement Activities of Existing Agreements.

In 2023, the United States and the EU exchanged information on each side's electronic invoicing initiatives. The goal of the United States and EU, is to reduce transaction costs through the use of digital technology. Also in 2023, under the food security dialogue launched at the second TTC ministerial in 2022, the United States and the EU identified and sought to address areas where multilateral or bilateral cooperation could help advance mutually agreed upon outcomes.

For more information on the initiatives launched by the TTC, see the [U.S.-EU Joint Statement of the Trade and Technology Council](#) issued by the U.S. and EU TTC co-chairs on May 31, 2023.

5. Americas Partnership for Economic Prosperity

On November 3, 2023, President Biden hosted the inaugural Leaders' Summit for the Americas Partnership for Economic Prosperity (Americas Partnership). Leaders from Barbados, Canada, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, Mexico, Panama, Peru, and Uruguay announced their intention for the Americas Partnership to be an enduring forum for regional competitiveness and mobilizing investment. Leaders announced their plans to drive economic growth, foster innovation, and strengthen critical supply chains through the work of the Americas Partnership, which will include a track dedicated to advancing inclusive and sustainable trade. Technical work toward these goals began in 2023.

6. African Continental Free Trade Area Memorandum of Understanding

The U.S. Trade Representative and the African Continental Free Trade Area (AfCFTA) Secretary General signed a Memorandum of Understanding (MOU) on December 14, 2022. The MOU was developed to support implementation of the AfCFTA, including its Protocol on Women and Youth in Trade; promoting equitable, sustainable, and inclusive trade; boosting competitiveness and attracting investment to the continent; diversifying trade to underserved groups; and, helping African countries move into more advanced manufacturing in closer partnership with U.S. companies operating across the continent. The MOU calls for an annual engagement between the U.S. Government and the AfCFTA Secretariat.

In 2023, the U.S. Trade Representative and the AfCFTA Secretary General met at the 2023 U.S.–sub-Saharan Africa Trade and Economic Cooperation Forum (AGOA Forum) to discuss the implementation of the MOU as well as the work of the technical working groups (TWGs).

The TWGs comprise experts from the AfCFTA Secretariat, the Office of the United States Trade Representative, and other U.S. Government agencies. The TWGs exchange information on best practices and continue an open dialogue to enhance the relationship between the United States, the AfCFTA Secretariat, the AfCFTA State Parties, and related stakeholders. The TWGs engaged in quarterly meetings throughout 2023.

7. United States–Japan Critical Minerals Agreement

On March 28, 2023, the United States and Japan signed a critical minerals agreement (Agreement Between the Government of Japan and the Government of the United States of America on Strengthening Critical Minerals Supply Chains). The Agreement will strengthen and diversify critical minerals supply chains and promote the adoption of electric vehicle battery technologies. In particular, the Agreement memorializes the shared commitment of the United States and Japan with respect to the critical minerals sector to facilitate trade, promote fair competition and market-oriented conditions for trade in critical minerals, advance robust

labor and environmental standards, and cooperate in efforts to ensure secure, transparent, sustainable, and equitable critical minerals supply chains.

The Agreement establishes several new commitments and areas for joint cooperation regarding electric vehicle battery critical minerals supply chains between the United States and Japan, including those related to:

- Non-imposition of export duties on critical minerals;
- Domestic measures to address non-market policies and practices of other countries affecting trade in critical minerals;
- Best practices regarding review of investments within their territories in the critical minerals sector by foreign entities;
- Measures that promote more resource efficient and circular economy approaches to reduce the demand for, and environmental impact of, virgin material extraction and related processes;
- Engagement, information-sharing, and enforcement actions related to labor rights in critical minerals extraction and processing;
- Remedying violations of labor rights at entities connected to critical minerals supply chains; and
- Promoting employer neutrality in union organizing and operations.

The Agreement entered into force immediately upon signature.

For further discussion of Critical Minerals Agreements, see Chapter II.E Non-Market Policies and Practices.

8. United States–European Union Critical Minerals Agreement

On March 10, 2023, the United States and the European Union announced the launch of negotiations on a targeted critical minerals agreement with the shared goal of reaching an agreement that facilitates trade in critical minerals, promotes supply chain diversification, and includes robust labor and environmental commitments.

On July 20, 2023, the European Council passed a mandate authorizing the European Commission to open negotiations, on behalf of the European Union, with the United States. The Office of the U.S. Trade Representative (USTR) is leading the negotiations, in close coordination with the Treasury Department.

For further discussion of Critical Minerals Agreements, see Chapter II.E Non-Market Policies and Practices.

9. United States–United Kingdom Critical Minerals Agreement

On June 8, 2023, the United States and the United Kingdom (UK) issued the Atlantic Declaration, which stated that the United States and the UK would begin negotiations on a targeted critical minerals agreement covering the five relevant critical minerals most important for electric vehicles: cobalt, graphite, lithium, manganese, and nickel. The United States and the UK share the goal of reaching an agreement that facilitates trade in critical minerals, promotes supply chain diversification, and includes robust labor and environmental commitments.

The Office of the U.S. Trade Representative (USTR) is leading the negotiations, in close coordination with the Treasury Department.

For further discussion of Critical Minerals Agreements, see Chapter II.E Non-Market Policies and Practices.

B. COMPREHENSIVE FREE TRADE AGREEMENTS IN FORCE

1. Australia

The United States–Australia Free Trade Agreement (FTA) entered into force on January 1, 2005.

Operation of the United States–Australia Free Trade Agreements

The United States–Australia Joint Committee is the central oversight body for the FTA. The United States met regularly with Australia throughout 2023 to monitor implementation of the FTA and review concerns about market access, and continued to work closely with Australia to deepen the bilateral trade relationship and coordinate on issues of regional and international importance.

Agriculture

For a discussion of agriculture-related activities, see Chapter III.C.3 Agriculture and Trade Monitoring and Enforcement Activities of Existing Agreements.

2. Bahrain

The United States–Bahrain Free Trade Agreement (FTA) entered into force on August 1, 2006. Under the FTA, as of August 1, 2006, Bahrain provides duty-free access to 100 percent of the two-way trade in industrial and consumer products, and trade in most agricultural products. In addition, under the FTA, Bahrain opened its services market, which provides opportunities for U.S. financial services providers and U.S. companies that offer telecommunication, audiovisual, express delivery, distribution, health care, architecture, and engineering services. Under the 2018 United States–Bahrain Memorandum of Understanding on Trade in Food and Agriculture Products, Bahrain continues to accept existing U.S. export certifications for food and agricultural products.

The United States–Bahrain Bilateral Investment Treaty, which took effect in May 2001, covers investment issues between the two countries.

Operation of the United States–Bahrain Free Trade Agreement

The United States–Bahrain Joint Committee is the central oversight body for the FTA. The Joint Committee did not meet during 2023.

Labor

During 2023, the Office of the U.S. Trade Representative (USTR) and the U.S. Department of Labor continued to monitor and engage with the Government of Bahrain on labor rights in Bahrain, in particular with respect to employment discrimination and freedom of association related concerns that were highlighted initially during consultations that began in 2013 under the United States-Bahrain FTA.

For further discussion of labor-related activities, see Chapter III.H.2 Trade and Labor Monitoring and Enforcement Activities of Existing Agreements.

3. Central America and the Dominican Republic

On August 5, 2004, the United States signed the Dominican Republic–Central America–United States Free Trade Agreement (CAFTA–DR) with five Central American countries (Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua) and the Dominican Republic. The Agreement entered into force for the United States, El Salvador, Guatemala, Honduras, and Nicaragua in 2006, for the Dominican Republic on March 1, 2007, and for Costa Rica on January 1, 2009.

The CAFTA–DR eliminates tariffs, reduces barriers to services, and promotes transparency and customs and administrative efficiencies, facilitating intra-regional supply chains and integrated operations and fostering greater prosperity, formal employment, and inclusive economic opportunities throughout the region. U.S. export and investment opportunities with Central America and the Dominican Republic have continued to grow under the CAFTA–DR. All of the CAFTA–DR Parties have committed to strengthening trade facilitation, regional supply chains, and implementation of the Agreement. U.S. consumer and industrial goods may enter duty free in CAFTA–DR member country markets. U.S. textile and apparel goods meeting the Agreement’s rules of origin enter CAFTA–DR countries’ markets duty free and quota free. Under the CAFTA–DR, tariff-rate quotas (TRQs) for sensitive agricultural products will increase annually through 2025, after which the TRQs will be eliminated and the affected products will enter CAFTA–DR countries duty free.

Operation of the Dominican Republic–Central America–United States Free Trade Agreement

The CAFTA–DR Free Trade Commission is the central oversight body for the Agreement.

Agriculture

For a discussion on agriculture-related activities, see Chapter III.C.3 Agriculture and Trade Monitoring and Enforcement Activities of Existing Agreements.

Environment

For a discussion on environment-related activities, see Chapter III.G.2 Trade and Environment Monitoring and Enforcement Activities of Existing Agreements

Labor

Ongoing CAFTA–DR labor capacity building activities, including the exchange of views on best practices, support efforts to promote labor rights and improve the enforcement of labor laws in the CAFTA–DR countries. In 2023, both the U.S. Department of Labor (DOL) and the U.S. Agency for International Development (USAID) continued to fund labor-related technical assistance projects that supported CAFTA–DR objectives. The Department of State funded programs in Central America to combat labor violence and to ensure employers create more gender-inclusive workplaces where gender discrimination is appropriately addressed.

For a discussion on gender and labor CAFTA-DR engagement, see Chapter III A.3. Advancing Gender Equity and Equality and Women’s Economic Empowerment in Trade Policy.

For a discussion on labor-related activities, see Chapter III.H.2 Trade and Labor Monitoring and Enforcement Activities of Existing Agreements

Dominican Republic

A technical working group formed to improve labor law enforcement in the Dominican sugar sector continued to meet in 2023. The working group, which includes officials from the countries' responsible trade, labor, and foreign affairs ministries, took into account the commitment of the two countries to enforce labor laws, including those regarding forced labor, improve labor conditions under the CAFTA-DR and in accordance with international standards, and continue their long-standing partnership on addressing these issues.

In response to allegations in a submission from the public under the CAFTA-DR that the Government of the Dominican Republic had failed to enforce the country's labor laws in the sugar sector, the United States continued to engage throughout 2023 with Dominican Republic officials, the sugar industry, and civil society groups on the concerns identified in a 2013 DOL report:

- As part of the U.S. Government's efforts to address labor-related concerns, the DOL awarded a \$3 million project to strengthen worker engagement and empowerment in the sugar sector.
- Sugar producers have engaged in the process to varying degrees and have implemented some reforms that address concerns raised in the submission and recommended in the DOL report.

Honduras

Since 2015, the United States and the Government of Honduras have been working together to fulfill commitments Honduras made following the DOL's 2015 report in response to a submission from the public filed under the Labor Chapter of the CAFTA-DR and signing of the Labor Rights Monitoring and Action Plan (MAP), including addressing legal and regulatory frameworks for labor rights, undertaking institutional improvements, intensifying targeted enforcement, and improving transparency. In 2023, the U.S. Government and the Government of Honduras engaged on the MAP. The U.S. Government conducted numerous missions to Honduras to follow up on the MAP and encourage Honduras to take the required actions to complete it.

The U.S. Government continued to provide technical cooperation projects in Honduras to support employment and labor rights, including a program funded by the Department of State to combat labor violence mentioned above. In 2023, the DOL managed technical assistance projects in Honduras addressing issues such as child labor, workplace safety, and forced labor in agricultural and manufacturing sectors.

Additional CAFTA-DR Labor-Related Technical Capacity Building

In 2023, the USAID Regional Human Rights and Democracy activity in Central America continued to build capacity and advocate for labor rights. At a regional level, the activity worked with the Inter American Human Rights Commission and the ILO to conduct training on labor rights and inclusion for public employees and civil society representatives. Through the activity, the ILO supported entrepreneurship opportunities for journalists, human rights defenders, and vulnerable workers. In Guatemala, the project partner, the *Asociación de Capacitación y Asistencia Técnica en Educación y Discapacidad*, an association for training and technical assistance on education and disabilities, was able to find employment for 20 persons with disabilities, through awareness raising and negotiations with businesses and municipalities. The Honduras Subgrantee the Association of Nongovernmental Organizations, a network of civil society

organizations, elaborated guidelines for the Honduras Secretariat for Labor and Social Security to prevent abuses, violence, and labor harassment.

For further discussion of labor-related activities, see Chapter III.H.2 Trade and Labor Monitoring and Enforcement Activities of Existing Agreements.

Textiles

For a discussion on textiles-related activities, see Chapter III.K Textiles and Trade.

Other Implementation Matters

Throughout 2023, the United States continued to advance its broad strategy with Central America to address the root causes of migration, including strengthening inclusive economic prosperity, labor rights and protections, democratic governance, and the rule of law. Through engagements with CAFTA–DR partner countries and stakeholders, USTR focused on strengthening labor and environment standards, building resilient regional supply chains, facilitating trade, and improving transparency and good regulatory practices, to build sustainable and inclusive trade and economic opportunities and formal sector employment in the region. CAFTA–DR Coordinators discussed policy cooperation and trade capacity building activities related to improving efficiencies and expanding bilateral and intra-regional trade and investment opportunities. They also discussed other regulatory practices to prioritize for improvement; strengthening trade, investment, and the regional supply chain in the textiles and apparel sector; strengthening worker rights and labor protections to foster inclusive economic, trade, and investment opportunities; and strengthening environmental protections to foster sustainable economic development and investment opportunities.

Various CAFTA–DR Coordinators and members of the Agricultural Review Commission reviewed issues under CAFTA-DR Article 3.18, including the implementation and operation of the Agreement as it relates to trade in agricultural goods. *(For more information on agriculture-related issues, see Chapter III.C.2 Agriculture and Trade Monitoring and Enforcement Activities of Existing Agreements.)*

The United States also continued to work closely with the other CAFTA–DR Parties on bilateral and regional matters related to implementation of the Agreement, including agricultural and sanitary and phytosanitary (SPS) trade matters. The U.S. Government worked to improve the transparency and effectiveness of Central American regulatory and customs/border practices, which has resulted in facilitating customs procedures and trade.

The Free Trade Commission has emphasized the need for greater regional integration, which the United States continued to support through various trade capacity building efforts to promote economic prosperity. These initiatives included efforts to support the U.S. textile and apparel industry by strengthening utilization of the Agreement and regional supply chains. Throughout 2023, USTR undertook various efforts to promote the CAFTA–DR supply chain and nearshoring, including work with the Inter-American Development Bank on a CAFTA–DR Sourcing Database project containing elements to encourage regional sourcing and support the short supply process by assisting producers to meet procedural and due diligence requirements. In coordination with the U.S. Department of Commerce, USTR also carried out extensive consultations on how U.S. and CAFTA-DR partner country stakeholders can make better use of existing provisions of the Agreement, including CAFTA-DR’s short supply mechanism.

Trade Capacity Building

During 2023, USTR coordinated with U.S. Government trade-related agencies and CAFTA–DR partner countries to identify and explore trade capacity building activities and to work with government agencies and international donors to prioritize and coordinate technical assistance through the Trade Capacity Building (TCB) Committee.

Trade capacity building programs and planning continued throughout 2023. USTR, along with the USAID and other U.S. Government trade and donor agencies, such as the U.S. Departments of Agriculture, Commerce, Labor, and State, carried out bilateral and regional projects with CAFTA–DR partner countries to facilitate trade and inclusive economic opportunity, strengthen labor rights and protections, and increase capacity within the CAFTA–DR countries.

During 2023, specific programs included the following:

- Continuation of the Central America Regional Trade Facilitation and Border Management project, which aims to enhance economic growth in Central America by strengthening the region’s trade capacity and competitiveness through increased regional integration and lower administrative costs associated with trade. The project also continued to support a Coordinated Regional Border Management Academy to certify border control officers, helping to ensure that procedures are followed according to a uniform standard. In addition, the project continued to provide technical assistance to trade and regulatory agencies and regional business associations to comprehensively implement key elements of the World Trade Organization (WTO) Trade Facilitation Agreement (TFA).
- Continuation of various workshops on the U.S. regulatory system, internal standards, and WTO obligations for CAFTA DR Parties. The purpose of these workshops was to highlight for the CAFTA–DR Parties how the U.S. regulatory system operates, as well as support resolution of a number of outstanding regulatory issues that disrupt trade between the United States and the other CAFTA–DR Parties.
- Continuation of the Central America Customs, Border Management, and Supply Chain Trade Facilitation program, which provides technical assistance to the governments of El Salvador, Guatemala, and Honduras on implementing transparency reforms to improve and simplify customs clearance procedures. The program continued to promote economic prosperity objectives and compliance with the commitments outlined in both the CAFTA–DR and the WTO TFA.
- Continuation of U.S. Department of Agriculture TCB training in the CAFTA-DR countries to support adoption of science-based regulations that follow international standards, and to encourage a common approach among the countries to facilitate the free flow of goods. This included engagement during 2023 on pesticide and biopesticide registration, establishment of internationally-approved maximum residue limits, development of risk-based food safety inspection models, increased compliance with U.S. food safety regulations, assistance on agricultural statistics methodologies, programs aimed at preventing the spread of African Swine Fever to the mainland United States, and support for international standard setting bodies.

For further discussion of trade capacity building, see Chapter III.I Trade Capacity Building.

4. Chile

The United States–Chile Free Trade Agreement (FTA) entered into force on January 1, 2004. Under the FTA, since January 1, 2015, Chile has provided duty-free access to all goods exports.

Operation of the United States–Chile Free Trade Agreement

The United States–Chile Free Trade Commission (FTC) is the central oversight body for the FTA. In 2023, the United States and Chile marked the 20th anniversary of the FTA. Both governments met regularly in 2023 to develop an agenda for the next FTC meeting.

Agriculture

The United States engaged regularly with Chile in 2023 to discuss trade issues related to agriculture. In particular, the United States discussed with Chile the concerns expressed by U.S. stakeholders that a new trade agreement between the European Union and Chile could negatively impact U.S. cheese and meat producers' ability to sell their products in Chile.

Environment

For a discussion of environment-related activities, see Chapter III.G.2 Trade and Environment Monitoring and Enforcement Activities of Existing Agreements.

Labor

The United States continued its engagement with Chile on labor issues in 2023. In its [2022 Report on Findings on the Worst Forms of Child Labor](#), the U.S. Department of Labor recognized Chile as having made “moderate advancement” in its efforts to eliminate the worst forms of child labor.

5. Colombia

The United States–Colombia Trade Promotion Agreement (CTPA) entered into force on May 15, 2012. Under the CTPA, Colombia provides duty-free access to all U.S. consumer and industrial products. More than half of U.S. agricultural exports to Colombia became duty free immediately upon entry into force, with virtually all remaining tariffs on U.S. agricultural goods to be eliminated by 2026 (reflecting a 15-year phase-out period). Tariffs on a few most sensitive agricultural products will be phased out in 17 to 19 years after entry into force.

Operation of the United States–Colombia Trade Promotion Agreement

The United States–Colombia Free Trade Commission (FTC) is the central oversight body for the CTPA. In 2023, the United States continued to work with Colombia on regulatory and certification matters related to, among other items, Colombia's sodium regulations, and acceptance of self-certification for U.S. vehicles manufactured in accordance with the U.S. Federal Motor Vehicle Safety Standards. Additionally, the United States and Colombia held numerous CTPA committee meetings, including four in Bogota, to make progress in preparation for the next FTC meeting.

Agriculture

USTR and the U.S. Department of Agriculture advocated with the Colombian Agriculture and Trade Ministries to request that Colombia continue issuing import permits for certain U.S. poultry products while Colombia assessed U.S. sanitary protocols for prevention of the spread of highly pathogenic avian influenza. In response, Colombia delayed by approximately two months the implementation of an import permit ban, thereby allowing an additional poultry tariff-rate quota auction to proceed and U.S. products with existing import permits to enter the market. Since Colombia implemented the ban on issuing new import permits in August 2023, the United States has continued to advocate at multiple levels for an immediate resumption in issuing new import permits under the 2012 regionalization agreement on highly pathogenic avian influenza.

For further discussion of agriculture-related activities, see Chapter III.C.3 Agriculture and Trade Monitoring and Enforcement Activities of Existing Agreements.

Environment

For a discussion of environment-related activities, see Chapter III.G.2 Trade and Environment Monitoring and Enforcement Activities of Existing Agreements.

Labor

The U.S. Government, including USTR and the U.S. Department of Labor (DOL), engaged with the Colombian Government on labor issues throughout 2023. Much of the engagement focused on Colombia's ongoing efforts to reform its labor legislation and address issues identified in the DOL's January 2017 report in response to a submission from the public filed under the Labor Chapter of the CTPA in July 2016. The report focused on improving Colombia's labor law inspection system, improving the application and collection of fines for employers who violate labor laws, combating abusive subcontracting and collective pacts, and improving the investigation and prosecution of cases of violence and threats against unionists. The DOL has posted a Labor Attaché to the U.S. Embassy in Bogota to monitor labor issues and engage with Colombian Government officials and labor stakeholders, highlighting the U.S. Government's commitment to ensuring close engagement with Colombia on labor rights.

The United States continued to work closely with Colombia on remaining challenges, including strengthening the labor law inspection system, improving collection of fines, combatting abusive subcontracting, and addressing the misuse of collective pacts, which are some of the issues covered under the Colombian Action Plan Related to Labor Rights (Action Plan). The United States and Colombia launched the Action Plan in 2011 to provide detailed, concrete steps that Colombia would take within specified time frames to address major areas of labor concern.

In 2023, the DOL managed technical assistance projects in Colombia that aim to improve labor law enforcement and promote labor rights covered by the CTPA. These projects range in scope from advancing labor law compliance in the port sector, to addressing child and forced labor in palm oil supply chains, to promoting access to quality jobs and a better understanding of labor rights for women and girls in agriculture. Colombia is also one of three countries (in addition to Brazil and Peru) included in a DOL-funded project to promote workers' voices, advance unionization and collective bargaining in key trade sectors, and elevate unions' substantive participation in social dialogue and policy deliberations with government and industry representatives. In its [2022 Report on the Findings on the Worst Forms of Child Labor](#), the DOL recognized Colombia as having made "significant advancement" in its efforts to eliminate the worst forms of child labor.

For further discussion of labor-related activities, see Chapter III.H.2 Trade and Labor Monitoring and Enforcement Activities of Existing Agreements.

Textiles

In April 2023, USTR and U.S. Department of Commerce officials traveled to Colombia for a meeting of the Committee on Textile and Apparel Trade Matters under the CTPA. Following the meeting, the United States conducted a two-day, two-city capacity building workshop for the Colombian textiles and apparel industry.

For further discussion of textiles-related activities, see Chapter III.K Textiles and Trade.

6. Israel

The United States–Israel Free Trade Agreement (FTA) entered into force on September 1, 1985. The Agreement was the United States’ first FTA, and continues to serve as the foundation for the trade and investment relationship between the United States and Israel.

Operation of the United States–Israel Free Trade Agreement

The United States–Israel Joint Committee is the central oversight body for the FTA. The governments continued collaborative efforts to improve bilateral trade and investment, including with respect to Israel’s progress in addressing a number of standards-related and customs barriers to bilateral trade and possibilities for further cooperation in the areas of services, investment, and digital trade. Both countries continued to work toward resolving these and additional trade impediments. In 2023, Israel accepted international standards on a variety of products, thereby opening its market to imports of a range of U.S. products.

At a February 2016 Joint Committee meeting, Israel had proposed resuming negotiations on a permanent successor agreement to the current United States–Israel Agreement on Trade in Agricultural Products (ATAP). The current ATAP is the second of two temporary ATAPs that the United States and Israel have negotiated due to a disagreement over interpretation of the FTA that arose after the Uruguay Round was concluded. The first ATAP, negotiated in 1996, allowed for limited preferential tariff treatment for some U.S. agricultural products. The 2004 successor ATAP achieved modest additional market access for U.S. agricultural products. That ATAP was originally set to remain in effect until the end of 2008, but has been continued each year since then through a series of one-year extensions. Under the 2004 ATAP, Israel provides the United States less advantageous tariff treatment than the United States provides Israel: the United States provides Israel with duty-free access to 90 percent of agricultural tariff lines, while Israel provides the United States with duty-free access to only 72 percent of agricultural tariff lines. Because of existing disparities, the United States remains committed to negotiating a more balanced permanent successor agreement. Negotiations were last held in 2019. At the May 2023 Joint Committee meeting, the United States and Israel reaffirmed their commitment to the negotiation of a permanent ATAP.

7. Jordan

The United States–Jordan Free Trade Agreement (FTA) entered into force on December 17, 2001. Under the FTA, as of January 1, 2010, Jordan provides duty-free access to substantially all U.S. exports.

Jordanian exporters benefit from the Qualifying Industrial Zones (QIZs) program established by the U.S. Congress in 1996. The QIZ program allows products exported from Jordan with a specified amount of Israeli content to enter the United States duty free if manufactured in Jordan, Egypt, or the West Bank and

Gaza. QIZ products accounted for about 2.1 percent of Jordanian exports to the United States in 2023. The QIZ share of Jordanian exports is declining relative to the share of Jordanian exports shipped to the United States under the FTA.

Operation of the United States–Jordan Free Trade Agreement

The United States–Jordan Joint Committee is the central oversight body for the FTA. During the May 2023 Joint Committee meeting, the United States and Jordan discussed a range of bilateral trade and investment issues to promote greater reciprocal exchanges of agricultural and industrial goods and services. They focused on issues of common interest that will yield benefits for middle income families and workers. Both governments decided to:

- Support the findings of the FTA Labor Subcommittee that had met in November 2022. The Labor Subcommittee focused discussion on concerns relating to the garment industry, agriculture, and child labor. As an outcome of that work, the FTA Joint Committee committed to develop a roadmap to increase respect for freedom of association and elevate workers’ voices in Jordan.
- Establish the FTA Subcommittee on Environmental Affairs to share information regarding respective efforts to improve levels of environmental protection and the implementation of the shared environment commitments in the U.S.-Jordan FTA, and to foster dialogue on pressing trade and environment matters, including climate change and circular economy approaches.
- Remedy outstanding agricultural trade concerns, including import licensing issues affecting U.S. exports of poultry and apples and import sampling issues affecting U.S. corn exports, while continuing talks on import licensing issues affecting U.S. exports of live cattle.

Agriculture

For further discussion of agriculture-related activities, see Chapter III.C.1 Opening Export Markets for American Agriculture

Labor

The United States continued to monitor labor rights in Jordan pursuant to labor provisions of the FTA and to work with Jordan in the area of labor standards. The United States and Jordan have previously recognized serious labor concerns in Jordan’s garment factories, including anti-union discrimination against foreign workers, poor conditions of accommodations for foreign workers, and gender discrimination and harassment. To address these concerns, in 2013, the United States and Jordan developed the Implementation Plan Related to Working and Living Conditions of Workers in Jordan (Implementation Plan). Pursuant to its commitments under the Implementation Plan, Jordan has improved the coordination of inspections in garment factory dormitories and continued those improvements in 2023. The U.S. Government continued to engage with the Jordanian Ministry of Labor on Implementation Plan commitments and on addressing limitations to freedom of association and democratic worker representation in 2023, and the International Labor Organization (ILO) Better Work program continued to support Implementation Plan objectives.

The DOL continued to fund the U.S. Federal Mediation and Conciliation Services’ (USFMCS) train-the-trainers program within the Jordanian Ministry of Labor to governorates outside the Jordanian capital, Amman, to better address collective disputes and the USFMCS enhanced training to include proactive conflict mitigation and mediation strategies with the private sector and trade unions.

For further discussion of labor-related activities, see Chapter III.H.2 Trade and Labor Monitoring and Enforcement Activities of Existing Agreements.

8. Korea

The United States–Korea Free Trade Agreement (KORUS) entered into force on March 15, 2012. In 2018, the United States negotiated further amendments and modifications, which entered into force on January 1, 2019.

Operation of the United States–Korea Free Trade Agreement

The United States monitors and enforces implementation of KORUS commitments through the 21 committees and working groups established under KORUS. Throughout 2023, the United States continued to use the committees and working groups to raise and resolve trade issues and ensure Korea is implementing its obligations under KORUS. The Government Procurement Working Group and the Origin Verification Working Group met in June 2023. The Committee on Agricultural Trade and the Committee on Sanitary and Phytosanitary Matters convened in August 2023. The Committee on Textiles and Apparel and the Committee on Services and Investment met virtually in November 2023.

Issues addressed in the 2023 meetings included: (1) impediments to U.S. meat and poultry exports; (2) Korea’s approval process for genetically engineered products; (3) Korea’s positive list system for pesticides; (4) Korea’s administration of its tariff-rate quotas on agricultural products; and (5) procurement of cloud computing services.

The United States also addressed KORUS compliance and other trade issues through regular inter-sessional meetings and other engagements with the Korean Government.

Agriculture

For further discussion of agriculture-related activities, see Chapter III.C.3 Agriculture and Trade Monitoring and Enforcement Activities of Existing Agreements.

Labor

For a discussion of labor-related activities, see Chapter III.H.2 Trade and Labor Monitoring and Enforcement Activities of Existing Agreements.

Textiles

For a discussion of textiles-related activities, see Chapter III.K Textiles and Trade.

9. Mexico and Canada

The United States–Mexico–Canada Agreement (USMCA) entered into force on July 1, 2020. The USMCA maintains the zero tariffs among the three countries that were in place under the North American Free Trade Agreement (NAFTA), while also modernizing the NAFTA to include strong, enforceable labor and environmental obligations in its core text, including a facility-specific Rapid Response Mechanism that provides for quick review of alleged denials of workers’ rights to freedom of association and collective bargaining.

The USMCA also includes provisions covering small and medium-sized enterprises (SMEs). The Agreement importantly recognizes that SMEs are a driving force of economic growth and includes new mechanisms to help SMEs, including women-owned businesses, make better use of the USMCA. The Agreement also contains provisions to promote gender equity in relevant chapters, such as provisions on cooperation on eliminating employment discrimination, including on the basis of sex, and promoting corporate social responsibility, including with respect to gender equality.

For further discussion on SME activities, see Chapter III.B Small and Medium-Sized Business Initiative.

For further discussion on gender activities, see Chapter III.A.3 Advancing Gender Equity and Equality and Women's Economic Empowerment in Trade Policy.

The USMCA includes updated rules of origin for automobiles and automotive parts that create strong incentives to invest and manufacture in the United States and North America more broadly, ensuring that benefits of the USMCA provisions accrue to the Parties. The USMCA also contains important improvements that benefit American farmers, ranchers, and agribusinesses, including expanded access into the Canadian market for U.S. dairy, poultry, and egg products.

The USMCA includes provisions on digital trade and strong commitments on investment, financial services, and intellectual property rights. In an annex to the USMCA Cross-Border Trade in Services Chapter, Canada committed to “ensure that U.S. programming services specializing in home shopping, including modified versions . . . are authorized for distribution in Canada.” Since entry into force, the United States has pressed Canada to fully comply with its USMCA commitment. After continued U.S. Government engagement, Canada introduced new rules in August 2023 to address the issue. USTR continued to monitor Canada’s implementation to ensure the issue is resolved.

The USMCA also addresses problematic non-tariff barriers, which can hinder U.S. exports, through new provisions on transparency and regulatory matters, including chapters covering technical barriers to trade, sanitary and phytosanitary measures and good regulatory practices. Finally, the USMCA contains provisions to combat subsidies and non-market practices that have the potential to disadvantage American workers and businesses, including a chapter to address unfair currency practices, rules on trade distortions caused by state-owned enterprises, and transparency obligations with respect to any USMCA Party’s future trade negotiations with non-market economies.

The third Free Trade Commission meeting under the USMCA took place on July 7, 2023. During 2023, the following committees established by the USMCA convened: Agriculture, Trade Facilitation, Trade in Goods, Small and Medium-Sized Enterprises, North American Competitiveness, Environment, and Labor.

During 2023, the Parties focused the work of the Competitiveness Committee on expanding trilateral cooperation on North American workforce development issues and establishing mechanisms for cooperation during emergency situations that affect North American trade flows, including by establishing a joint understanding of critical infrastructure priorities in North America. The purpose of the Competitiveness Committee is to discuss and develop cooperative activities in support of a strong economic environment that incentivizes production in North America, facilitates regional trade and investment, enhances a predictable and transparent regulatory environment, encourages the swift movement of goods and the provision of services throughout the region, and responds to market developments and emerging technologies.

The Competitiveness Committee worked to strengthen workforce development and help address the skills gap in North America by highlighting innovative school-industry partnerships in key sectors, effective local and state-level partnerships and programs, and best practices including underserved communities in

workforce development programs. On May 17 to May 18, 2023, U.S., Mexican, and Canadian officials participated in a two-day program in Huntsville, Alabama, that included meetings with representatives from regional Historically Black Colleges and Universities, state and local governments, and industry representatives. As part of the program, USTR co-organized a forum that underscored workforce development successes in the region. USTR continued to collaborate with Mexico, Canada, and stakeholders on future workforce development programs.

Recognizing that the disruption of North American trade flows in emergency situations can have significant negative impacts on the Parties' domestic economies and on North American competitiveness, the Free Trade Commission issued Decision No. 5, which became effective in February 2023. Decision No. 5 establishes a trilateral Sub-Committee on Emergency Response under the USMCA Competitiveness Committee to coordinate North American efforts to maintain regional trade flows during emergency situations. In addition, the Decision created a Working Group under the Sub-Committee to develop a shared understanding of what constitutes critical infrastructure priorities. USTR leads coordination of both the Sub-Committee and Working Group in partnership with technical experts from U.S. Government agencies with emergency response and critical infrastructure expertise. Each Party has shared its relevant information on domestic coordination and consultation procedures. The Parties are now working to complete the required report describing shared critical infrastructure priorities and complete a proposal on procedures for coordination and consultation in response to specific emergency situations.

For further discussion on manufacturing and trade activities, see Chapter III.F Manufacturing and Trade.

Operation of the United States–Mexico–Canada Agreement

Automotive Rules

The USMCA raises regional value content requirements to 75 percent for automobiles and requires that at least 70 percent of a producer's steel and aluminum purchases originate in North America. The USMCA also includes a new labor value content rule that requires that a certain percentage of qualifying vehicles be produced by employees making an average of at least \$16 per hour.

The United States–Mexico–Canada Agreement Implementation Act (P.L. 116-113) (USMCA Implementation Act) required the establishment of an Interagency Committee on Trade in Automotive Goods (Interagency Autos Committee), which was established on February 28, 2020. The Interagency Autos Committee met regularly throughout 2023 to monitor the implementation of the USMCA's automotive rules of origin.

The USMCA provides producers with the opportunity to apply for an alternative staging regime that allows them to gradually meet regional value content levels for up to five years (by 2025) before satisfying the standard requirements. Producers operating under alternative staging regimes are required to report annually to USTR on the operation of those arrangements, as well as the status and progress of their efforts to use more U.S. and North American content in order to meet the standard USMCA automotive rules of origin.

Agriculture

For a discussion of agriculture-related activities, see Chapter III.C.3 Agriculture and Trade Monitoring and Enforcement Activities of Existing Agreements.

Environment

The USMCA Environment Chapter obligations are fully enforceable under the USMCA’s dispute settlement mechanism and address key environmental challenges, such as illegal, unreported, and unregulated (IUU) fishing and disciplining harmful fisheries subsidies. The USMCA commits the United States, Mexico, and Canada to take actions to combat and prevent trafficking in timber, fish, and other wildlife, and includes provisions to address other environmental issues, such as air quality and marine litter.

The USMCA Implementation Act allocated over \$400 million in new resources to agencies to support cooperation and enhanced monitoring and enforcement of USMCA environment provisions, including resources to support the construction of high-priority wastewater facilities along the United States–Mexico border as well as cooperation to combat IUU fishing and address marine litter. USTR was allocated \$60 million of these resources over four years to bolster monitoring and enforcement of USMCA obligations. These resources supported the Interagency Environment Committee on Monitoring and Enforcement to monitor and enforce USMCA environmental obligations and three Environment Attaché positions in the U.S. Embassy in Mexico City, Mexico, to liaise directly with government, industry, and civil society counterparts to further assist with monitoring and enforcement of environmental obligations. The resources allocated to USTR have enabled it to strengthen other U.S. Government agencies’ capacity to deliver on their respective monitoring and enforcement mandates by providing additional resources that enhance U.S. intelligence and enforcement capacity, promote sustainable forest management and combat illegal logging, and promote sustainable fisheries management and conservation of marine species.

In parallel with the USMCA Environment Chapter, the Parties agreed to continue their longstanding and successful history of environmental cooperation under the Commission on Environmental Cooperation, as outlined in the new Environmental Cooperation Agreement (ECA), which entered into force on July 1, 2020. Among other objectives, the ECA supports the implementation of the USMCA Environment Chapter commitments. The ECA facilitates trilateral cooperation in a variety of areas, including efforts to reduce pollution, strengthen environmental governance, conserve biological diversity, and sustainably manage natural resources. The ECA updates and supersedes the North American Agreement on Environmental Cooperation.

For further discussion of the USMCA Environment Chapter, see Chapter III.G.2 Trade and Environment Monitoring and Enforcement Activities of Existing Agreements.

Labor

The USMCA’s robust and comprehensive labor provisions are fully incorporated into its core text and fully enforceable under the USMCA’s dispute settlement mechanism. Among other obligations, the USMCA includes provisions requiring Parties to take measures to prohibit the importation of goods produced by forced labor and to address violence against workers exercising their labor rights. The USMCA also includes an innovative Rapid Response Mechanism (RRM) in the dispute settlement chapter to address the protection of freedom of association and collective bargaining rights at the facility level. The new mechanism provides for the suspension of USMCA tariff benefits or the imposition of other penalties, such as blocking imports from businesses that are repeat offenders, in cases of noncompliance with key labor obligations.

In 2023, the United States initiated the RRM 13 times, seeking review by the Government of Mexico for alleged denials of rights at various facilities. In addition, the United States and Mexico decided on four courses of remediation during the review period and the United States launched the first ever dispute settlement panel in connection with the RRM. Work through the mechanism has resulted in concrete and positive outcomes for workers, such as reinstatement and backpay for dismissed workers, increased

opportunities for unions to organize and compete on equal footing, free and fair union representation elections in which workers selected unions to represent them, and new collective bargaining agreements with substantial improvements in wages and working conditions.

The USMCA also includes a Labor Chapter Annex that required Mexico to overhaul its system of labor justice prior to entry into force to ensure that workers have the right to secret ballot votes to elect union leadership and to approve or reject new and existing collective bargaining agreements. Mexico enacted these labor law reforms in 2019, giving itself four years to fully implement the operation of a new Federal Conciliation and Labor Registration Center, a system of local conciliation centers and labor courts throughout the country. The four-year period concluded May 1, 2023. That was also the deadline for unions to submit collective bargaining agreements (CBAs) that existed at the time of the reform to a secret ballot approval or “legitimization” vote by workers. Most of the 139,000 CBAs registered with the government were not submitted for a legitimization vote. Those that were not are no longer valid as a result of the changes implemented in Mexico’s labor reforms. Employers, however, remain responsible under Mexican law for continuing to provide any CBA benefits granted under the invalidated CBAs that are greater than those provided by law. Throughout 2023, the U.S. Government continued to consult closely with the Mexican Government regarding the implementation of the reform to ensure compliance with Mexico’s obligations under the USMCA, including through the Interagency Labor Committee for Monitoring and Enforcement (Interagency Labor Committee).

The Interagency Labor Committee, established in 2020 and co-chaired by the U.S. Trade Representative and the U.S. Secretary of Labor, met regularly in 2023 to review labor rights issues in Mexico and prepare reports to the U.S. Congress.

For further discussion of labor-related activities, see Chapter III.H.2 Trade and Labor Monitoring and Enforcement Activities of Existing Agreements.

Textiles

For a discussion on textiles-related activities, see Chapter III.K Textiles and Trade.

10. Morocco

The United States–Morocco Free Trade Agreement (FTA) entered into force on January 1, 2006. The FTA has supported the ongoing economic and political reforms in Morocco and has laid the groundwork for improved commercial opportunities for U.S. exports to Morocco in several agricultural and industrial sectors.

Operation of the United States–Morocco Free Trade Agreement

The United States–Morocco Joint Committee (JC) is the central oversight body for the FTA. During the February 2023 meeting, the JC explored labor, environment, various agricultural and sanitary and phytosanitary issues, geographical indications, certain customs issues, intellectual property protection, and a number of textile and apparel matters.

For a discussion of Textiles, see Chapter III.K Textiles and Trade.

Labor

In 2023, the Office of the U.S. Trade Representative continued to monitor labor issues in Morocco. Morocco continued to implement a domestic worker law that extends protections and benefits to domestic workers by setting a minimum wage, establishing a minimum age for employment, limiting weekly hours of work, and providing such workers with a day of rest. The law addresses an area of concern raised by the United States in several FTA JC meetings. In its [2022 Report on the Findings on the Worst Forms of Child Labor](#), DOL recognized Morocco as having made “moderate advancement” in its efforts to eliminate the worst forms of child labor.

12. Panama

The United States–Panama Trade Promotion Agreement entered into force on October 31, 2012. Under the Agreement, Panama provides duty-free access to all U.S. consumer and industrial products. Nearly half of U.S. agricultural exports immediately became duty free upon entry into force, with remaining tariffs on most U.S. agricultural goods to be eliminated by January 1, 2026. Tariffs on most sensitive agricultural products will be phased out 18 to 20 years after entry into force. The Agreement also provides access to Panama’s estimated \$45 billion services market.

Prior to the Agreement’s entry into force, Panama improved its tax transparency practices, including via signature of a Tax Information Exchange Agreement with the United States, which entered into force in 2011.

Operation of the United States–Panama Trade Promotion Agreement

The United States–Panama Free Trade Commission is the central oversight body for the Agreement. The Committee on Trade Capacity Building (TCB) held its inaugural meeting on July 27, 2022, and its next meeting on April 12, 2023. Through funding provided by the U.S. Department of Agriculture, the United States is currently supporting three TCB programs in the agricultural sector in Panama.

Agriculture

For a discussion of agriculture-related activities, see Chapter III.C.3 Agriculture and Trade Monitoring and Enforcement Activities of Existing Agreements.

Environment

For a discussion of environment-related activities, see Chapter III.G.2 Trade and Environment Monitoring and Enforcement Activities of Existing Agreements.

Labor

The United States continued to work with the Government of Panama on labor-related topics of mutual interest in 2023, through the Cooperative Labor Dialogue under the Agreement.

13. Peru

The United States–Peru Trade Promotion Agreement entered into force on February 1, 2009. Under the Agreement, customs duties for qualifying U.S. goods have been eliminated on substantially all Peruvian

tariff lines. Peru will continue to reduce duties each January 1, with all remaining tariffs, which apply only to select agricultural products, to be eliminated by 2026.

Operation of the United States–Peru Trade Promotion Agreement

The United States–Peru Free Trade Commission is the central oversight body for the Agreement. The Free Trade Commission last met in September of 2018.

Environment

The United States continued to work with Peru on logging issues under the Annex on Forest Sector Governance (Forest Annex). The Forest Annex includes concrete steps Peru must take to strengthen forest sector governance and combat illegal logging and illegal trade in timber and wildlife products. The Forest Annex also includes monitoring tools, such as a requirement that Peru conduct audits of producers and exporters, as well as verifications of particular timber shipments upon request from the United States.

In October 2020, the United States took action to continue to block timber imports from Inversiones Oroza SRL (Oroza), a Peruvian exporter, based on illegally harvested timber found in its supply chain. The denial of entry order was scheduled to lapse in October 2023. However, as of that date, the Government of Peru had not demonstrated that Oroza was complying with all applicable laws, regulations, and other measures of Peru that govern the harvest of and trade in timber products. Accordingly, the Interagency Committee on Trade in Timber Products from Peru directed the U.S. Department of Homeland Security Customs and Border Protection to continue to deny entry to any future shipments of timber products originating from Peru that were produced or exported by Oroza until the Government of Peru demonstrates that Oroza has complied with all applicable laws and regulations.

For further discussion on environment-related activities, see Chapter III.G.2 Trade and Environment Monitoring and Enforcement Activities of Existing Agreements

Labor

In 2023, the U.S. Government continued to engage with the Government of Peru, Peruvian unions, and industry representatives on the issues identified in the March 2016 U.S. Department of Labor (DOL) report that was prepared in response to a July 2015 submission from civil society under the Agreement’s Labor Chapter. The submission raised issues related to Peru’s adoption and maintenance of laws and practices that protect fundamental labor rights and to Peru’s effective enforcement of labor laws, particularly with regard to Peru’s laws on non-traditional exports and the use of temporary contracts in the textiles and agricultural sectors. In July 2023, the DOL visited Lima as part of the review process for the case.

In its [2022 Report on the Findings on the Worst Forms of Child Labor](#), the DOL recognized Peru as having made “moderate advancement” in its efforts to eliminate the worst forms of child labor.

In 2023, the DOL continued to fund four technical assistance projects to improve Peru’s enforcement of labor laws and compliance with the Agreement’s Labor Chapter. One project engaged workers and civil society to strengthen labor law enforcement. Another focused on addressing child labor by strengthening civil society organizations at local and national levels. The DOL continued to support technical assistance for decent working conditions in the fishing sector with pilot activities in Peru and Ecuador. A DOL-funded project to promote workers’ voices, advance unionization and collective bargaining in key trade sectors, and elevate unions’ substantive participation in social dialogue and policy deliberations with government and industry representatives includes Peru along with two other countries (Brazil and Colombia).

For further discussion on labor-related activities, see Chapter III.H.2 Trade and Labor Monitoring and Enforcement Activities of Existing Agreements

14. Singapore

The United States–Singapore Free Trade Agreement (FTA) entered into force on January 1, 2004.

Operation of the United States–Singapore Free Trade Agreement

The United States–Singapore Joint Committee is the central oversight body for the FTA. The Joint Committee last met in October 2021. The United States and Singapore continue to work together on shared areas of interest through the FTA framework, including on environment, labor, digital trade, supply chains, and intellectual property. Throughout 2023, the United States also continued to work closely with Singapore to deepen the bilateral trade relationship and coordinate on issues of regional and international importance.

C. OTHER AGREEMENTS AND TRADE-RELATED INITIATIVES

1. The Americas

Comprehensive Free Trade Agreements and New Trade Initiatives

The United States has six free trade agreements (FTAs) with 12 countries in the Americas: Mexico and Canada under the United States–Mexico–Canada Agreement (USMCA) (2020), which replaced the North American Free Trade Agreement (NAFTA) (1994); Chile (2004); Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republic under the Dominican Republic–Central America–United States Free Trade Agreement (2006–2009); Peru (2009); Colombia (2012); and Panama (2012).

The United States hosted the inaugural Americas Partnership for Economic Prosperity Leaders’ Summit in November 2023, with leaders participating from Barbados, Canada, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, Mexico, Panama, Peru, and Uruguay to establish an enduring forum for regional competitiveness and mobilizing investment.

For further discussion of the free trade agreements, see Chapter I.B Comprehensive Free Trade Agreements in Force. For further discussion of the Americas Partnership, see Chapter I.A.5 Americas Partnership for Economic Prosperity.

Trade and Investment Framework Agreements and Other Bilateral Trade Mechanisms

The Office of the United States Trade Representative (USTR) chairs bilateral meetings with non-FTA partners in the Americas to discuss a wide range of issues, including labor and the environment, market opening opportunities, regulatory matters, enhancing opportunities for small and medium-sized enterprises (SMEs), and resolving trade issues. The United States has trade and investment framework agreements (TIFAs) or trade and investment council agreements (TICs) in force with Argentina, Bolivia, the Caribbean Community (CARICOM), Ecuador, Paraguay, and Uruguay. The United States has an Agreement on Trade and Economic Cooperation (ATEC) in force with Brazil.

In 2023, the United States continued its engagement with its non-FTA partners in the region with the goal of resolving trade problems and promoting inclusive trade policies. The activities below describe the key outcomes that advance the U.S. trade and investment agenda with these countries. In all of these engagements, USTR has emphasized labor standards, environmental sustainability, agricultural trade, and inclusive trade as fundamental for advancing this work.

For further discussion of inclusivity-, agricultural-, environmental-, and labor-related activities, see Chapter III.A Promoting Equitable, Inclusive, and Durable Trade Policy and Expanding Stakeholder Engagement; Chapter III.C Agriculture and Trade, Chapter III.G Trade and the Environment; and Chapter III.H Trade and Labor, respectively.

Argentina

In 2023, USTR continued technical work with Argentina under the United States–Argentina TIFA, to follow up on engagement during the last meeting of United States–Argentina Council on Trade and Investment in November 2022.

Brazil

Bilateral dialogue with Brazil is conducted through the United States–Brazil Commission on Economic and Trade Relations, established by the ATEC. During 2023, the United States and Brazil continued to work on full implementation of the 2020 Protocol to the Agreement on Trade and Economic Cooperation Relating to Trade Rules and Transparency. The Protocol entered into force in February 2022 and comprises annexes on Anticorruption, Good Regulatory Practices, and Trade Facilitation and Customs Administration. The transitional periods for certain provisions are set to end in 2024.

In March 2023, U.S. Trade Representative Tai traveled to Brazil to meet officials from the new Brazilian Administration, which took office on January 1, 2023. During discussions with the Brazilian Vice President and Foreign Minister, the countries emphasized their shared commitment to inclusive growth that protects the environment and promotes sustainability. The U.S. and Brazilian officials also agreed to strengthen and deepen the bilateral trade and economic partnership through the ATEC. In April 2023, USTR’s Chief Agriculture Negotiator traveled to Brazil to engage on U.S. priorities, including access to Brazil’s ethanol market.

The United States and Brazil also engaged in technical work in other areas, such as technical barriers to trade and IP rights. In September 2023, a U.S. Government delegation traveled to Brasilia to focus on IP priorities and also discuss work under the ATEC.

CARICOM

The United States and CARICOM member States held the ninth meeting of the Trade and Investment Council under the United States–CARICOM TIFA in October 2023 in Georgetown, Guyana. The United States, Barbados, Belize, Dominica, Guyana, Jamaica, Saint Lucia, and Trinidad and Tobago participated in the meeting, which focused on a range of shared priorities, including a review of the utilization of the trade preferences in the Caribbean Basin Initiative, agricultural sustainability and food security, trade in services, promoting and protecting workers’ rights, intellectual property protection and enforcement, trade facilitation, and the importance of good regulatory practices in promoting inclusivity and good governance and attracting investment. The Council also agreed to pursue a more ambitious meeting schedule in coming years.

Ecuador

In 2023, the two governments agreed on further work under the United States–Ecuador TIC in the areas of labor, environment, and fair trade.

Paraguay

In September 2023 in Washington, D.C., the United States and Paraguay convened the second meeting of the Trade and Investment Council under the United States–Paraguay TIFA. During the wide-ranging discussions, the two countries agreed on further work in areas including agricultural trade, anticorruption, good regulatory practices, digital economy, and trade facilitation. In addition, they assessed progress under the United States–Paraguay Intellectual Property Work Plan that was finalized in September 2022.

Uruguay

In 2023, the United States and Uruguay continued negotiations on an update to the United States–Uruguay TIFA with a Protocol on Trade Rules and Transparency.

2. Europe and the Middle East

The United States in 2023 engaged through its free trade agreements (FTAs), bilateral investment treaties, trade and investment framework agreements (TIFAs), negotiations on select issues, enforcement tools, and other mechanisms with the European Union (EU) and its 27 Member States, non-EU European countries, certain countries of western Eurasia, and countries in the Middle East and North Africa (MENA). The goals of these engagements were to improve protection of worker rights, foster partner country policies grounded in the rules of law, eliminate trade barriers, increase U.S. exports, encourage the development of intraregional economic engagement, and, where relevant, advance countries' accessions to the World Trade Organization (WTO).

For a discussion of WTO accessions, see Chapter IV.G.6 Accessions to the World Trade Organization.

In 2023, the United States also engaged with the EU to reduce non-tariff barriers to U.S. exports and to strengthen cooperation on global trade issues and on third countries of common concern, especially China. The United States promoted policies in Eurasia to promote transparent and predictable markets, based on the rule of law in an effort to further economic security in the region. U.S. efforts in the MENA region centered on promoting further economic reforms in partner countries, with a view toward encouraging those countries to open their economies to further engagement with the United States.

European Union

The U.S. trade and investment relationship with the EU is the largest and most complex economic relationship in the world. Transatlantic trade flows (goods and services trade plus earnings and payments on investment) averaged an estimated \$6.1 billion each day of 2023 (based on the first three quarters of 2022). The total stock of transatlantic investment was \$5.1 trillion in 2022 (latest data available).

The United States–European Union Trade and Technology Council (TTC) continued to be the principal coordination mechanism through which the United States engaged the EU on trade policy during 2023. Across 10 TTC working groups, the United States and the EU are pursuing policy outcomes on trade and technology that align with U.S. and EU shared values and promote a rules-based economic system. The TTC held one ministerial meeting during 2023. At the conclusion of the May 2023 TTC ministerial

meeting, the U.S. and EU TTC co-chairs endorsed or announced progress on several initiatives aimed at promoting a stronger transatlantic trade relationship and more sustainable and resilient global trade. The subject matter of these initiatives spanned shared concerns about trade policy and labor standards, environmentally sustainable trade, economic coercion, and China's non-market policies and practices.

For further discussion, see section I.A.4 United States–European Union Trade and Technology Council.

Outside of the TTC, the United States continued to engage robustly with the EU during 2023 on non-tariff barrier concerns across a broad range of sectors, impacting U.S. companies in a variety of sectors. In March 2023, the United States and the EU initiated negotiations on a targeted critical minerals agreement.

For further discussion, see section I.A.9 United States–European Union Critical Minerals Agreement.

In 2021, the United States and the EU resolved to negotiate future arrangements for trade in the steel and aluminum sectors that take account of both global non-market excess capacity as well as the emissions intensity of these industries. The United States and the EU formed a technical working group to enhance their cooperation and facilitate negotiations on these arrangements and decided to invite like-minded economies to participate in the arrangements. In 2023, the United States and the EU continued these negotiations and over the past two years made substantial progress to identify the sources of non-market excess capacity and achieved a better understanding of the tools available to address the emissions intensity of the steel and aluminum industries.

For further discussion of the global arrangement, see Chapter III.F Manufacturing and Trade.

For a discussion of non-market policies and practices, see Chapter II.E Enforcement Activities to Counter Non-Market Policies and Practices and Enhance Economic Security.

United Kingdom

In 2023, the United States engaged with the United Kingdom (UK) through the Atlantic Declaration: A Framework for a Twenty-First Century U.S.-UK Economic Partnership and multiple meetings to discuss opportunities to advance bilateral and multilateral trade and the bilateral investment relationship. Pursuant to the Atlantic Declaration, in June 2023, the United States and the UK initiated negotiations on a targeted critical minerals agreement.

For further discussion, see section I.A.9 United States–United Kingdom Critical Minerals Agreement.

In October 2023, the United States and the UK convened the seventh U.S.-UK Small and Medium-Sized Enterprises (SME) Dialogue in Indio, California, hosted by the Cabazon Band of Cahuilla Indians on Tribal lands, to engage SME stakeholders on opportunities and challenges in U.S.-UK trade and ways to promote more inclusive trade.

For further discussion, see Chapter III.B Small and Medium-Sized Enterprise Initiative.

Türkiye, the Middle East, and North Africa

Throughout 2023, USTR continued exploring, in consultation with other U.S. Government agencies, as well as with outside experts and stakeholders in the United States, Türkiye, and MENA countries, prospective areas for trade and investment cooperation, including the realization of worker-centered trade policy goals.

In 2023, the United States continued to monitor, implement, and enforce existing U.S. FTAs in the region (Bahrain, Israel, Jordan, Morocco, and Oman) and sought to engage other MENA countries through existing TIFA mechanisms and preference program review processes. The United States held FTA Joint Committee consultations with Morocco in February 2023, Jordan in early May 2023, and Israel in late May 2023.

In March 2023, the United States held TIFA Council meetings with Saudi Arabia and with Member States of the Gulf Cooperation Council (GCC) collectively. The TIFA Council meetings with Saudi and with GCC officials each focused on measures affecting market access for U.S. products and services and the investment climate for U.S. companies, including regulatory issues related to agricultural and manufactured products, discriminatory excise taxes, intellectual property, and digital trade.

Eurasia

The U.S. engagement in Eurasia in 2023 has been largely shaped by Russia’s full-scale invasion of Ukraine in February 2022. As a result of Russia’s actions, the United States, working with its partners and allies, has imposed severe and immediate costs on Russia through sanctions, import bans, export controls, and tariff increases. In addition, the United States has ceased direct engagement with Russia on trade and investment issues. (For information on Russia’s compliance with its WTO commitments, see the [2023 Report on the Implementation and Enforcement of Russia’s WTO Commitments](#)).

Since the beginning of Russia’s full-scale invasion of Ukraine, the United States has provided significant political, security, humanitarian, and economic assistance to Ukraine to support its territorial sovereignty and economic endurance. In November 2023, the United States hosted the twelfth meeting of the United States–Ukraine Trade and Investment Council in Washington, D.C., and focused on ways to help lay the foundation for a sustainable economic recovery and long-term reconstruction, including through the use of innovative agricultural technologies. The participants also continued to hold discussions to upgrade the 2008 Trade and Investment Cooperation Agreement to support Ukraine’s efforts to establish a more transparent and predictable business environment.

In 2023, the United States continued to engage with Moldova, Georgia, Armenia, and Azerbaijan on trade and investment related issues to strengthen economic relationships.

3. Japan, Republic of Korea, and the Asia-Pacific Economic Cooperation Forum

Comprehensive Free Trade Agreements and New Trade Initiatives

The United States engaged with Japan and Korea through negotiations on the Indo-Pacific Economic Framework for Prosperity (IPEF). Other IPEF partners include Australia, Brunei, Fiji, India, Indonesia, Malaysia, New Zealand, the Philippines, Singapore, Thailand, and Vietnam.

For further information, see I.A.1 Indo-Pacific Economic Framework for Prosperity.

Japan

In 2023, the United States and Japan held two rounds of meetings of the United States–Japan Partnership on Trade, an initiative under which the two countries meet on a regular basis to advance a shared agenda of cooperation across a broad range of issue areas and to address bilateral trade matters of concern. The areas of collaboration in 2023 included planning for the first meeting of the Task Force on the Promotion of Human Rights and International Labor Standards in Supply Chains, coordinating efforts to respond to

third-country regulations that present concerns in light of shared commitments to harnessing the opportunities of the digital economy in a way that supports the interests of users and providers, exchanging information on shared concerns about the non-market and trade-distorting practices of third countries, and discussing concrete follow-up activities and implementation of the United States–Japan Critical Minerals Agreement. The United States also raised a number of bilateral trade concerns in the Partnership meetings, including regulatory transparency and standards-related issues that impact the playing field for U.S. products and services.

On January 6, 2023, the U.S. Trade Representative and Japan’s Minister for Economy, Trade and Industry signed a Memorandum of Cooperation to launch a Task Force on the Promotion of Human Rights and International Labor Standards in Supply Chains. The Task Force functions under the United States–Japan Partnership on Trade and offers opportunities for the United States and Japan to protect and promote human rights and internationally recognized labor rights, including prohibiting the use of forced labor in supply chains through trade policy. Through the Task Force, the United States and Japan will exchange information on relevant laws, policies, and guidance; facilitate stakeholder dialogues with businesses and worker organizations; and promote best practices for human rights and internationally- recognized labor rights due diligence.

In 2021, the United States, Japan, and the European Union agreed to renew their trilateral partnership to address the global challenges posed by non-market policies and practices of third countries. Meetings at both the Minister level and working level continued throughout 2022 and 2023.

For further information on the trilateral partnership, see Chapter II.E Enforcement Activities to Counter Non-Market Policies and Practices and Enhance Economic Security.

In addition, the United States actively engaged with Japan in 2023 on a range of important bilateral issues of concern to U.S. stakeholders, including issues related to Japan’s automotive industry incentives, evolving regulation of the digital economy, and agricultural policies, to ensure measures are nondiscriminatory and do not impede market access for U.S. goods exporters and service providers.

The United States also worked closely with Japan in various fora during 2023 to address trade issues of common interest, including those in third-country markets. Japan’s leadership of the Group of 7 (G7) during 2023 provided extensive opportunities for engagement on issues of common concern, including development of a G7 Leaders’ Statement on Economic Resilience and Economic Security, and the establishment of a G7 Coordination Platform on Economic Coercion.

For further discussion of the United States–Japan Critical Minerals Agreement, see Chapter I.A.7.

Korea

In 2023, the United States continued to engage actively with counterparts in the Korean Government through meetings of the committees and working groups established under the United States–Korea Free Trade Agreement (KORUS). The United States also continued to hold bilateral consultations at the technical level with Korea on an *ad hoc* basis as needed to address existing and emerging bilateral trade issues that may not be covered by KORUS provisions, in addition to regional and global trade issues. These meetings were augmented by senior-level engagement. In 2023, the United States raised and addressed a number of outstanding issues with Korea, including certain issues related to agriculture and information technology services.

For further discussion of the United States–Korea Free Trade Agreement, see Chapter I.B.8 Korea.

Asia-Pacific Economic Cooperation Forum

The Asia-Pacific Economic Cooperation Forum (APEC) is a voluntary, nonbinding and consensus-building economic forum of 21 member economies from across the Asia-Pacific, with the goal to create an open, dynamic, resilient, and peaceful Asia-Pacific community by 2040. With its scale, ambition, and multi-stakeholder engagement, APEC has served as an incubator of unique and effective policy ideas throughout its history and has substantially contributed to steps that have led to lowering barriers to U.S. exports across the region. APEC member economies are home to 3 billion people—nearly 40 percent of the world’s population—and represent almost half of global trade and more than 60 percent of the world’s GDP.

i. U.S. Host Year - Asia-Pacific Economic Cooperation Forum

In 2023, the United States hosted APEC under the theme of “Creating a Resilient and Sustainable Future for All.” The United States used the year to advance a new approach to trade policy, putting workers and historically underrepresented communities at the center of the U.S. policymaking process to ensure the benefits of trade reach all. Major outcomes from the host year included the Leader-level San Francisco Principles on Integrating Inclusivity and Sustainability into Trade and Investment Policy, which reflected the U.S. trade priority for 2023.

Inclusive Trade: In 2023, the United States advanced inclusivity throughout its APEC host year. This included convening two first-ever ministerial-level dialogues: with labor leaders on the impacts of trade on workers and their communities, and with Indigenous Peoples from the APEC region to better understand the perspectives of Indigenous Peoples on international trade. The United States also organized multiple workshops and dialogues over the year on supporting the engagement of stakeholders in the development of trade policies; understanding how trade agreements in the APEC region incorporate inclusionary elements as examples for other economies; and promoting efforts to understand the impacts of trade policy on women, such as in the services, customs, intellectual property, and standards sectors, while noting the importance of their representation in trade policymaking.

For further discussion of gender inclusion, see Chapter III.A.3 Advancing Gender Equity and Equality and Women’s Economic Empowerment in Trade Policy.

Sustainable Trade: The United States worked with APEC economies to understand how to address climate change through technology, investment, and policymaking, including in the areas of green chemistry and sound chemicals management, compostable bioplastics, and standardization in climate-related technologies, including greenhouse gas emissions measurement. The United States also advanced work to support circular economy approaches, including bolstering APEC economies’ capacity for trade facilitation of remanufactured goods, which will promote material and energy savings in the production process and reduce solid waste.

Trade Facilitation: In 2023, the United States led work to resolve inefficient digitalization of end-to-end supply chains, including border procedures and trade documentation exchanges. This included supporting the development of principles for the adoption of electronic invoicing systems that are compatible cross-border and discussing the foundations of an environment of trust for data shared along the supply chain. Additionally, APEC economies participated in the APEC Alliance for Supply Chain Connectivity, which is a U.S.-led public-private mechanism for stakeholders to formally engage in APEC’s supply chain work, including APEC’s Phase III of the Supply Chain Framework Action Plan.

Standards and Conformance: The United States implemented several workshops that focused on emerging issues and the implementation of existing obligations. To bridge the gap between standards developers and trade officials, the United States organized a workshop on the WTO Agreement on Technical Barriers to

Trade to cover issues related to stakeholder engagement and dispute settlement. The United States also organized workshops on battery energy storage systems, halal measures, and lead in plumbing. These workshops provided opportunities for direct engagement between regulators and stakeholders, which facilitated a full understanding of health and safety concerns.

Good Regulatory Practices: Building on APEC’s longstanding emphasis on the importance of good regulatory practices (GRPs) to promote economic growth and facilitate trade and investment, the United States organized the 16th Conference on Good Regulatory Practices. Conference themes tracked with U.S. host year priorities, including using inclusive public consultation practices when developing regulations, being interconnected through use of good regulatory practices to build regulatory alignment in the region and enable regulatory cooperation, and innovating by adopting more agile regulatory approaches to regulation of the digital and green economies. The United States also led the development of a GRP Blueprint in collaboration with 14 other APEC economies. The Blueprint, published in November, provides options for applying cutting-edge concepts in regulatory policy and a menu of actions that APEC economies can use when developing regulations.

Services: The United States continued to strongly support steady progress on implementing APEC’s Services Competitiveness Roadmap and advanced a wide range of services initiatives in its host year. In 2023, the United States worked with APEC economies to achieve the goal of having every APEC Economy participate in development of the APEC Index for Measuring the Regulatory Environment for Services Trade in the APEC Region and advanced work on services technical standards to leverage APEC’s experience in developing principles for services domestic regulation. The United States also supported the finalization of guidelines on logistics-related services that support the movement of essential goods in periods of future crisis and an online toolkit to support the development of mutual recognition agreements in professional services sectors in the APEC region. In the area of environmental services, the United States supported work on services to help address the problem of marine debris as well as an expansion of the APEC Reference List of Environmental and Environmentally Related Services in order to reflect the range of services that support enhanced environmental outcomes better than traditional classifications.

Food and Agricultural Trade: In 2023, the United States worked with other APEC economies within the Food Safety Cooperation Forum (FSCF) to update the Terms of Reference, which allowed the group to be designated as an official APEC body. Within the FSCF, the United States promoted transparency with respect to sanitary and phytosanitary measures and acceptance of new technologies and addressed unwarranted non-tariff measures that affect agricultural trade. As chair of the Policy Partnership on Food Security, the United States negotiated the Principles for Achieving Food Security Through Sustainable Agri-Food Systems in the APEC Region (Principles Document), which was finalized and adopted at the 2023 APEC Ministerial Meeting on Food Security. The Principles Document articulates the importance to APEC economies of promoting place and scale (*i.e.*, “no-one-size-fits-all”) approaches to sustainable agriculture as well as their dedication to promoting transparent, predictable, open, and fair markets in support of regional and global food security. The United States additionally chaired the High-Level Policy Dialogue on Agricultural Biotechnology and led multiple workstreams during which APEC economies presented their experiences in creating risk-proportionate regulatory policies to expand trade in products of agricultural biotechnology, while also sharing U.S. lessons learned in developing and deploying climate change-mitigating agricultural biotechnology products.

Intellectual Property: In 2023, the United States used its participation in APEC to promote intellectual property as a means to achieve inclusive growth, particularly by providing diverse perspectives from independent creators, producers, and unionized workers on the importance of copyright protection and enforcement and by fostering a dialogue from small and medium-sized enterprise (SME) producers and stakeholders on the economic benefits of preserving the use of common names. The United States also brought together policymakers and individuals involved in the research, development, and

commercialization of green technologies to underscore the importance of intellectual property protection and enforcement as essential tools to foster a green economy.

Digital Trade: The United States continued to advance an ambitious digital trade agenda within APEC in 2023, including through activities held during the first APEC Digital Month in Seattle as well as policy dialogues and capacity-building initiatives throughout the year. This effort included continuing to implement the Pathfinder on Building Blocks for Facilitating Digital Trade, supported by a majority of APEC economies, which aims to promote best practices to reduce barriers to digital trade and support a digital economy that benefits workers, consumer, and businesses. In 2023, the United States also worked with other APEC economies to develop and endorse new guidelines on Facilitating Access to Open Government Data, which will institutionalize inclusive approaches to commercial and government practices in the digital economy.

4. China, Hong Kong, Taiwan, and Mongolia

New Trade Initiatives

The United States and Taiwan, under the auspices of the American Institute in Taiwan (AIT) and the Taipei Economic and Cultural Representative Office in the United States (TECRO), engaged in negotiations under the United States–Taiwan Initiative on 21st-Century Trade.

For further information, see Chapter I.A.2 United States–Taiwan Initiative on 21st-Century Trade.

China

For information on USTR’s implementation of the President’s Trade Agreements Program with respect to China, see USTR’s [2023 Report to Congress on China’s WTO Compliance](#), Chapter II.B.1.i Section 301 United States–China Economic and Trade Agreement, and Chapter II.E Enforcement Activities to Counter Non-Market Policies and Practices and Enhance Economic Security.

Hong Kong, China

In 2023, the United States addressed trade matters with respect to Hong Kong, China (Hong Kong), as appropriate, and the United States has continued to press Hong Kong to update its copyright system to address concerns regarding digital copyright piracy.

Taiwan

The United States–Taiwan Trade and Investment Framework Agreement (TIFA) Council, which meets under the auspices of AIT and TECRO, is the key forum for both economies to resolve and make progress on a wide range of issues affecting the United States–Taiwan trade and investment relationship. In 2023, the United States monitored the progress being made by Taiwan on matters discussed during the TIFA Council meeting held in June 2021 and raised concerns with Taiwan on an *ad hoc* basis.

The United States and Taiwan, under the auspices of the AIT and TECRO, launched the United States–Taiwan Initiative on 21st-Century Trade and announced a negotiating mandate for this trade initiative covering 11 trade areas in 2022. The two sides signed a first agreement under the trade initiative covering four of the trade areas set forth in the negotiating mandate in June 2023. The two sides discussed remaining trade areas set forth in the negotiating mandate during the remainder of 2023.

Mongolia

The United States and Mongolia held a seventh meeting under the United States–Mongolia Trade and Investment Framework in Ulaanbaatar, Mongolia, in August 2023. The two sides discussed a range of bilateral trade and investment issues, including transparency, good regulatory practices, the investment climate, intellectual property protection, economic diversification, regional initiatives, and trade promotion.

5. Southeast Asia and the Pacific

Comprehensive Free Trade Agreements and New Trade Initiatives

Throughout 2023, the United States continued to monitor and enforce its free trade agreements (FTAs) with Australia and Singapore. The United States also engaged closely in negotiations on the Indo-Pacific Economic Framework for Prosperity (IPEF) with Australia, Brunei, Fiji, India, Indonesia, Japan, the Republic of Korea, Malaysia, New Zealand, the Philippines, Singapore, Thailand, and Vietnam.

For further information, see Chapters I.B.1 Australia, I.B.14 Singapore, and I.A.1 Indo-Pacific Economic Framework for Prosperity.

Trade and Investment Framework Agreements and Other Bilateral Trade Mechanisms

The United States has bilateral trade and investment framework agreements (TIFAs) with Brunei, Burma (engagement suspended), Cambodia, Fiji, Indonesia, Laos, Malaysia, New Zealand, the Philippines, Thailand, and Vietnam.

The United States continued to engage throughout 2023 with countries in Southeast Asia and the Pacific to pursue outcomes that would strengthen trade and economic relations. The United States' activities in the region focused on (1) leveling the playing field for U.S. companies and workers; (2) promoting respect for internationally recognized labor rights; (3) confronting structural barriers in Southeast Asian markets; and, (4) countering China's economic influence in the region. Notable engagements included:

- In April 2023, the United States and New Zealand held a productive TIFA meeting to discuss bilateral trade issues; regional cooperation, including on APEC and the IPEF; and shared interest in advancing inclusive and sustainable trade.
- USTR made determinations following two investigations initiated in 2020 with respect to Vietnam under Section 301 of the Trade Act of 1974: (1) Vietnam's acts, policies, and practices related to the valuation of its currency and (2) Vietnam's acts, policies, and practices related to the import and use of timber that is illegally harvested or traded. On July 23, 2021, USTR determined that no trade action under Section 301 in the currency investigation was warranted because an agreement reached between the U.S. Department of Treasury and the State Bank of Vietnam and associated measures called for in the agreement provided a satisfactory resolution of the matter subject to this investigation. During 2023, in coordination with the U.S. Department of Treasury, USTR continued to monitor Vietnam's implementation of its commitments under the agreement.
- Separately, on October 1, 2021, the United States and Vietnam signed an agreement that addresses U.S. concerns in the timber investigation. The agreement secures commitments that will help keep illegally harvested or traded timber out of the supply chain and protect the environment and natural resources and established the Timber Working Group to facilitate coordination and oversee implementation of the agreement. The United States and Vietnam convened three Timber Working

Group meetings, the latest taking place in August 2023. The United States will continue to closely monitor Vietnam’s implementation of the agreement.

For further information, see Chapters II.B.6 Section 301 Vietnam’s Acts, Policies, and Practices Related to Currency Valuation; and II.B.5 Section 301 Vietnam’s Acts, Policies, and Practices Related to the Import and Use of Illegal Timber.

- U.S. Government officials met with Cambodian Government officials and labor stakeholders in 2023 to address ongoing concerns related to protections for worker rights in Cambodia and other trade issues.
- The United States engaged with the Philippines in 2023 on issues concerning labor, which included launching and holding a Labor Working Group meeting under the United States–Philippines TIFA in December 2023.
- USTR hosted a United States–Thailand TIFA Joint Council Meeting in September 2023 to engage with Thailand on priority economic concerns, including agriculture, labor, intellectual property, digital trade, investment, customs cooperation, and the Generalized System of Preferences program.
- Throughout 2023, the United States engaged with Vietnam on bilateral trade concerns, including by convening virtual TIFA Working Group meetings on Digital Trade and Services in July and on Intellectual Property in October. The United States–Vietnam TIFA Council met in December 2023 to make progress on agriculture, labor, environment, intellectual property, and digital trade and services issues.

United States–ASEAN Trade and Investment Framework Arrangement

The United States continued to work under the auspices of the United States–ASEAN Trade and Investment Framework Agreement to further enhance trade and investment ties between the United States and ASEAN, which collectively represents the United States’ fourth-largest trading partner. In 2023, the United States organized a United States–ASEAN Trade and Environment Dialogue to discuss incorporating and implementing environmental provisions in trade agreements. At the annual ASEAN Economic Ministers–USTR Consultations in August 2023, the United States and ASEAN determined to continue cooperation on the digital economy, small and medium-sized enterprise development, trade facilitation, intellectual property rights, sustainability, good regulatory practices, labor, and agriculture, among other topics.

United States–Fiji Trade and Investment Framework Agreement

The United States continued to engage with Fiji bilaterally and through IPEF negotiations in 2023.

United States–Pacific Islands Trade and Investment Dialogue

Following the September 2022 establishment of the United States–Pacific Islands Forum (PIF) Trade and Investment Dialogue, the United States and the PIF held their first Dialogue meeting in February 2023. During the meeting, the two sides discussed ways to expand trade and economic ties.

6. Sub-Saharan Africa

Throughout 2023, the Office of the United States Trade Representative (USTR) continued efforts to deepen U.S. trade and investment ties with sub-Saharan Africa. USTR also continued efforts to implement the Administration’s worker-centered trade policy and catalyze sustainable and equitable growth across the continent. This work included: implementing the Memorandum of Understanding (MOU) with the African Continental Free Trade Area (AfCFTA) Secretariat signed at the U.S.-African Leaders Summit in December 2022; organizing the 2023 U.S.–sub-Saharan Africa Trade and Economic Cooperation Forum (AGOA Forum) in Johannesburg, South Africa, in November 2023; and negotiating the U.S.–Kenya Strategic Trade and Investment Partnership, which was first announced in July 2022.

During the year, USTR also provided substantial support for other Administration initiatives with sub-Saharan Africa, including: follow-up efforts from the December 2022 U.S.–Africa Leaders Summit, hosted by the U.S. President in Washington, D.C.; continued implementation of the [U.S. Strategy Toward Sub-Saharan Africa](#) released by the White House in August 2022; support for the Digital Transformation with Africa initiative, which was launched in December 2022 and works to expand digital access across Africa and increase commercial engagement between U.S. and African companies in the digital sector; and collaboration on the Prosper Africa initiative, the goal of which is to substantially increase two-way trade and investment between the United States and Africa.

Kenya

The U.S. Trade Representative visited Kenya from July 17 to July 19, 2023. During the visit, the U.S. Trade Representative met with senior government officials, including the President of Kenya and the Cabinet Secretary for the East African Community (EAC), Arid and Semi-Arid Lands and Regional Development. U.S. Trade Representative Tai participated in a fireside chat with local youth and women entrepreneurs and a roundtable discussion with members of Kenya’s civil society that included representatives from the private sector, labor leaders, and human rights organizations. The U.S. Trade Representative stressed the Biden Administration’s support for Kenyan democracy and for strengthening resilient, sustainable, inclusive trade ties. In keeping with President Biden’s pledge to build the economy from the bottom up and the middle out, the U.S. Trade Representative noted the importance of ensuring that trade policy can benefit all people. U.S. Trade Representative Tai also hosted a roundtable with local business leaders. The discussion focused on the challenges and opportunities facing Kenya, including supply chain vulnerabilities, workforce development, and sustainable development. Roundtable participants also discussed the benefits of AGOA and how to create a predictable business climate in Kenya to facilitate economic growth and investment.

East African Community Trade and Investment Framework Agreement Meeting

On July 19, 2023, the U.S. Trade Representative and Secretary General of the East African Community co-chaired the meeting of the United States–East African Trade and Investment Framework Agreement (TIFA) Council. Representatives from each of the seven EAC member states (Burundi, Democratic Republic of the Congo, Kenya, Rwanda, South Sudan, Tanzania, and Uganda) participated in the TIFA Council Meeting. This meeting marked the 15-year anniversary of the TIFA. Discussions included the status of EAC expansion and integration; the advancement of AfCFTA implementation; the future of AGOA; and, areas for future cooperation and dialogue.

For further information on the Administration’s support for gender equity and equality and the empowerment of women in Africa and in the African Diaspora, see Chapter III.A.2 Advancing Racial Equity

and Support for Underserved Communities and Chapter III.A.3 Advancing Gender Equity and Equality and Women’s Economic Empowerment in Trade Policy.

The African Growth and Opportunity Act

Every year, the Trade Policy Staff Committee Subcommittee on AGOA examines whether each country eligible for AGOA benefits continues to meet the eligibility criteria. As a result of the annual 2024 AGOA eligibility review, the President decided to terminate AGOA benefits for the Central African Republic, Gabon, Niger, and Uganda and to reinstate AGOA benefits for Mauritania, effective January 1, 2024. As of January 1, 2024, 32 sub-Saharan African countries are eligible for AGOA benefits.

The 2023 AGOA Forum took place in Johannesburg, South Africa, from November 2 to November 4, 2023. The U.S. Trade Representative and South Africa’s Minister of Trade, Industry, and Competition co-chaired the 2023 AGOA Forum. The 2023 AGOA Forum brought together senior government officials from the United States and AGOA-eligible countries, as well as representatives from continental and regional economic organizations, the private sector, labor, and civil society.

For further discussion of the African Growth and Opportunity Act, see Chapters I.D.2 African Growth and Opportunity Act and II.F.1 Preference Programs Monitoring and Enforcement.

African Continental Free Trade Area

In 2023, the U.S. Trade Representative and the AfCFTA Secretary General worked to implement the MOU signed on December 14, 2022, at the U.S.–Africa Business Forum during the U.S.–Africa Leaders Summit in Washington, D.C. Their teams engaged in quarterly meetings throughout 2023. As part of the MOU, the U.S. Trade Representative met with the AfCFTA Secretary General at the 2023 AGOA Forum for their annual high-level engagement.

For further information on the African Continental Free Trade Area, see Chapters I.A.6 African Continental Free Trade Area Memorandum of Understanding, III.A.3 Advancing Gender Equity and Equality and Women’s Economic Empowerment in Trade Policy, and III.I Trade Capacity Building.

Empowerment of African and Diaspora Women

In 2023, USTR continued to reinforce the Administration’s support of gender equity and equality and the empowerment of African and Diaspora women, core objectives of the U.S. [National Strategy on Gender Equity and Equality](#), the [U.S. Strategy Toward Sub-Saharan Africa](#), and the [African Union’s Agenda 2063 plan](#).

For further information, see Chapter III.A.2 Advancing Racial Equity and Support for Underserved Communities and Chapter III.A.3 Advancing Gender Equity and Equality and Women’s Economic Empowerment in Trade Policy.

7. South and Central Asia

U.S. engagement with countries across South and Central Asia in 2023 focused on advancing resolution of a range of issues related to respect for internationally recognized worker rights, agricultural trade, protection of intellectual property (IP), and digital trade.

The United States has bilateral Trade and Investment Framework Agreements (TIFAs) with Afghanistan, Bangladesh, Iraq, Maldives, Nepal, Pakistan, Sri Lanka, and, collectively, the Central Asian states of Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan, and Uzbekistan. A Trade Policy Forum exists to facilitate trade and investment dialogue between the United States and India.

U.S. trade policy engagement in South and Central Asia sought to foster regional trade and security through dialogue on and adherence to trade rules. The region encompasses approximately 2 billion people, and many countries have been experiencing rapid economic growth and progression up the development ladder, presenting important opportunities for U.S. exporters of goods, services, and agricultural products. Digital trade is also a potential engine for growth in the U.S. bilateral economic relationships with South Asian partners. Similarly, the United States has increased its engagement on technical barriers that have affected certain U.S. export sectors and fostered discussions on the need for high-standard commitments to address emerging trade challenges.

Trade and Investment Framework Agreement Activity in South and Central Asia

The activities below describe the key outcomes that advanced the U.S. trade and investment agenda with countries in the South and Central Asia region during 2023.

India: During 2023, USTR negotiated agreements to terminate all seven outstanding WTO disputes between the United States and India. As part of the agreements, India also agreed to expand market access opportunities in India for U.S. agricultural and industrial producers by reducing tariffs on frozen duck; frozen turkey; fresh, frozen, dried and processed blueberries and cranberries; chickpeas; lentils; almonds; walnuts; apples; boric acid; and diagnostic reagents.

Throughout 2023, the United States also engaged with India on an ongoing basis in response to specific concerns affecting the full range of the bilateral trade relationship. During the January 2023 meeting of the U.S.–India Trade Policy Forum (TPF), the principal bilateral forum for discussing trade and investment issues affecting the two countries, the United States and India established a new working group on resilient trade. This fifth working group has allowed the United States Government and the Government of India to engage on emerging issues such as labor, environment, supply chains, and trade facilitation. As a result of the TPF engagement, India also committed to reduce its tariff on pecans during 2023. The year was also characterized by regular engagement through the other technical-level workings groups of the TPF on (1) agricultural goods, (2) non-agricultural goods, (3) services and investment, and (4) intellectual property. These TPF working groups, which include participation by senior-level officials from key U.S. agencies, provide an opportunity to achieve meaningful results and to address the trade-restrictive policies in India that continue to inhibit the potential of our bilateral trade relationship.

Bangladesh: Throughout 2023, USTR engaged with the Bangladesh Ministry of Commerce with an emphasis on the importance of the Administration’s worker-centered trade policy. Both worker safety standards and worker rights have been issues of concern after Bangladesh’s eligibility for the Generalized System of Preferences was terminated in 2013. Despite the progress on worker safety standards in the last decade, the United States continues to urge Bangladesh to align its domestic labor laws with international labor standards. During the September 2023 United States–Bangladesh Trade and Investment Cooperation and Facilitation Agreement (TICFA) Council meeting, USTR and interagency partners highlighted growing concerns on worker rights in the areas of violence against and harassment of workers, unfair labor practices, freedom of association, collective bargaining, and the need for a fair and transparent minimum wage process for garment workers. The United States called for Bangladesh to reform its labor laws to extend the rights of freedom of association and collective bargaining to the export processing zones and special economic zones, and to ease the trade union registration requirements for workers. USTR continued to deepen labor engagement with the Government of Bangladesh through the TICFA and coordinated closely with the

interagency. In addition, USTR continued to engage with stakeholders such as trade associations, NGOs, apparel brands, trade union leaders, and workers to increase support for improvements in worker rights in Bangladesh.

During the TICFA Council meeting, the United States also engaged with Bangladesh on a full range of pressing bilateral trade issues, including trade in agricultural products, digital trade policies, and intellectual property protection and enforcement. This resulted in Bangladesh addressing a number of long-standing U.S. concerns. For example, Bangladesh removed a fumigation requirement on imports of U.S. cotton, and amended its Seed Law, which reduced the time required between when companies obtain their dealership registration and when they can actually sell their seed varieties. The United States also consistently engaged with Bangladesh, through virtual and in-person meetings, on draft versions of the Data Protection Act, which resulted in significant positive changes for U.S. commercial interests when it became law in November 2023.

Pakistan: U.S. bilateral engagement with Pakistan in 2023 focused on market access for agricultural and non-agricultural goods and services; regulatory developments affecting digital trade, digital content, and data privacy; and technical barriers to trade. In February 2023, USTR held the first ministerial-level U.S.-Pakistan TIFA Council meeting since 2016. As a result, the U.S. Government continued work to finalize U.S. beef access to the Pakistani market, and committed to reinvigorate work with the Government of Pakistan under the bilateral MOU on women’s economic empowerment, with a focus on supplier diversity and inclusive supply chains; mentorship and peer learning; and access, equity, and inclusion. USTR has also initiated information exchanges on the new issues of forced labor and good regulatory practices.

Sri Lanka: Coinciding with the 75th anniversary of United States-Sri Lanka bilateral relations, the United States held the 14th United States-Sri Lanka TIFA Council meeting in September 2023 after a four-year pause. During the TIFA Council meeting and in subsequent virtual bilateral meetings, USTR advocated for stronger anticorruption measures, labor reforms, intellectual property protection, and market access for U.S. agricultural exports. The United States Government and the Government of Sri Lanka committed to conduct virtual engagements on labor policy reforms and agricultural barriers in early 2024 in order to make progress on outcomes before the next TIFA Council meeting.

Nepal: The United States engaged with Nepal in various fora throughout 2023. The 6th United States-Nepal TIFA Council meeting was held in May 2023 for the first time in three years, and this was preceded by periodic virtual meetings with the Government of Nepal. The two governments engaged on a range of bilateral trade issues related to reauthorization and technical assistance under the Nepal Trade Preference Program, good regulatory practices, intellectual property, and agriculture. U.S. Government officials also regularly met with Nepalese Government counterparts to ensure that Nepal is meeting the statutory criteria for receiving the benefits of the Nepal Trade Preference Program, which was established in 2015 and is set to expire in 2025.

For a discussion of the Nepal Trade Preference Program, see Chapter I.D.4 Nepal Trade Preference Program.

Central Asia (Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan, and Uzbekistan): During 2023, USTR engaged with the Central Asian Ministers of Trade on the priorities of the U.S. Administration, including worker-centered trade policy, regional economic security and connectivity, and women’s economic empowerment. Five working groups operate under the auspices of the United States–Central Asia TIFA, covering (1) customs, (2) sanitary and phytosanitary issues and standards, (3) intellectual property protection and enforcement, (4) women’s economic empowerment, and (5) digital trade. All five working groups met in 2023, with a focus on fostering an enabling environment for trade and investment

as well as private sector activity by promoting good regulatory practices and inclusive policymaking. The United States–Central Asia TIFA Council meeting took place in March 2023.

Iraq: In 2023, the United States continued to engage on issues raised during the June 2019 United States–Iraq TIFA Council meeting, including business climate concerns, market access for agricultural goods (including poultry, rice, and wheat) and for non-agricultural goods and services, technical barriers to trade, and tariff rates. The United States also noted its growing concerns around Iraq’s intellectual property protection and enforcement, trade facilitation, and standards-setting.

D. PREFERENCE PROGRAMS

1. Generalized System of Preferences

The U.S. Generalized System of Preferences (GSP) program (19 U.S.C. § 2461 et seq.) was created by the Trade Act of 1974 and promotes sustainable development by providing eligible developing countries with duty-free access to the U.S. market for approximately 3,500 non-import sensitive products and an additional approximately 1,500 products for least developed beneficiary developing countries (LDBDCs). GSP was authorized initially for a 10-year period, beginning on January 1, 1976. Congress reauthorized the program 14 times subsequently, most recently in March 2018. That authorization lapsed on December 31, 2020.

As a result of the lapse of GSP’s authorization, USTR did not carry out an annual product review to consider the addition or removal of products or waivers to competitive need limitations in 2023. However, USTR engaged with GSP beneficiaries, including Armenia, Azerbaijan, Brazil, Georgia, Kazakhstan, Moldova, Pacific Islands, Pakistan, Paraguay, Sri Lanka, and Thailand to help improve utilization of GSP benefits and compliance with GSP eligibility requirements, in preparation for the GSP program’s potential reauthorization by the U.S. Congress.

Value of Trade Entering the United States under the U.S. Generalized System of Preferences Program

Although the GSP program authorization lapsed on December 31, 2020, this section provides the value of goods entering the United States that importers claimed under GSP in 2023 in anticipation that any GSP program reauthorization would likely provide reimbursement of duties paid during the lapse, consistent with past precedent.

U.S. imports claimed under the GSP program were \$18.7 billion in 2023, down 13.0 percent from 2022 (\$2.8 billion) and up 3.0 percent from 2021 (\$550 million).

During 2023, imports under GSP accounted for less than 1 percent of all U.S. imports of goods. Imports from GSP beneficiaries entering under GSP accounted for 9.3 percent of total imports from those countries during the same period. GSP imports from LDBDCs fell from \$3.8 billion to \$3.3 billion, or by 12.5 percent, and accounted for 17.9 percent of GSP imports.

Top U.S. imports at the Harmonized System 6-digit level claimed under the GSP program during 2023 were container bags, handbags, trunks and suitcases, and air conditioner parts.

The five GSP beneficiaries with the largest value of GSP products claimed in 2023 were: Indonesia, Thailand, Cambodia, Brazil, and the Philippines. The five LDBDC GSP beneficiaries with the largest volume of GSP products claimed were: Cambodia, Burma, Ethiopia, Nepal, and Togo.

For further discussion of the Generalized System of Preferences program, see Chapter II.E.1 Preference Programs Monitoring and Enforcement

2. African Growth and Opportunity Act

The African Growth and Opportunity Act (AGOA) (Title 1 of The Trade and Development Act of 2000, Public Law 106–200, 19 U.S.C. § 3701 *et seq.*) provides eligible sub-Saharan African countries with duty-free access to the U.S. market for over 1,800 products, in addition to the more than 5,100 products that are eligible under the Generalized System of Preferences (GSP) program. Although legal authorization for benefits under GSP expired on December 31, 2020, tariff lines covered by GSP remained eligible for AGOA beneficiaries.

As of January 1, 2024, 32 sub-Saharan African countries are eligible for AGOA benefits.

For information on the AGOA Eligibility Review, see Chapter II.F.1 Preference Programs Monitoring and Enforcement.

2023 African Growth and Opportunity Act Forum

The U.S. Trade Representative and South Africa’s Minister of Trade, Industry, and Competition co-chaired the 20th U.S.–sub-Saharan Africa Trade and Economic Cooperation Forum (AGOA Forum) in Johannesburg from November 2 to November 4, 2023.

Building on the successes of the 2022 U.S.–African Leaders Summit, the 2023 AGOA Forum placed significant emphasis on enhancing economic engagement between the United States and the African continent, working together with African partners to make AGOA more transformative and impactful, empowering labor and civil society groups, and promoting continental and regional integration.

The United States highlighted its commitment to the AGOA program and hosted a number of conversations on a broad range of issues, which included increasing AGOA utilization, gender equity and inclusion within the program, and strengthening the partnership between the United States and sub-Saharan African countries to drive economic opportunity for Americans and Africans. Prior to the AGOA Forum, President Biden issued a strong statement in support of timely reauthorization and modernization of AGOA.

The 2023 AGOA Forum brought together senior government officials from the United States and 32 AGOA-eligible countries; continental and regional economic organizations; and U.S. and African representatives from labor organizations, civil society, and the private sector.

Value of Trade Entering the United States under the African Growth and Opportunity Act

U.S. imports claimed under the AGOA program (including under the U.S. GSP program) in 2023 were \$9.7 billion, down 6.1 percent from 2022 and up 43.2 percent from 2021. The decrease to \$9.7 billion in 2023 was due largely to a decrease in mineral fuels (\$324 million) in 2023. AGOA non-oil trade decreased by 5.3 percent to \$5.5 billion in 2023.

The top five U.S. imports at the Harmonized System 6-digit level under the AGOA program during 2023 were: crude petroleum and mineral fuels, passenger motor vehicles, gold jewelry, and men’s or boys’ trousers.

The top five AGOA users by value in 2023 were: Nigeria, South Africa, Kenya, Ghana, and Madagascar.

3. Haitian Hemispheric Opportunity Through Partnership Encouragement Act

The Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 (Public Law 109–432, Div. D, Title V) (HOPE), the Haitian Hemispheric Opportunity through the Partnership Encouragement Act of 2008 (Public Law 110–234, Title XV, Subtitle D, Part I) (HOPE II), and the Haitian Economic Lift Program Act of 2010 (Public Law 111–171) (HELP) provide duty-free treatment for eligible imports of apparel, select textiles, and certain other goods from Haiti until September 30, 2025. During 2023, total imports under the HOPE/HELP program were \$559 million and accounted for 70.1 percent of total U.S. imports from Haiti.

Pursuant to HOPE II requirements, producers in Haiti must comply with internationally recognized worker rights to be eligible for duty-free treatment under HOPE II. The U.S. Government, in cooperation with the International Labor Organization, monitors compliance of producers with worker rights and issues an annual report on the status of the Technical Assistance Improvement and Compliance Needs Assessment and Remediation (TAICNAR) program. (For information on monitoring efforts, see the [2023 USTR Annual Report on the Implementation of the Technical Assistance Improvement and Compliance Needs Assessment and Remediation Program](#)).

For further discussion of HOPE II, see Chapter II.E.1 Preference Programs Monitoring and Enforcement.

4. Nepal Trade Preference Program

The Nepal Trade Preference Program (NTPP) (19 U.S.C. § 4454) was authorized by the Trade Facilitation and Trade Enforcement Act of 2015 and provides duty-free treatment for 77 tariff lines from Nepal, which include certain carpets, headgear, shawls, and scarves through December 31, 2025, when the program expires. During 2023, the seventh full year the NTPP has been in place, total imports under the program were \$3.9 million and accounted for 2.9 percent of total U.S. imports from Nepal.

The NTPP includes statutory criteria necessary to receive the benefits of the preference program, which include, among other criteria, establishing or making continual progress toward establishing a market-based economy, rule of law, and the protection of internationally recognized worker rights. The statute requires the President to report annually to Congress on the implementation of the NTPP; an assessment of Nepal’s compliance with the statutory eligibility requirements to receive the benefits; and information on U.S. trade and investment policy with respect to Nepal. (See the [2024 USTR Annual Report to Congress on the Implementation of the Nepal Trade Preference Program](#).)

For further discussion of the Nepal Trade Preference Program, see Chapter II.F.1 Preference Programs Monitoring and Enforcement.

5. Caribbean Basin Initiative

Seventeen Caribbean countries and territories are beneficiaries of the Caribbean Basin Initiative (CBI) (19 U.S.C. 2701 et seq.), which was launched in 1983 through the Caribbean Basin Economic Recovery Act (CBERA) (Public Law 98–67). The CBERA facilitates the development of Caribbean Basin economies by providing beneficiary countries with duty-free access to the U.S. market for most goods. In 2000, the United States enacted the Caribbean Basin Trade Partnership Act (CBTPA) (Title II of the Trade and Development Act of 2000, Public Law 106–200) to enhance existing CBERA preferences. The CBTPA recognized the significance of apparel as a component of CBI exports to the United States and expanded

the degree of preferential treatment applied to U.S. imports of apparel made in the Caribbean Basin region. Eight of the CBERA beneficiary countries and territories are also beneficiaries under the CBTPA. The CBTPA has been renewed by Congress several times since it was enacted, most recently on October 10, 2020, when the program was extended until September 30, 2030.

CBI benefits for Haiti were further expanded with the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 (HOPE Act) (Public Law 109–432), the HOPE II Act of 2008 (HOPE II Act) (Public Law 110–234, Title XV, Subtitle D, Part I), and the Haitian Economic Lift Program Act of 2010 (HELP Act) (Public Law 111–171), which provided Haiti preferential treatment for its textile and apparel products. The Trade Preferences Extension Act of 2015 (TPEA) (Public Law 114–27) extended trade benefits provided to Haiti in the HOPE Act, the HOPE II Act, and the HELP Act until September 30, 2025. The TPEA also extended the value-added rule for apparel articles wholly assembled or knit-to-shape in Haiti until December 19, 2025.

During 2023, total imports claimed under the CBI were \$1.1 billion and accounted for 11.8 percent of total U.S. imports from Caribbean Basin Initiative beneficiary countries.

For further discussion of the Caribbean Basin Initiative, see Chapter II.E.1 Preference Programs Monitoring and Enforcement.

II. TRADE ENFORCEMENT ACTIVITIES

A. OVERVIEW

The Office of the United States Trade Representative (USTR) coordinates the U.S. Government monitoring and enforcement of rules and norms that underlie the international trading system and promote fair, market-oriented conditions for U.S. workers and businesses. USTR enforces laws that promotes fair and competitive trade and foreign government compliance with trade agreements to which the United States is a party, including through the use of dispute settlement procedures and applying the full range of U.S. trade laws. Vigorous monitoring and investigation efforts by USTR and relevant expert agencies, including the U.S. Departments of Agriculture, Commerce, Homeland Security, Justice, Labor, State, and Treasury, help ensure that these agreements yield the maximum benefits in terms of ensuring market access for Americans, advancing understanding and respect for international commitments, and creating a fair, competitive, and market-oriented trading environment.

Ensuring full implementation of U.S. trade agreements is one of the strategic priorities of the United States. USTR seeks to achieve this goal through a variety of means, including:

- Asserting U.S. rights through World Trade Organization (WTO) bodies and committees charged with monitoring implementation and surveillance of agreements and disciplines, and use of dispute settlement as appropriate;
- Promoting U.S. interests under free trade agreements (FTAs) through work programs, accelerated tariff reductions, and strategic use of dispute settlement mechanisms, including with respect to labor and environmental obligations, such as through the United States–Mexico–Canada Agreement (USMCA) Facility-Specific, Rapid Response Mechanism (*for further discussion of the Rapid Response Mechanism, see Chapter III.H.1 Trade and Labor Free Trade Agreements and Bilateral Activities*);
- Vigorously monitoring and enforcing other bilateral and plurilateral agreements;
- Invoking U.S. trade laws to promote compliance, including in conjunction with bilateral, plurilateral, and WTO mechanisms when appropriate; and,
- Providing technical assistance to trading partners, especially to developing countries, to ensure that key obligations are implemented on schedule.

Through the vigorous application of U.S. trade laws and strategic use of dispute settlement procedures, the United States helps defend U.S. workers, businesses, and farmers against unfair practices; promotes a level playing field through promoting respect for fair, competitive, market-oriented conditions; and opens foreign markets to U.S. goods and services. For example, USTR’s Office of Monitoring and Enforcement leads U.S. efforts to defend U.S. interests through investigations and actions under Section 301, in WTO and FTA disputes, and through investigations and actions under the USMCA Rapid Response Mechanism. These enforcement efforts have resulted in major benefits for U.S. workers, businesses, and farmers, as well as workers around the world.

Favorable Dispute Resolutions or Settlements

Dispute settlement is one mechanism that the United States may use to secure benefits for U.S. stakeholders. Whenever possible, the United States has sought to reach favorable resolutions or settlements that eliminate the foreign breach without having to resort to engaging in prolonged litigation.

In 2023, the United States was able to achieve this preferred result in 4 disputes involving: India's import restrictions on poultry products; India's domestic content requirements for participation in solar power generation; India's measures relating to certain export subsidy programs; and India's imposition of additional duties in retaliation for the U.S. Section 232 national security measures on steel and aluminum.

In previous years, the United States had already achieved this preferred result in 38 disputes concluded, involving: Argentina's protection and enforcement of patents; Australia's ban on salmon imports; Belgium's duties on rice imports; Brazil's automotive investment measures; Brazil's patent law; Canada's additional duties on certain products; Canada's antidumping and countervailing duty investigation on corn; China's value-added tax exemptions for certain domestically produced aircraft; China's Demonstration Base/Common Service Platform export subsidy program; China's Automobile and Automobile Parts Export Bases prohibited subsidy program; China's value-added tax on integrated circuits; China's use of prohibited subsidies for green technologies; China's treatment of foreign financial information suppliers; China's subsidies for so-called Famous Brands; China's support for wind power equipment; Denmark's civil procedures for IP enforcement; Egypt's apparel tariffs; the European Union's (EU) market access for grains; an EU import surcharge on corn gluten feed; the EU's subsidies to Airbus for large civil aircraft; the EU's claim of compliance in the dispute involving subsidies to Airbus for large civil aircraft; the EU's additional duties imposed on a variety of U.S. exports; Greece's protection of copyrighted motion pictures and television programs; Hungary's agricultural export subsidies; India's compliance regarding its patent protection; Indonesia's barriers to the importation of horticultural products (two disputes); Ireland's protection of copyrights; Japan's protection of sound recordings; Korea's shelf life standards for beef and pork; Mexico's additional duties on certain products; Mexico's restrictions on hog imports; Pakistan's protection of patents; the Philippines' market access for pork and poultry; the Philippines' automotive regime; Portugal's protection of patents; Romania's customs valuation regime; Sweden's enforcement of IP rights; and, Türkiye's box office taxes on motion pictures.

Litigation Successes

When U.S. trading partners have not been willing to negotiate settlements, USTR has pursued its offensive cases to conclusion. In 2023, the United States prevailed in two disputes involving: China's imposition of additional duties in retaliation for the U.S. Section 232 national security measures on steel and aluminum; and Türkiye's imposition of additional duties in retaliation for the U.S. Section 232 national security measures on steel and aluminum.

In previous years, the United States had prevailed in 47 cases against foreign trade barriers involving: Argentina's import licensing restrictions and other trade-related requirements; Argentina's tax and duties on textiles, apparel, and footwear; Australia's export subsidies on automotive leather; Canada's administration of USMCA dairy tariff-rate quotas; Canada's barriers to the sale and distribution of magazines; Canada's export subsidies and an import barrier on dairy products; Canada's law protecting patents; China's provision of agricultural domestic support for grains producers in excess of its commitment levels; China's administration of its tariff-rate quotas for grains; China's charges on imported automobile parts; China's measures restricting trading rights and distribution services for certain publications and audiovisual entertainment products; China's enforcement and protection of IP rights; China's measures related to the exportation of raw materials; China's countervailing and antidumping duties on grain oriented flat-rolled electrical steel from the United States; China's claim of compliance in the dispute involving

China’s countervailing and antidumping duties on grain oriented flat-rolled electrical steel from the United States; China’s measures affecting electronic payment services; China’s countervailing and antidumping duties on broiler parts from the United States; China’s countervailing and antidumping duties on automobiles from the United States; China’s export restrictions on rare earths and other materials; the EU’s subsidies to Airbus for large civil aircraft; the EU’s claim of compliance in the dispute involving subsidies to Airbus for large civil aircraft; the EU’s import barriers on bananas; the EU’s ban on imports of beef; the EU’s regime for protecting geographical indications; the EU’s moratorium on biotechnology products; the EU’s non-uniform classification of LCD monitors; the EU’s tariff treatment of certain information technology products; India’s export subsidies on a variety of products; India’s ban on poultry meat and various other U.S. agricultural products allegedly to protect against avian influenza; India’s import bans and other restrictions on 2,700 items; India’s protection of patents on pharmaceuticals and agricultural chemicals; India’s discriminatory local content requirements for solar cells and modules under its National Solar Mission (two merged complaints); India’s and Indonesia’s discriminatory measures on imports of U.S. automobiles; Indonesia’s barriers on the importation of horticultural products, beef, poultry, and animals (three complaints); Japan’s restrictions affecting imports of apples, cherries, and other fruits; Japan’s barriers to apple imports; Japan’s and Korea’s discriminatory taxes on distilled spirits; Korea’s restrictions on beef imports; Mexico’s antidumping duties on high fructose corn syrup; Mexico’s telecommunications barriers; Mexico’s antidumping duties on rice; Mexico’s discriminatory soft drink tax; the Philippines’ discriminatory taxation of imported distilled spirits; and, Türkiye’s measures affecting the importation of rice.

USTR also worked in consultation with other U.S. Government agencies to ensure the most effective use of U.S. trade laws to complement its litigation strategy and to address problems that are outside the scope of the WTO and U.S. free trade agreements.

USTR has applied Section 301 of the Trade Act of 1974 to address unfair foreign government measures, “Special 301” for IP rights protection and enforcement, and Section 1377 of the Omnibus Trade and Competitiveness Act of 1988 for telecommunications trade problems.

For further discussion of the application of these trade law tools, see Chapters II.B Section 301, II.E.2 Special 301, and II.E.3 Section 1377 Review of Telecommunications Agreements, respectively.

Interagency Center for Trade Implementation, Monitoring and Enforcement

On February 24, 2016, the Trade Facilitation and Trade Enforcement Act of 2015 was signed into law. Section 604 of the law established the Interagency Center for Trade Implementation, Monitoring and Enforcement (ICTIME) in USTR to support the activities of USTR in: investigating potential disputes under the WTO and bilateral and regional trade agreements; monitoring and enforcing trade agreements to which the United States is a party; and, monitoring implementation by foreign parties of trade agreements. The statute provided funding to USTR to staff ICTIME directly. ICTIME brings together research, analytical resources, and expertise from within USTR and across the federal government into one office within USTR to significantly enhance USTR’s capability to investigate foreign trade practices that are potentially unfair or adverse to U.S. commercial interests.

In 2023, ICTIME contributed to USTR’s four-year review of its tariff action brought under Section 301 of the 1974 Trade Act pertaining to China’s unfair acts, policies, and practices related to technology transfer, intellectual property, and innovation. ICTIME also continued to provide analysis in USTR’s monitoring of the United States–China Economic and Trade Agreement (“Phase One Agreement”); monitored the Agreement Between the United States and Vietnam to Resolve the Timber Section 301 Investigation; and continued to provide analysis in ongoing dispute settlement at the WTO and under the USMCA Facility-Specific Rapid Response Labor Mechanism.

B. SECTION 301

Section 301 of the Trade Act of 1974 (Trade Act) is designed to address unfair foreign practices affecting U.S. commerce. Section 301 may be used to enforce U.S. rights under bilateral and multilateral trade agreements or to respond to unreasonable, unjustifiable, or discriminatory foreign government practices that burden or restrict U.S. commerce. For example, Section 301 may be used to obtain improved market opportunities for U.S. goods and services, enforce labor or environmental norms or trade commitments, address tolerance for anticompetitive activities, and obtain more effective protection worldwide for U.S. intellectual property.

Operation of the Statute

The Section 301 provisions of the Trade Act provide a domestic procedure through which interested persons may petition the U.S. Trade Representative to investigate a foreign government act, policy, or practice and take appropriate action. The U.S. Trade Representative also may self-initiate an investigation.

In each investigation, the U.S. Trade Representative must seek consultations with the foreign government whose acts, policies, or practices are under investigation. If the acts, policies, or practices are determined to violate a trade agreement or to be unjustifiable, the U.S. Trade Representative generally must take action. If they are determined to be unreasonable or discriminatory and to burden or restrict U.S. commerce, the U.S. Trade Representative must determine whether action is appropriate and, if so, what action to take.

Actions that the U.S. Trade Representative may take under Section 301 include to: (1) suspend trade agreement concessions; (2) impose duties or other import restrictions; (3) impose fees or restrictions on services; (4) enter into agreements with the subject country to eliminate the offending practice or to provide compensatory benefits for the United States; and/or (5) restrict service sector authorizations. The Office of the United States Trade Representative (USTR) is required to monitor a foreign country's implementation of any agreements entered into, or measures undertaken, to resolve a matter that was the subject of the investigation. If the foreign country fails to comply with an agreement or the U.S. Trade Representative considers that the country fails to implement a World Trade Organization (WTO) recommendation, the U.S. Trade Representative must determine what further action to take under Section 301.

1. China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

Pursuant to the President's direction, in August 2017, the U.S. Trade Representative initiated an investigation under Section 302(b) of the Trade Act (19 U.S.C. § 2412(b)) to determine whether acts, policies, and practices of the Government of the People's Republic of China related to technology transfer, intellectual property, and innovation are unreasonable or discriminatory and burden or restrict U.S. commerce (82 FR 39007). The findings of the investigation, along with advice from the Section 301 Committee, Trade Policy Staff Committee, and advisory committees, supported a determination that China's acts, policies, and practices are actionable under Section 301(b) of the Trade Act (19 U.S.C. § 2411(b)). USTR published an extensive 200-page [report with the findings of the investigation](#) on March 22, 2018.

Based on this report, the U.S. Trade Representative in April 2018 published a notice of a determination that the following acts, policies, and practices of China are unreasonable or discriminatory and burden or restrict U.S. commerce, and are thus actionable under Section 301(b) of the Trade Act:

- China uses foreign ownership restrictions, such as joint venture requirements and foreign equity limitations, and various administrative review and licensing processes, to require or pressure technology transfer from U.S. companies.
- China’s regime of technology regulations forces U.S. companies seeking to license technologies to Chinese entities to do so on non-market-based terms that favor Chinese recipients.
- China directs and unfairly facilitates the systematic investment in, and acquisition of, U.S. companies and assets by Chinese companies to obtain cutting-edge technologies and intellectual property and generate the transfer of technology to Chinese companies.
- China conducts and supports unauthorized intrusions into, and theft from, the computer networks of U.S. companies to access their sensitive commercial information and trade secrets (83 FR 14906).

With respect to the second category of acts, policies, and practices (involving technology licensing regulations), the U.S. Trade Representative decided that relevant U.S. concerns could be appropriately addressed through recourse to WTO dispute settlement. Accordingly, on March 23, 2018, USTR initiated a WTO dispute by requesting consultations with the Government of China regarding certain specific aspects of China’s technology regulations (China—Certain Measures Concerning the Protection of Intellectual Property Rights (DS542). *(For further information, see Chapter II.D WTO and FTA Enforcement.)*

To obtain the elimination of the acts, policies, and practices in the three other categories listed above, the U.S. Trade Representative, at the direction of the President, determined to impose additional duties on certain products of China. The additional duties were imposed in four tranches, referred to as List 1 through List 4. For each list, USTR invited public comment and held public hearings.

Lists 1 and 2

Duties were imposed under Section 301 on products in the first two tranches during the one-year initial period of investigation. In July 2018, an additional 25 percent duty was imposed on products in the first tranche, known as List 1, which covered 818 tariff subheadings with an approximate annual trade value of \$34 billion (83 FR 28710). Subsequently in August 2018, an additional 25 percent duty was imposed on products in the second tranche, known as List 2, which covered 279 tariff subheadings with an approximate annual trade value of \$16 billion (83 FR 40823).

List 3

In September 2018, the U.S. Trade Representative, at the direction of the President, determined to modify the prior actions in the investigation by imposing additional duties on products of China classified under 5,733 tariff subheadings with an approximate annual trade value of \$200 billion (83 FR 47974; 83 FR 49153). The rate of the additional duty on these List 3 products was initially 10 percent *ad valorem* and was later increased to 25 percent *ad valorem* in May 2019 (84 FR 20459).

List 4

In August 2019, the U.S. Trade Representative, at the direction of the President, determined to modify the prior actions in the investigation by imposing additional 10 percent *ad valorem* duties on products of China classified under approximately 3,805 tariff subheadings with an approximate annual trade value of \$300 billion (84 FR 43304). The tariff subheadings subject to the 10 percent additional duties were separated

into two lists with different effective dates: September 1, 2019 for the list in Annex A, known as List 4A, and December 15, 2019 for the list in Annex C, known as List 4B. Subsequently, at the direction of the President, the U.S. Trade Representative determined to increase the rate of the additional duties from 10 percent to 15 percent (84 FR 45821).

i. United States–China Economic and Trade Agreement

The cumulative effect of the tariffs imposed on the products in the four tranches succeeded in encouraging China to agree to take steps to address U.S. concerns. On December 13, 2019, the United States and China announced that they would be entering into an agreement. On January 15, 2020, they signed the Economic and Trade Agreement Between the Government of the United States of America and the Government of the People’s Republic of China. In this Agreement, China’s commitments include taking steps to address some — though not all — of the issues covered in the Section 301 investigation.

On December 18, 2019, at the direction of the President, the U.S. Trade Representative suspended the additional 15 percent duties on the products covered by List 4B (84 FR 69447). On January 22, 2020, the U.S. Trade Representative announced that, at the direction of the President, the duties on List 4A would be reduced to 7.5 percent effective February 14, 2020, the scheduled date for entry into force of the Economic and Trade Agreement (85 FR 3741).

On February 14, 2020, the Economic and Trade Agreement entered into force. The Administration continues to work to ensure that the Agreement is fully implemented, which involves constant monitoring and, when appropriate, raising compliance issues with the Government of China.

For a discussion on agriculture-related activities, see Chapter III.C.3 Agriculture and Trade Monitoring and Enforcement Activities of Existing Agreements.

ii. Product Exclusions

The U.S. Trade Representative established processes by which stakeholders may request that particular products classified within a covered tariff subheading be excluded from the additional duties (83 FR 32181; 83 FR 47236). USTR received and reviewed approximately 11,000 and 2,900 exclusion requests pertaining to Lists 1 and 2, respectively, approving approximately 3,700 and 1,100 of them. USTR subsequently established an exclusion process for products of China covered under List 3 (84 FR 29576). USTR received approximately 30,300 exclusion requests under List 3. USTR approved approximately 1,500 requests. USTR also established an exclusion process for products of China covered under List 4A (84 FR 57144). USTR received approximately 8,800 requests and approved 575 of them.

Extension of Exclusions and Response to the COVID-19 Pandemic

The first tranche of approved exclusions expired in December 2019 and the final tranche of approved exclusions expired in October 2020. Starting in November 2019, USTR established processes for submitting public comments on whether to extend particular exclusions (See, e.g., 85 FR 6687; 85 FR 38482). Pursuant to these processes, USTR determined to extend 137 exclusions covered under List 1, 59 exclusions on List 2, 266 exclusions on List 3, and 87 exclusions on List 4, for a total of 549 exclusions. Most of the extended exclusions expired in December 2020.

On March 25, 2020, USTR sought public comment on additional modifications to the tariff actions in order to address the COVID-19 pandemic. On December 22, 2020, USTR announced its determination to further extend certain product exclusions on medical-care products and to make further modifications to remove Section 301 duties from additional medical-care products to address the COVID-19 pandemic (85 FR

85831). An additional extension was announced on March 10, 2021 (86 FR 13785). On August 27, 2021, USTR sought public comment on whether to further extend the 99 product exclusions for medical-care products (86 FR 48280). On November 16, 2021, USTR determined to further extend 81 of the product exclusions for medical-care products for an additional 6 months (86 FR 63438). On June 3, 2022, USTR announced a subsequent extension for an additional 6 months (until November 30, 2022) (87 FR 33871). On November 29, 2022, the U.S. Trade Representative further extended the same exclusions for an additional 3 months (until February 28, 2023). On February 7, 2023, USTR published a notice requesting public comments on whether to further extend any of the COVID-related exclusions. On May 17, 2023, the U.S. Trade Representative determined to extend 77 of the COVID-related exclusions through September 30, 2023. On September 11, 2023, the U.S. Trade Representative further extended the same COVID-related exclusions through December 31, 2023. On December 29, 2023, the U.S. Trade Representative further extended the same exclusions for five months, through May 31, 2024.

On October 8, 2021, USTR opened a docket seeking public comment on the possible reinstatement of the 549 previously extended exclusions (86 FR 56345). On March 28, 2022, the U.S. Trade Representative determined to further modify the action by reinstating 352 of the 549 expired exclusions. The reinstated exclusions applied as of October 12, 2021, and were effective through December 31, 2022 (87 FR 17380). On December 16, 2022, USTR announced that the U.S. Trade Representative had decided to extend the reinstated exclusions through September 30, 2023 (87 FR 78187). On September 11, 2023, the U.S. Trade Representative further extended these exclusions through December 31, 2023. On December 29, 2023, the U.S. Trade Representative further extended the same exclusions for five months, through May 31, 2024.

In May 2022, USTR commenced the statutory four-year review process by notifying representatives of domestic industries that benefit from the tariff actions of the possible termination of those actions and of the opportunity for the representatives to request continuation (19 U.S.C. § 2417(c)) (87 FR 26797). In September 2022, USTR announced that USTR had received requests for continuation of the actions from representatives of domestic industries which benefit from the tariff actions; that, accordingly, the tariff actions had not terminated; and, that USTR would conduct a statutory review of the tariff actions (87 FR 55073). On November 15, 2022, USTR opened an electronic portal to receive public comments on the review (87 FR 62914). In accordance with the statute, USTR sought public comments on a number of issues, including views on the effectiveness of the actions in achieving the objectives of the investigation, other actions that could be taken, and the effects of the actions on the United States economy, including consumers. As part of this process, USTR sought specific views on the impact of the actions on U.S. workers, U.S. small businesses, U.S. manufacturing, critical supply chains, U.S. technological leadership, and possible tariff inversions (i.e., where additional tariffs on goods are lower than additional tariffs on inputs used to produce those goods). The comment period ended on January 17, 2023. USTR worked internally and, through the Section 301 Committee, with other agencies to review and provide analysis. As of December 31, 2023, an announcement on the results of the four-year review was forthcoming.

2. European Union – Measures Concerning Meat and Meat Products (Hormones)

The European Union (EU) prohibits imports into the EU of animals and meat from animals to which certain hormones have been administered (the “hormone ban”). In 1996, the United States initiated a WTO dispute with respect to the hormone ban. WTO panel and Appellate Body reports found that the measure was inconsistent with WTO obligation because the ban was not based on scientific evidence, a risk assessment, or relevant international standards. Under WTO procedures, the European Communities (EC), the predecessor to the EU, was to come into compliance with its obligations by May 13, 1999, but it failed to do so. Accordingly, in May 1999, the United States requested authorization from the Dispute Settlement Body (DSB) to suspend the application to the EC, and Member States thereof, of tariff concessions and

related obligations under the General Agreement on Tariffs and Trade (GATT) 1994. The EC did not contest that it had failed to comply with its WTO obligations, but it objected to the level of suspension proposed by the United States.

On July 12, 1999, a WTO arbitrator determined that the level of nullification or impairment suffered by the United States as a result of the WTO inconsistent hormone ban was \$116.8 million per year. Accordingly, on July 26, 1999, the DSB authorized the United States to suspend the application to the EC and its Member States of tariff concessions and related obligations under the GATT 1994, covering trade up to \$116.8 million per year. In a notice published in July 1999, USTR announced that the United States was acting pursuant to this authorization by initiating proceedings under Section 301 to impose 100 percent ad valorem duties on certain products of certain EC Member States.

In February 2005, a WTO panel was established to consider the EU's claims that it had brought its hormone ban into compliance with its WTO obligations and that the increased duties imposed by the United States were no longer authorized by the DSB. In 2008, the DSB adopted panel and Appellate Body reports that confirmed that the July 1999 DSB authorization remained in effect.

In January 2009, the U.S. Trade Representative: (1) removed certain products from the 1999 list of products subject to 100 percent *ad valorem* duties; (2) imposed 100 percent ad valorem duties on some new products from certain EU Member States; (3) modified the coverage with respect to particular EU Member States; and, (4) raised the level of duties on one product. The trade value of the products subject to the modified list did not exceed the \$116.8 million per year authorized by the WTO.

In March 2009, the U.S. Trade Representative delayed the effective date of the additional duties (items two through four above) imposed under the January 2009 modifications in order to allow additional time for reaching an agreement with the EU. The effective date of the removal of duties under the January modifications remained March 23, 2009. Accordingly, subsequent to March 23, 2009, the additional duties put in place in July 1999 remained applicable to a reduced list of products.

In May 2009, the United States and the EU concluded a memorandum of understanding (MOU) which, under the first phase of the MOU scheduled to conclude in August 2012, obligated the EU to open a new duty-free tariff-rate quota (TRQ) for beef not produced with certain growth-promoting hormones. The United States in turn agreed not to impose duties above those in effect as of March 23, 2009.

On August 3, 2012, the United States and the EU, by mutual agreement, entered into a second phase of the MOU, to expire in one year. Under phase two, the U.S. Trade Representative terminated the remaining additional duties, and the EU expanded the TRQ from 20,000 to 45,000 metric tons. In August 2013, the United States and the EU extended phase two for an additional two years, until August 2015.

On December 9, 2016, representatives of the U.S. beef industry requested that the U.S. Trade Representative reinstate trade action against the EU because the TRQ was not providing benefits sufficient to compensate for the harm caused by the EU's hormone ban. On December 28, 2016, USTR published a Federal Register notice seeking public comments on specific EU products in order to consider possible reinstatement of duties. USTR held a public hearing on February 15, 2017.

In 2019, the United States and the European Union concluded successful negotiations to resolve concerns with the operation of the TRQ established by the MOU. On August 2, 2019, the EU and United States signed the Agreement on the Allocation to the United States of a Share in the Tariff Rate Quota for High Quality Beef Referred to in the Revised MOU 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 Union. The Agreement establishes a duty-free TRQ exclusively for the United

States. Under the Agreement, American ranchers will have an initial TRQ of 18,500 metric tons annually, valued at approximately \$220 million. Over seven years, the TRQ will grow to 35,000 metric tons annually, valued at approximately \$420 million. On December 13, 2019, USTR published in the Federal Register notice of its determination not to reinstate action under Section 306(c) in connection with the European Union's measures. Pursuant to the notice, the Section 306(c) proceeding was terminated effective January 1, 2020, the date the EU applied the U.S.-specific TRQ allocation.

USTR continued to monitor the operation of the TRQ.

3. Digital Services Taxes

Austria

In October 2019, Austria adopted a DST that applies a five percent tax to revenues from online advertising services. The law went into force on January 1, 2020. The tax applies only to companies with at least €750 million (approximately \$815 million) in annual global revenues for all services and €25 million (approximately \$27 million) in in-country revenues for covered digital services (86 FR 6406).

On June 2, 2020, the U.S. Trade Representative initiated a Section 301 investigation of Austria's DST. On the same day, the U.S. Trade Representative requested consultations with the Government of Austria (85 FR 34709).

Based on information obtained during the investigation, USTR prepared a comprehensive report on Austria's DST. Based on the information obtained during the investigation and the advice of the Section 301 Committee, the U.S. Trade Representative determined that Austria's DST is unreasonable or discriminatory and burdens or restricts U.S. commerce, and therefore is actionable under sections 301(b) and 304(a) of the Trade Act (86 FR 6406).

On June 2, 2021, the U.S. Trade Representative determined to take action in the form of additional duties on certain products of Austria and to immediately suspend those additional duties for up to 180 days (86 FR 30361).

On October 8, 2021, Austria joined the United States and 134 other jurisdictions participating in the OECD/G20 Inclusive Framework on Base Erosion and Profit Shifting in reaching a political agreement on a two-pillar solution to address tax challenges arising from the digitalization of the world economy. As part of Pillar 1, all parties would remove existing DSTs and other relevant similar measures, and would coordinate the withdrawal of these taxes.

On October 21, 2021, the Department of Treasury issued a joint statement with Austria and four other countries on a transitional approach to those countries' DSTs prior to entry into force of Pillar 1. Based on Austria's commitment to withdraw its DST pursuant to Pillar 1 and this transitional approach prior to Pillar 1's entry into force, the U.S. Trade Representative determined to terminate the Section 301 action taken in the investigation of Austria's DST. In coordination with the Department of Treasury, USTR continued monitoring implementation of the political agreement and the transitional approach as provided in the joint statement.

France

On March 6, 2019, the Government of France released a proposal for a 3 percent levy on revenues that certain companies generate from providing certain digital services to, or aimed at, persons in France. The President of France signed the bill into law on July 24, 2019.

On July 10, 2019, the U.S. Trade Representative initiated an investigation of the proposed French digital services tax (DST) pursuant to Section 302(b)(1)(A) of the Trade Act (84 FR 34042). Based on information obtained during the investigation, USTR, with the advice of the Section 301 Committee, prepared a report setting out findings of the investigation.

On December 6, 2019, the U.S. Trade Representative determined under Sections 301(b) and 304(a) of the Trade Act (19 U.S.C. § 2411(b) and 2414(a)) that the act, policy, or practice covered in the investigation, namely the French DST, is unreasonable or discriminatory and burdens or restricts U.S. commerce, and is thus actionable under Section 301(b) of the Trade Act (84 FR 66956).

On July 10, 2020, the U.S. Trade Representative determined that action was appropriate in this investigation and to take action in the form of additional duties on certain products of France (85 FR 43292). To allow additional time for bilateral and multilateral discussions, and in recognition of France's agreement to suspend collection of its DST during 2020, the U.S. Trade Representative determined to suspend the additional duties for up to 180 days, pursuant to Section 305(a) of the Trade Act (19 U.S.C. § 2415(a)) (85 FR 43292). Subsequently, the U.S. Trade Representative determined to further suspend the action in this investigation as of January 6, 2021, to allow USTR to coordinate actions in all DST investigations (86 FR 2479).

On October 8, 2021, France joined the United States and 137 other jurisdictions participating in the Organization for Economic Cooperation and Development (OECD)/Group of 20 (G20) Inclusive Framework on Base Erosion and Profit Shifting in reaching a political agreement on a two-pillar solution to address tax challenges arising from the digitalization of the world economy. As part of Pillar 1, all parties would remove existing DSTs and other relevant similar measures, and would coordinate the withdrawal of these taxes.

On October 21, 2021, the U.S. Department of Treasury issued a joint statement with France and four other countries on a transitional approach to those countries' DSTs prior to entry into force of Pillar 1. Based on France's commitment to withdraw its DST pursuant to Pillar 1 and this transitional approach prior to Pillar 1's entry into force, the U.S. Trade Representative determined to terminate the Section 301 action taken in the investigation of France's DST. In coordination with the Department of Treasury, USTR continued monitoring implementation of the political agreement and the transitional approach as provided in the joint statement.

India

In March 2020, India adopted a two percent DST. The tax only applies to non-resident companies, and covers online sales of goods and services to, or aimed at, persons in India. The tax applies to companies with annual revenues in excess of approximately Rs. 20 million (approximately \$240,000). The tax went into effect on April 1, 2020 (85 FR 34709).

On June 2, 2020, the U.S. Trade Representative initiated a Section 301 investigation of India's DST. On the same day, the USTR requested consultations with the Government of India (85 FR 34709).

Based on information obtained during the investigation, USTR prepared a comprehensive report on India's DST. Based on the information obtained during the investigation and the advice of the Section 301 Committee, the U.S. Trade Representative determined that India's DST is unreasonable or discriminatory and burdens or restricts U.S. commerce, and therefore is actionable under sections 301(b) and 304(a) of the Trade Act (86 FR 2478).

On June 2, 2021, the U.S. Trade Representative determined to take action in the form of additional duties on certain products of India and to immediately suspend those additional duties for up to 180 days (86 FR 30356).

On October 8, 2021, India joined the United States and 134 other jurisdictions participating in the OECD/G20 Inclusive Framework on Base Erosion and Profit Shifting in reaching a political agreement on a two-pillar solution to address tax challenges arising from the digitalization of the world economy. As part of Pillar 1, all parties would remove existing DSTs and other relevant similar measures, and would coordinate the withdrawal of these taxes.

On November 24, 2021, India and the United States issued statements describing a transitional approach to India's DST prior to entry into force of Pillar 1. These statements reflect a political agreement that, in defined circumstances, the DST liability that U.S. companies accrue in India during the interim period will be creditable against future taxes accrued under Pillar 1 of the OECD Agreement. Based on the commitment of India to withdraw its DST pursuant to Pillar 1 and this transitional approach prior to Pillar 1's entry into force, the U.S. Trade Representative determined to terminate the Section 301 action taken in the investigation of India's DST, as of November 28, 2021. In coordination with the Department of Treasury, USTR continued to monitor implementation of the political agreement and the transitional approach agreed to by India.

Italy

Italy adopted a DST, effective on January 1, 2020. Italy's DST applies to companies that generate €750 million (approximately \$815 million) or more in worldwide revenues and €5.5 million (approximately \$5.9 million) or more in revenues deriving from the provision of digital services in Italy. Italy's DST applies a three percent rate on the total amount of taxable revenues generated during the calendar year (86 FR 2477).

On June 2, 2020, the U.S. Trade Representative initiated a Section 301 investigation of Italy's DST. On the same day, the U.S. Trade Representative requested consultations with the Government of Italy (85 FR 34709). Based on the information obtained during the investigation and the advice of the Section 301 Committee, the U.S. Trade Representative determined that Italy's DST is unreasonable or discriminatory and burdens or restricts U.S. commerce, and therefore is actionable under sections 301(b) and 304(a) of the Trade Act (86 FR 2477). On June 2, 2021, the U.S. Trade Representative determined to take action in the form of additional duties on certain products of Italy and to immediately suspend those additional duties for up to 180 days (86 FR 30350).

On October 8, 2021, Italy joined the United States and 134 other jurisdictions participating in the OECD/G20 Inclusive Framework on Base Erosion and Profit Shifting in reaching a political agreement on a two-pillar solution to address tax challenges arising from the digitalization of the world economy. As part of Pillar 1, all parties would remove existing DSTs and other relevant similar measures, and would coordinate the withdrawal of these taxes.

On October 21, 2021, the Department of Treasury issued a joint statement with Italy and four other countries on a transitional approach to those countries' DSTs prior to entry into force of Pillar 1. Based on Italy's commitment to withdraw its DST pursuant to Pillar 1 and this transitional approach prior to Pillar 1's entry

into force, the U.S. Trade Representative determined to terminate the Section 301 action taken in the investigation of Italy's DST. In coordination with the Department of Treasury, USTR continued to monitor implementation of the political agreement and the transitional approach as provided in the joint statement.

Spain

Spain adopted a DST on October 7, 2020. Spain's DST applies a three percent tax to revenues from certain digital advertising, digital intermediation services, and data transmission services. The DST applies to companies generating at least €750 million (approximately \$815 million) in global revenues and €3 million (approximately \$3.24 million) in revenues attributable to Spain (86 FR 6407).

On June 2, 2020, the U.S. Trade Representative initiated a Section 301 investigation of Spain's DST. On the same day, the U.S. Trade Representative requested consultations with the Government of Spain (85 FR 34709).

On October 8, 2021, Spain joined the United States and 134 other jurisdictions participating in the OECD/G20 Inclusive Framework on Base Erosion and Profit Shifting in reaching a political agreement on a two-pillar solution to address tax challenges arising from the digitalization of the world economy. As part of Pillar 1, all parties would remove existing DSTs and other relevant similar measures, and would coordinate the withdrawal of these taxes.

On October 21, 2021, the Department of Treasury issued a joint statement with Spain and four other countries on a transitional approach to those countries' DSTs prior to entry into force of Pillar 1. Based on Spain's commitment to withdraw its DST pursuant to Pillar 1 and this transitional approach prior to Pillar 1's entry into force, the U.S. Trade Representative determined to terminate the Section 301 action taken in the investigation of Spain's DST. In coordination with the Department of Treasury, USTR continued to monitor implementation of the removal of political agreement and the transitional approach as provided in the joint statement.

Türkiye

Türkiye adopted a DST on December 7, 2019, and the DST entered into force as of March 1, 2020. The DST applies to companies that, during the previous calendar year, generated €750 million (approximately \$815 million) or more in worldwide revenues and TRY 20 million (approximately \$1 million) or more in revenues deriving from the provision of digital services in Türkiye (86 FR 2480).

On June 2, 2020, the U.S. Trade Representative initiated a Section 301 investigation of Türkiye's DST. On the same day, the U.S. Trade Representative requested consultations with the Government of Türkiye (85 FR 34709). Based on the information obtained during the investigation and the advice of the Section 301 Committee, the U.S. Trade Representative determined that Türkiye's DST is unreasonable or discriminatory and burdens or restricts U.S. commerce, and therefore is actionable under sections 301(b) and 304(a) of the Trade Act (86 FR 2480). On June 2, 2021, the U.S. Trade Representative determined to take action in the form of additional duties on certain products of Türkiye and to immediately suspend those additional duties for up to 180 days (86 FR 30353).

On October 8, 2021, Türkiye joined the United States and 134 other jurisdictions participating in the OECD/G20 Inclusive Framework on Base Erosion and Profit Shifting in reaching a political agreement on a two-pillar solution to address tax challenges arising from the digitalization of the world economy. As part of Pillar 1, all parties would remove existing digital services taxes and other relevant similar measures, and would coordinate the withdrawal of these taxes.

On November 22, 2021, the Department of Treasury issued a joint statement with Türkiye regarding a transitional approach to Türkiye's Digital Service Tax prior to entry into force of Pillar 1. The joint statement reflects a political agreement that DST liabilities accrued during the transitional period will be creditable in defined circumstances against future taxes due under Pillar 1. Based on the commitment of Türkiye to withdraw its DST pursuant to Pillar 1 and this transitional approach prior to Pillar 1's entry into force, the U.S. Trade Representative determined to terminate the Section 301 action taken in the investigation of Türkiye's DST. In coordination with the Department of Treasury, USTR continued to monitor implementation of the political agreement and the transitional approach as provided in the joint statement.

The United Kingdom

The United Kingdom (UK) adopted a DST on July 22, 2020. The UK DST applies a two percent tax on the revenues of certain search engines, social medial platforms and online marketplaces. The UK DST applies only to companies with global digital services revenues exceeding £500 million (approximately \$633 million) and UK digital services revenues exceeding £25 million (approximately \$31.6 million). Companies became liable for this DST on April 1, 2020 (86 FR 6406).

On June 2, 2020, the U.S. Trade Representative initiated a Section 301 investigation of the UK's proposed DST, which was subsequently adopted. On the same day, the U.S. Trade Representative requested consultations with the Government of the United Kingdom (85 FR 34709).

On October 8, 2021, the UK joined the United States and 134 other jurisdictions participating in the OECD/G20 Inclusive Framework on Base Erosion and Profit Shifting in reaching a political agreement on a two-pillar solution to address tax challenges arising from the digitalization of the world economy. As part of Pillar 1, all parties would remove existing DSTs and other relevant similar measures, and would coordinate the withdrawal of these taxes.

On October 21, 2021, the Department of Treasury issued a joint statement with the UK and four other countries on a transitional approach to those countries' DSTs prior to entry into force of Pillar 1. Based on the UK's commitment to withdraw its DST pursuant to Pillar 1 and this transitional approach prior to Pillar 1's entry into force, the U.S. Trade Representative determined to terminate the Section 301 action taken in the investigation of the UK's DST. In coordination with the Department of Treasury, USTR continued to monitor implementation of the political agreement and the transitional approach as provided in the joint statement.

4. Enforcement of U.S. WTO Rights in European Union Large Civil Aircraft Dispute

On October 6, 2004, the United States requested WTO dispute settlement consultations with the EC (now the EU), France, Germany, Spain, and the United Kingdom (certain Member States) concerning certain subsidies granted by the EU and certain Member states to the EU large civil aircraft (LCA) domestic industry, on the basis that these subsidies appeared to be inconsistent with their obligations under the GATT 1994 and the WTO Agreement on Subsidies and Countervailing Measures (SCM Agreement).

In May 2011, a WTO panel report, as amended by an Appellate Body report, confirmed that EU and certain Member state subsidies on the manufacture of LCA breached the EU's obligations under the SCM Agreement. The DSB adopted the reports on June 1, 2011, and recommended that the EU and certain Member states bring the WTO-inconsistent measures into compliance with WTO rules. The EU and certain Member states had until December 1, 2011, to bring the measures into compliance. On December 1, 2011,

the EU asserted that it had implemented the DSB recommendations. The United States did not agree, and requested authorization from the DSB to impose countermeasures commensurate with the adverse effects of the WTO-inconsistent measures. The EU objected to the request, referring the matter to arbitration to assess the proper level of any countermeasures.

In early 2012, the United States and the EU entered into a procedural agreement pursuant to which the arbitration would be suspended until after WTO compliance panel and any appellate proceedings determined whether the EU had implemented the DSB recommendations. On May 28, 2018, the DSB adopted compliance panel and Appellate Body reports confirming that launch aid to the Airbus A380 and A350 XWB aircraft continued to cause WTO-inconsistent adverse effects to U.S. interests.

At the request of the United States, and in accordance with the procedural agreement, on July 13, 2018, the WTO Arbitrator resumed its work in determining the level of countermeasures to be authorized as a result of the WTO inconsistencies.

On April 12 2019, USTR announced the initiation of a Section 301 investigation to enforce U.S. rights in the dispute. The notice of initiation solicited written comments on several aspects of the investigation, as well as comments on a list of products with a value of \$21 billion being considered for additional duties of up to 100 percent. Public hearings were held on May 15 to May 16, 2019.

USTR issued a second notice on July 5, 2019, that requested public comments on a supplementary list of products with a value of \$4 billion for which additional duties of up to 100 percent were also being considered. A second hearing was held on August 5, 2019.

On October 2, 2019, the WTO Arbitrator issued a report that concluded that the appropriate level of countermeasures in response to the WTO-inconsistent launch aid provided by the EU or certain Member states to their LCA domestic industry is approximately \$7.5 billion annually.

On October 9, 2019, the U.S. Trade Representative announced in the *Federal Register* (84 FR 54245) a determination that, based on the original panel and appellate reports, the compliance panel and appellate reports, the report of the WTO Arbitrator, and information obtained during the investigation, including public comments, the advice of the advisory committees, the Section 301 Committee, and the Trade Policy Staff Committee, U.S. rights under the GATT 1994 and Articles 5 and 6.3 of the SCM Agreement were being denied, that the subsidies provided by the EU and certain Member states were inconsistent with these agreements, and that the EU and certain Member states had not satisfactorily implemented the recommendation of the WTO DSB. The October 9 notice also announced a list of the products with an annual trade value of approximately \$7.5 billion that would be subject to additional duties of 10 percent or 25 percent, effective October 18, 2019.

On December 12, 2019, USTR published a notice in the *Federal Register* (84 FR 67992) seeking comments on a review of the October 18 action. Pursuant to the Section 301 statute, the notice sought comments on whether products subject to additional duties should be removed or remain on the final list, whether the rate of additional duty on specific products should be increased up to a level of 100 percent, and whether additional duties should be imposed on products which had been subject to public comment but were not subject to the October 18 action and the rate of additional duty to be applied to such products. A periodic revision of the action was announced on February 14, 2020, and a notice published in the *Federal Register* on February 21, 2020 (85 FR 10204). The February notice also included a determination that the United States may take appropriate action upon any EU imposition of additional duties on U.S. products in connection with the EU LCA dispute or the U.S. LCA dispute brought by the EU.

The next review was announced June 26, 2020, and included a notice which sought comment on an additional list of products with a value of approximately \$3.1 billion being considered for additional duties (85 FR 38488, as amended by 85 FR 39661 on July 1, 2020). The revised action was announced August 12, 2020, and included the determination that the action may be revised upon any EU imposition of additional duties on U.S. products in connection with the EU LCA dispute or the U.S. LCA dispute brought by the EU (85 FR 50866).

On November 9, 2020, following a decision by the WTO arbitrator in the U.S. LCA dispute that Washington State tax rate reductions in a 2012 reference period caused \$4 billion per year in adverse effects, the EU announced that it would impose additional duties of 15 percent and 25 percent on goods of the United States, effective November 10, 2020. The Washington State measure was withdrawn in April 2020, and the EU had no legal basis to retaliate. Furthermore, in exercising its \$4 billion authorization, the EU relied on a benchmark reference period affected by the economic downturn caused by the COVID-19 pandemic, which enabled the EU to cover a greater volume of imports than if, like the United States, it had used data from a period when trade was not affected by the pandemic.

On December 31, 2020, in response to the EU's action, the United States announced certain revisions to the August 2020 action, including an adjustment to mirror the benchmark period used by the EU in exercising its authorization (86 FR 674 of January 6, 2021). Using the new benchmark period, coupled with appropriate adjustments, the December 31, 2020, revision remained consistent with the WTO arbitrator's award to the United States.

In February 2021, the U.S. Trade Representative together with the affected United States industry agreed that it was unnecessary at that time to revise the action in the Section 301 investigation. (See 86 FR 9420.)

In March 2021, the United States and the United Kingdom, and the United States and the EU, issued joint statements promoting a resolution of the disputes and announcing that each party would suspend their imposition of additional duties on products of the other for four months. In accord with the joint statements, the United States announced modification of the action to suspend additional duties on products of the United Kingdom (UK) and of EU Member states, effective March 4, 2021 and March 11, 2021, respectively. (See 86 FR 13961 and 86 FR 14513.)

On June 15 and June 17, 2021, the United States reached understandings on cooperative frameworks with the UK and the EU regarding the dispute. In accordance with the understandings, the U.S. Trade Representative determined to suspend the action being taken in the Section 301 investigation for five years, beginning July 4, 2021, with respect to tariffs on goods of the UK, and beginning July 11, 2021, with respect to tariffs on goods of EU Member states (86 FR 36313). USTR continued to monitor implementation by the EU and UK of the framework understandings and their respective measures related to the matters covered in the LCA dispute, including whether the EU or UK provides financing to an LCA producer for the production or development of LCA that is not on market terms. If USTR considers that the implementation of the framework understandings or measures related to the WTO dispute are not satisfactory, USTR will take any and all appropriate and feasible action under Section 301 to enforce U.S. WTO rights.

5. Vietnam's Acts, Policies, and Practices Related to the Import and Use of Illegal Timber

On October 2, 2020, the U.S. Trade Representative initiated an investigation regarding whether Vietnam's acts, policies and practices related to Vietnam's import and use of illegally harvested or traded timber ("illegal timber") are unreasonable or discriminatory and burden or restrict United States commerce. On

the same day, the United States requested consultations with Vietnam. The notice of initiation (85 FR 63639) explained that Vietnam relies on imports of timber harvested in other countries to supply the timber inputs needed for its wood products manufacturing sector, and evidence suggests that a significant portion of that imported timber was illegally harvested or traded. Through the notice of initiation, USTR solicited written comments. USTR received 71 submissions in response.

USTR and the Section 301 Committee convened a virtual public hearing on December 28, 2020, during which 19 witnesses provided testimony and responded to questions. On January 8, 2021, the United States held consultations with the Government of Vietnam.

On October 1, 2021, the United States and Vietnam signed an agreement that addresses U.S. concerns in the timber investigation. (See 86 FR 55681.) The Agreement secures commitments that will help keep illegally harvested or traded timber out of the supply chain and protect the environment and natural resources. In April 2022, the United States and Vietnam convened the first meeting of the Timber Working Group, which was established to facilitate coordination and oversee implementation of the agreement. The second meeting of the Timber Working Group was held in November 2022. The third meeting of the Timber Working Group was held in August 2023. USTR continued to monitor Vietnam's implementation of the Agreement.

For further discussion on this investigation, see Chapter III.G.2 Trade and the Environment Monitoring and Enforcement Activities of Existing Agreements.

6. Vietnam's Acts, Policies, and Practices Related to Currency Valuation

On October 2, 2020, the U.S. Trade Representative initiated an investigation regarding whether Vietnam's acts, policies, and practices related to the valuation of its currency are unreasonable or discriminatory and burden or restrict United States commerce. On the same day, the United States requested consultations with Vietnam. The notice of initiation (85 FR 63637) explained that the State Bank of Vietnam's management of its currency is closely tied to the U.S. dollar, and that available analysis indicated that Vietnam's currency had been undervalued for the past three years. The notice further explained that available evidence indicated that the Government of Vietnam, through the State Bank of Vietnam, actively intervened in the foreign exchange market which contributed to the dong's undervaluation in 2019. Through the notice of initiation, USTR solicited public comments. USTR received 66 submissions in response.

On December 23, 2020, the United States held consultations with the Government of Vietnam. On December 29, 2020, USTR and the Section 301 Committee held a virtual public hearing on the investigation. During the hearing, 21 witnesses testified and responded to questions.

On January 15, 2021, in consultation with the Department of Treasury, based on the information obtained in the investigation, and taking account of public comments and advice of the Section 301 Committee and Advisory Committees, the U.S. Trade Representative determined that Vietnam's acts, policies, and practices related to currency valuation, including excessive foreign exchange market interventions and other related actions, taken in their totality, are unreasonable and burden or restrict U.S. commerce, and thus actionable under Section 301 (86 FR 6732).

On July 23, 2021, based on an agreement reached between the Department of Treasury and the State Bank of Vietnam regarding Vietnam's currency practices, the U.S. Trade Representative determined that no action under Section 301 in the currency investigation was warranted at that time because Vietnam's agreement with the Department of Treasury provided a satisfactory resolution of the matter subject to the

investigation (86 FR 40675). In coordination with the Department of Treasury, USTR continued to monitor Vietnam’s implementation of its commitments under the agreement and associated measures.

C. SECTION 201

Section 201 of the Trade Act of 1974 provides a procedure whereby the President may grant temporary import relief to a domestic industry if increased imports are a substantial cause of serious injury or the threat of serious injury. Relief may be granted for an initial period of up to four years, with the possibility of extending the relief to a maximum of eight years. Import relief is designed to redress the injury and to facilitate positive adjustment by the domestic industry; it may consist of increased tariffs, quantitative restrictions, or other forms of relief. Section 201 also authorizes the President to grant provisional relief in cases involving “critical circumstances” or certain perishable agricultural products.

For an industry to obtain relief under Section 201, the U.S. International Trade Commission (USITC) must first determine that a product is being imported into the United States in such increased quantities as to be a substantial cause (a cause which is important and not less than any other cause) of serious injury, or the threat thereof, to the U.S. industry producing a like or directly competitive product. If the USITC makes an affirmative injury determination and recommends a remedy to the President, the President may provide relief either in the amount recommended by the USITC or in such other amount as the President finds appropriate. The criteria for import relief in Section 201 are based on Article XIX of the General Agreement on Tariffs and Trade (GATT) 1994—commonly referred to as the “escape clause”—and the World Trade Organization (WTO) Agreement on Safeguards.

Section 204(a)(1) of the Trade Act of 1974 also requires the USITC to monitor developments with respect to the domestic industry following the President’s determination to impose a safeguard measure. Pursuant to Section 204(a)(2) of the Trade Act of 1974, when the duration of a safeguard measure is longer than three years, the USITC must submit a report to the President and Congress on the results of its monitoring no later than the midterm of the measure.

Safeguard measures are limited to an initial period of no more than four years. However, pursuant to Section 204 of the Trade Act of 1974, the relevant domestic industry may file a petition to extend a safeguard measure, or the President may request an extension investigation. If such a petition or request is received, the USITC must investigate and determine, pursuant to Section 204, whether (1) the action continues to be necessary to prevent or remedy serious injury, and (2) there is evidence that the industry is making a positive adjustment to import competition. If the USITC reaches an affirmative determination on these two questions, then Section 203 of the Trade Act of 1974 authorizes the President to extend the safeguard measure. The effective period of any safeguard action, including any extensions of a safeguard action, may not, in the aggregate, exceed eight years.

Safeguard Measure on Certain Crystalline Silicon Photovoltaic Cells, Whether or Not Partially or Fully Assembled into Other Products

Effective February 7, 2018, the President imposed a safeguard measure on imports of certain crystalline silicon photovoltaic cells (CSPV), whether or not partially or fully assembled into other products (CSPV products). Following receipt of a petition by the domestic industry requesting an extension of the safeguard measure and the subsequent USITC investigation under Section 204 of the Trade Act of 1974, on February 4, 2022, the President issued a proclamation extending the safeguard measure to (1) continue the tariff-rate quota (TRQ) on imports of solar cells for an additional four years, with an increase in the aggregate in-quota annual quantity (to 5 GW); (2) continue the imposition of duties on imports of modules for an

additional four years, with annual reductions in the applicable duty rate; and (3) exclude bifacial panels from the extension.

On June 8, 2023, pursuant to Section 204(a)(2) of the Trade Act of 1974, the USITC instituted a mid-term review, for the purpose of preparing a report to the President and the Congress, on its monitoring of developments in the domestic industry following the President’s decision to extend the safeguard measure. On February 2, 2024, the USITC released its mid-term report following the extension of the safeguard measure.

Safeguard Measure on Large Residential Washers

Pursuant to Presidential Proclamation 10133 issued on January 14, 2021, the President extended the safeguard measure imposed on large residential washers until February 7, 2023. The duration of the measure has been completed and the domestic industry did not request a further extension of the measure. As a result, the measure expired on February 7, 2023.

D. WTO AND FTA ENFORCEMENT

This section includes a discussion of current U.S. involvement in World Trade Organization (WTO) and free trade agreement (FTA) dispute settlement processes. USTR continued to prioritize enforcement efforts with respect to key U.S. values, such as promoting fair, competitive, and market-oriented trade, labor rights, environmental protection, and the interests of U.S. farmers, as well as strategic priorities of the United States.

The United States–Mexico–Canada Agreement (USMCA) includes an innovative labor-related Rapid Response Mechanism (RRM) in the dispute settlement chapter to address protection of association and collective bargaining rights at the facility level. The United States continued to fully utilize this mechanism to support critical workers’ rights and use trade to promote a “race to the top” in labor conditions.

For further discussion of enforcement actions related to the Rapid Response Mechanism, see Chapter I.B.9 Mexico and Canada.

Key Developments in 2023

In 2023, the United States brought a new USMCA challenge regarding certain Mexican measures concerning products of agricultural biotechnology. The United States is challenging measures set out in Mexico’s February 13, 2023 decree, specifically the ban on use of biotech corn in tortillas or dough, and the instruction to Mexican Government agencies to gradually substitute—*i.e.*, ban—the use of biotechnology corn in all products for human consumption and for animal feed.

A USMCA panel issued a report finding against the U.S. challenge to Canada’s dairy tariff-rate quota (TRQ) allocation measures, which use a market-share approach for determining TRQ allocations, and prohibit retailers, food service operators, and other types of importers from utilizing TRQ allocations. Two of the three panelists found that Canada’s measures do not breach any of the USMCA commitments that the United States cited. One panelist, however, agreed with a principal U.S. claim challenging Canada’s narrow definition of eligible applicants, which excludes a substantial number of importers that would be eager to bring higher-value, retail-ready U.S. dairy products to Canadian consumers.

The United States prevailed in WTO challenges it had brought against China and Türkiye regarding their imposition of additional duties in retaliation for the U.S. Section 232 national security measures on steel

and aluminum. In both reports, WTO panels recognized that the U.S. Section 232 actions are national security measures and that China and Türkiye had breached WTO rules by adopting retaliatory tariffs disguised as safeguard measures.

The United States agreed with India on resolutions to all seven outstanding WTO disputes between them. These resolutions resulted in India's removal of the retaliatory tariffs it had imposed in response to the U.S. Section 232 national security measures on steel and aluminum. Those retaliatory tariffs were imposed on products including chickpeas, lentils, almonds, walnuts, apples, boric acid, and diagnostic reagents. India also agreed to lower tariffs on certain U.S. agricultural products, including frozen turkey, frozen duck, fresh blueberries and cranberries, frozen blueberries and cranberries, dried blueberries and cranberries, and processed blueberries and cranberries.

Ongoing WTO dispute settlement actions include panel proceedings against Russia challenging its additional duties imposed on U.S. products in retaliation for U.S. duties on steel and aluminum products; an appeal by China of a panel report rejecting China's challenge to the U.S. safeguard measure for solar products; and compliance proceedings, initiated by China, to determine whether China has complied with the WTO's recommendations regarding its excessive levels of annual domestic support and its administration of grains TRQs.

The cases described below provide further detail about current U.S. involvement in WTO and FTA dispute settlement processes. Further information on disputes to which the United States is a party, and a list of U.S. submissions, are available on the [Office of the United States Trade Representative \(USTR\) website](#).

Free Trade Agreement Disputes Brought by the United States

USMCA: Canada – Dairy TRQ Allocation Measures (CDA-USA-2021-31-01)

On December 9, 2020, the United States requested USMCA Chapter 31 consultations with Canada regarding Canada's administration of its dairy TRQs. These consultations concerned the 14 TRQs on dairy products that Canada has the right to maintain under the USMCA on milk, cream, skim milk powder, butter and cream powder, industrial cheeses, cheeses of all types, milk powders, concentrated or condensed milk, yogurt and buttermilk, powdered buttermilk, whey powder, products consisting of natural milk constituents, ice cream and ice cream mixes, and other dairy.

In notices to importers that Canada published in June and October 2020 and May 2021 for dairy TRQs, Canada set aside and limited access to a percentage of the quota for processors and for so-called "further processors." By setting aside and limiting access to a percentage of each dairy TRQ exclusively for processors, the United States alleged that Canada undermined the ability of American dairy farmers, processors, and exporters to benefit from the agreed-upon TRQs and sell a wide range of dairy products to Canadian consumers. The United States challenged Canada's measures as inconsistent with Articles 3.A.2.4(b), 3.A.2.6(a), 3.A.2.11(b), 3.A.2.11(c), and 3.A.2.11(e) of the USMCA.

On December 21, 2020, Canada and the United States held consultations via videoconference, but the Parties failed to resolve the matter. On May 25, 2021, the United States requested and established a dispute settlement panel under the USMCA to review Canada's dairy TRQ allocation measures. The Panel was composed on July 5, 2021. The Parties composed the Panel as follows: Mr. Elbio Rosselli, Chair; and, Ms. Julie Bédard and Mr. Mark C. Hansen, Members. On October 25 and October 26, 2021, a panel hearing was held in Ottawa, Canada.

The final panel report was released to the Parties on December 20, 2021, and to the public on January 4, 2022. The Panel agreed with the United States that Canada's allocation of dairy TRQs, specifically the set-

aside of a percentage of each dairy TRQ exclusively for Canadian processors, is inconsistent with Canada’s commitment in Article 3.A.2.11(b) of the USMCA not to “limit access to an allocation to processors.”

On May 16, 2022, Canada published policy changes to implement the panel’s finding. The United States does not consider the changes to bring Canada into compliance with its USMCA obligations.

USMCA: Canada – Dairy TRQ Allocation Measures 2 (CDA-USA-2022-31-01)

On May 25, 2022, the United States requested consultations under Chapter 31 of the USMCA for the second time regarding Canada’s dairy TRQ allocation measures, specifically relating to the ineligibility of certain types of importers to apply for USMCA dairy TRQ allocations, the imposition of a 12-month activity requirement for TRQ allocation applicants and recipients, and the partial allocation of the calendar year 2022 dairy TRQs. Consultations were held on June 9, 2022, but the Parties failed to resolve the matter.

After initiating consultations with Canada in May 2022, the United States identified additional aspects of Canada’s measures that appear to be inconsistent with Canada’s obligations under the USMCA, and on December 20, 2022, the United States requested a new round of consultations with Canada. With the new request, the United States expanded its challenge of Canada’s dairy TRQ allocation measures to include Canada’s use of a market-share approach for determining TRQ allocations. The United States expressed concern that Canada applies different criteria for calculating the market share of different segments of applicants, and that Canada is failing to allow importers the opportunity to fully utilize TRQ quantities. The United States also continued to challenge Canada’s dairy TRQ allocation measures that impose new conditions on the allocation and use of the TRQs, and that prohibit eligible applicants, including retailers, food service operators, and other types of importers, from accessing TRQ allocations. The United States considered that, through these measures, Canada undermines the market access that it agreed to provide in the USMCA.

On January 31, 2023, the United States requested and established a dispute settlement panel under the USMCA to review Canada’s revised dairy TRQ allocation measures. The Panel was composed on February 24, 2023. The Parties composed the Panel as follows: Mr. Mateo Diego-Fernández, Chair, Ms. Kathleen Claussen, and Mr. Serge Fréchette. On July 19 and July 20, 2023, a panel hearing was held in Ottawa, Canada.

The final panel report was released to the Parties on November 10, 2023, and to the public on November 24, 2023. Two of the three panelists found that Canada’s measures do not breach of any of the USMCA commitments that the United States cited. One panelist, however, agreed with a principal U.S. claim challenging Canada’s narrow definition of eligible applicants, which excludes a substantial number of importers that would be eager to bring higher-value, retail-ready U.S. dairy products to Canadian consumers.

USMCA: Mexico – Measures Related to Energy (MEX-USA-2022-31-01)

On July 20, 2022, the United States formally requested consultations with Mexico under the USMCA. The consultations relate to certain measures by Mexico that undermine American companies and U.S.-produced energy in favor of Mexico’s state-owned electrical utility, the Comisión Federal de Electricidad (CFE), and state-owned oil and gas company, Petróleos Mexicanos (PEMEX). Specifically, the United States is challenging a 2021 amendment to Mexico’s Electric Power Industry Law that prioritizes CFE-produced electricity over electricity generated by all private competitors; Mexico’s inaction, delays, denials, and revocations of private companies’ abilities to operate in Mexico’s energy sector; a December 2019 regulation granting only PEMEX an extension to comply with the maximum sulfur content requirements under Mexico’s applicable automotive diesel fuel standard; and, a June 2022 action that advantages

PEMEX, CFE, and their products in the use of Mexico’s natural gas transportation network. These measures appear to be inconsistent with several of Mexico’s USMCA obligations, including under the Market Access, Investment, and State-Owned Enterprises chapters. As of December 2023, the Parties continued to consult on this matter.

USMCA: Mexico – Measures Concerning Genetically Engineered (“GE”) Corn (MEX-USA-2023-31-01)

On January 30, 2023, the United States sent a formal, written request to Mexico under the USMCA Chapter on Sanitary and Phytosanitary (SPS) Measures (Article 9.6.14) for “an explanation of the reasons for” and “pertinent relevant information regarding” certain Mexican measures concerning biotechnology products. In June 2023, the United States requested and held dispute settlement consultations with Mexico regarding its biotechnology measures under the USMCA Dispute Settlement Chapter, but these consultations also failed to resolve the matter.

On August 17, 2023, the United States established a dispute settlement panel to challenge measures reflected in Mexico’s Decree Establishing Various Actions Regarding Glyphosate and Genetically Modified Corn (“2023 Corn Decree”), issued on February 13, 2023. Specifically, the United States challenged Mexico’s ban on the use of genetically-engineered (GE) corn in tortillas or dough, and the instruction to Mexican government agencies to gradually substitute—*i.e.*, reduce and ultimately ban—the use of GE corn in all products for human consumption and for animal feed. The United States considers that Mexico’s measures are inconsistent with several of Mexico’s USMCA obligations under the SPS Measures and Market Access chapters.

The Panel was composed on October 18, 2023, and is comprised of the following members: Mr. Christian Häberli, (Chair), Mr. Hugo Perezcano Díaz, and Ms. Jean Kalicki. As of December 2023, the panel proceeding was ongoing. Canada is participating in this dispute as a third Party.

Free Trade Agreement Disputes Brought Against the United States

USMCA: United States – Automotive Rules of Origin

On August 20, 2021, Mexico requested consultations with the United States regarding the interpretation and application of certain rules of origin provisions for automobiles under the USMCA. On August 26, 2021, Canada notified its intent to join the consultations. The United States held consultations with Mexico on September 24, 2021. Mexico requested and established a dispute settlement panel on January 6, 2022, and Canada joined the dispute as a co-complainant on January 13, 2022. The Parties composed the Panel on March 22, 2022, as follows: Mr. Elbio Rosselli, Chair; and, Ms. Kathleen Claussen, Ms. Ann Ryan Roberson, Mr. Jorge Miranda, and Mr. Donald McRae, Members.

In January 2023, the Panel in this dispute issued a report finding in favor of Canada and Mexico. Following that ruling, as required under the USMCA, the parties have engaged in discussions regarding a resolution to the dispute.

World Trade Organization Disputes Brought by the United States

In 2023, the United States continued to be one of the most active participants in the WTO dispute settlement process. This section includes brief summaries of dispute settlement activity in 2023 where the United States was a complainant (listed alphabetically by responding party, and then chronologically).

China – Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products (DS363)

On April 10, 2007, the United States requested consultations with China regarding certain measures related to the import and/or distribution of imported films for theatrical release, audiovisual home entertainment products (e.g., video cassettes and DVDs), sound recordings, and publications (e.g., books, magazines, newspapers, and electronic publications). On July 10, 2007, the United States requested supplemental consultations with China regarding certain measures pertaining to the distribution of imported films for theatrical release and sound recordings.

Specifically, the United States was concerned that certain Chinese measures: (1) restricted trading rights (such as the right to import goods into China) with respect to imported films for theatrical release, audiovisual home entertainment products, sound recordings, and publications; and, (2) restricted market access for, or discriminated against, imported films for theatrical release and sound recordings in physical form, and foreign service providers seeking to engage in the distribution of certain publications, audiovisual home entertainment products, and sound recordings. The Chinese measures at issue appeared to be inconsistent with several WTO provisions, including provisions in the General Agreement on Tariffs and Trade (GATT) 1994 and General Agreement on Trade in Services (GATS), as well as specific commitments made by China in its WTO accession agreement.

The United States and China held consultations on June 5 and June 6, 2007, and on July 31, 2007. At the request of the United States, the WTO established a panel on November 27, 2007, to examine the U.S. complaint. On March 27, 2008, the Director-General composed the Panel as follows: Mr. Florentino P. Feliciano, Chair; and, Mr. Juan Antonio Dorantes and Mr. Christian Häberli, Members.

The report of the Panel was circulated to WTO Members and made public on August 12, 2009. In the final report, the Panel made three critical sets of findings. First, the Panel found that China's restrictions on foreign invested enterprises (and in some cases foreign individuals) from importing films for theatrical release, audiovisual home entertainment products, sound recordings, and publications are inconsistent with China's trading rights commitments as set forth in China's protocol of accession to the WTO. The Panel also found that China's restrictions on the right to import these products are not justified by Article XX(a) of the GATT 1994. Second, the Panel found that China's prohibitions and discriminatory restrictions on foreign owned or controlled enterprises seeking to distribute publications and audiovisual home entertainment products and sound recordings over the Internet are inconsistent with China's obligations under the GATS. Third, the Panel also found that China's treatment of imported publications is inconsistent with the national treatment obligation in Article III:4 of the GATT 1994.

In September 2009, China filed a notice of appeal to the WTO Appellate Body, appealing certain of the Panel's findings, and the United States filed an appeal on one aspect of the Panel's analysis of China's defense under GATT Article XX(a). On December 21, 2009, the Appellate Body issued its report. The Appellate Body rejected each of China's claims on appeal. The Appellate Body also found that the Panel had erred in the aspect of the analysis that the United States had appealed. The Dispute Settlement Body (DSB) adopted the Appellate Body and panel reports on January 19, 2010. On July 12, 2010, the United States and China notified the DSB that they had agreed on a 14-month period of time for implementation, to end on March 19, 2011.

China subsequently issued several revised measures, and repealed other measures, relating to the market access restrictions on books, newspapers, journals, DVDs, and music. As China acknowledged, however, it did not issue any measures addressing theatrical films. Instead, China proposed bilateral discussions with the United States in order to seek an alternative solution. The United States and China reached agreement in February 2012 on an MOU providing for substantial increases in the number of foreign films imported

and distributed in China each year and substantial additional revenue for foreign film producers. The MOU calls for China and the United States to engage in consultations in calendar year 2017 and, through this consultation process, to provide for further meaningful compensation to the United States. China and the United States initiated consultations in 2017; however, to date, China has not agreed to provide further meaningful compensation, as it committed to do under the MOU.

China – Measures Relating to the Exportation of Various Raw Materials (DS394)

On June 23, 2009, the United States requested consultations with China regarding China's export restraints on a number of important raw materials. The materials at issue are: bauxite, coke, fluorspar, magnesium, manganese, silicon metal, silicon carbide, yellow phosphorus, and zinc. These materials are inputs for numerous downstream products in the steel, aluminum, and chemical sectors.

The United States challenged China's export restraints on these raw materials as inconsistent with several WTO provisions, including provisions in the GATT 1994, as well as specific commitments made by China in its WTO accession agreement. Specifically, the United States challenged certain Chinese measures that impose: (1) quantitative restrictions in the form of quotas on exports of bauxite, coke, fluorspar, silicon carbide, and zinc ores and concentrates, as well as certain intermediate products incorporating some of these inputs; and, (2) export duties on several raw materials. The United States also challenged other related export restraints, including export licensing restrictions, minimum export price requirements, and requirements to pay certain charges before certain products can be exported, as well as China's failure to publish relevant measures.

The United States and China held consultations on July 30, and on September 1 and September 2, 2009, but did not resolve the dispute. The EU and Mexico also requested and held consultations with China on these measures. On November 19, 2009, the EU and Mexico joined the United States in requesting the establishment of a panel, and on December 21, 2009, the WTO established a single panel to examine all three complaints. On March 29, 2010, the Director-General composed the Panel as follows: Mr. Elbio Rosselli, Chair; and, Ms. Dell Higgie and Mr. Nugroho Wisnumurti, Members.

The Panel's final report was circulated to Members on July 5, 2011. The Panel found that the export duties and export quotas imposed by China on various forms of bauxite, coke, fluorspar, magnesium, manganese, silicon carbide, silicon metal, and zinc constitute a breach of WTO rules and that China failed to justify those measures as legitimate conservation measures, environmental protection measures, or short supply measures. The Panel also found China's imposition of minimum export price, export licensing, and export quota administration requirements on these materials, as well as China's failure to publish certain measures related to these requirements inconsistent with WTO rules.

On January 30, 2012, the Appellate Body issued a report affirming the Panel's findings on all significant claims, including that the Panel correctly made recommendations for China to bring its measures into conformity with its WTO commitments.

The DSB adopted the Panel and Appellate Body reports on February 22, 2012. The United States, the EU, Mexico, and China agreed that China would have until December 31, 2012, to implement the WTO's recommendations.

At the conclusion of the reasonable period of time (RPT) for China to comply, it appeared that China had eliminated the export duties and export quotas on the products at issue in this dispute, as of January 1, 2013. However, China maintains export licensing requirements for a number of the products. The United States continues to monitor actions by China that might operate to restrict exports of raw materials at issue in this dispute.

China – Certain Measures Affecting Electronic Payment Services (DS413)

On September 15, 2010, the United States requested consultations with China concerning issues relating to certain restrictions and requirements maintained by China pertaining to electronic payment services (EPS) for payment card transactions and the suppliers of those services. EPS enable transactions involving credit card, debit card, charge card, check card, automated teller machine (ATM) card, prepaid card, or other similar card or money transmission product, and manage and facilitate the transfers of funds between institutions participating in such card-based electronic payment transactions.

EPS provide the essential architecture for card-based electronic payment transactions, and EPS are supplied through complex electronic networks that streamline and process transactions and offer an efficient and reliable means to facilitate the movement of funds from the cardholders purchasing goods or services to the individuals or businesses that supply them. EPS consist of a network, rules and procedures, and an operating system that allow cardholders' banks to pay merchants' banks the amounts they are owed. EPS suppliers receive, check and transmit the information that processors need to conduct the transactions. The rules and procedures established by the EPS supplier give the payment system stability and integrity, and enable net payment flows among the institutions involved in card-based electronic transactions. The best-known EPS suppliers are credit and debit card companies based in the United States.

China instituted and maintains measures that operate to block foreign EPS suppliers, including U.S. suppliers, from supplying these services, and that discriminate against foreign suppliers at every stage of a card-based electronic payment transaction. The United States challenged China's measures affecting EPS suppliers as inconsistent with China's national treatment and market access commitments under the GATS.

The United States and China held consultations on October 27 and October 28, 2010, but these consultations did not resolve the dispute. At the request of the United States, on March 25, 2011, the WTO established a panel to examine the U.S. complaint. On July 4, 2011, the Director-General composed the Panel as follows: Mr. Virachai Plasai, Chair; and, Ms. Elaine Feldman and Mr. Martín Redrado, Members.

The Panel circulated its report on July 16, 2012. China did not appeal the Panel's findings, and the Panel Report was adopted by the DSB on August 31, 2012.

The United States prevailed on significant threshold issues, including:

- EPS is a single service (or EPS are integrated services) and each element of EPS is necessary for a payment card transaction to occur.
- EPS is properly classified under the same subsector, item (viii) of the GATS Annex on Financial Services, which appears as subsector (d) of China's Schedule (All payment and money transmission services, including credit, charge, and debit cards) as the United States argued, and no element of EPS is classified as falling in item (xiv) of the GATS Annex on Financial Services (settlement and clearing of financial assets, including securities, derivative products, and other negotiable instruments), as China argued and for which China has no WTO commitments.
- In addition to the "four-party" model of EPS (*e.g.*, Visa[®] and MasterCard[®]), the "three-party" model (*e.g.*, American Express[®]) and other variations, third-party issuer processor and merchant processors also are covered by subsector (d) of China's Schedule.

With respect to the U.S. GATS national treatment claims, the Panel found the following breaches:

- China imposes requirements on issuers of payment cards that payment cards issued in China bear the “Yin Lian/UnionPay logo,” and therefore China requires issuers to become members of the China Union Pay (CUP) network; that the cards they issue in China meet certain uniform business specifications and technical standards; and, that these requirements fail to accord to services and service suppliers of any other Member treatment no less favorable than China accords to its own like services and service suppliers.
- China imposes requirements that all terminals (ATMs, merchant processing devices, and point of sale (POS) terminals) in China that are part of the national card inter-bank processing network be capable of accepting all payment cards bearing the Yin Lian/UnionPay logo, and that these requirements fail to accord to services and service suppliers of any other Member treatment no less favorable than China accords to its own like services and service suppliers.
- China imposes requirements on acquirers (those institutions that acquire payment card transactions and that maintain relationships with merchants) to post the Yin Lian/UnionPay logo, and, furthermore, China imposes requirements that acquirers join the CUP network and comply with uniform business standards and technical specifications of inter-bank interoperability, and that terminal equipment operated or provided by acquirers be capable of accepting bank cards bearing the Yin Lian/UnionPay logo, and that these requirements fail to accord to services and service suppliers of any other Member treatment no less favorable than China accords to its own like services and service suppliers.

With respect to the U.S. GATS market access claims, the Panel found that China’s requirements related to certain Hong Kong and Macau transactions are inconsistent with Article XVI: 2(a) of the GATS because, contrary to China’s Sector 7B (d) mode 3 market access commitments, China maintains a limitation on the number of service suppliers in the form of a monopoly.

The United States and China agreed that a RPT for China to implement the DSB recommendations and rulings would be 11 months from the date of adoption of the recommendations and rulings, that is, until July 31, 2013.

In April 2015, the State Council of China issued a formal decision announcing that China’s market would be open to foreign suppliers that seek to provide EPS for domestic currency payment card transactions. The People’s Bank of China followed this in July 2015 by publishing a draft licensing regulation for public comment. This draft licensing regulation was finalized in June 2016. In June 2020, four months after the entry into force of the China Economic and Trade Agreement, American Express became the first foreign supplier of electronic payment services to secure a network clearing license to operate in China’s market. Likewise, in November 2023, the People’s Bank of China granted a payment clearing license to Mastercard’s local joint venture. The United States continues to urge China to ensure that approvals for foreign EPS suppliers to operate in China occur without delay, in accordance with China’s WTO obligations, and continues to monitor the situation closely.

China – Measures Related to the Exportation of Rare Earths, Tungsten and Molybdenum (DS431)

On March 13, 2012, the United States requested consultations with China regarding China’s export restraints on rare earths, tungsten, and molybdenum. These materials are vital inputs in the manufacture of electronics, automobiles, steel, petroleum products, and a variety of chemicals that are used to produce both everyday items and highly sophisticated, technologically advanced products, such as hybrid vehicle batteries, wind turbines, and energy efficient lighting.

The United States challenged China's export restraints on these materials as inconsistent with several WTO provisions, including provisions in the GATT 1994, as well as specific commitments made by China in its WTO accession agreement. Specifically, the United States challenged: (1) China's quantitative restrictions in the form of quotas on exports of rare earth, tungsten, and molybdenum ores and concentrates, as well as certain intermediate products incorporating some of these inputs; (2) China's export duties on rare earths, tungsten, and molybdenum; and, (3) China's other export restraints on these materials, including prior export performance and minimum capital requirements.

The United States, together with the EU and Japan, held consultations with China on April 25 and 26, 2012, but the consultations did not resolve the dispute.

On June 29, 2012, the EU and Japan joined the United States in requesting the establishment of a panel, and on July 23, 2012, the WTO DSB established a single panel to examine all three complaints. On September 24, 2012, the Director-General composed the Panel as follows: Mr. Nacer Benjelloun-Touimi, Chair; and, Mr. Hugo Cayrús and Mr. Darlington Mwape, Members. The Panel held its meetings with the Parties from February 26 to February 28, 2013, and on June 18 and June 19, 2013.

On March 26, 2014, the Panel circulated its report. The Panel found that the export quotas and export duties imposed by China 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, respectively. The Panel also found China's imposition of prior export performance and minimum capital requirements inconsistent with WTO rules.

On August 7, 2014, the Appellate Body issued a report affirming the Panel's findings on all significant claims.

On August 29, 2014, the DSB adopted the Panel and Appellate Body reports. In September 2014, China announced its intention to implement the DSB recommendations and rulings in the dispute, and stated that it would need a RPT in which to do so. The United States, the EU, Japan, and China agreed that China would have until May 2, 2015, to comply with the recommendations and rulings.

China announced that it had eliminated its export quotas on the products at issue in this dispute as of January 1, 2015, and its export duties as of May 1, 2015.

The United States continues to monitor actions by China, such as export licensing requirements, that might operate to restrict exports of the materials at issue in this dispute.

China – Measures Related to Demonstration Bases and Common Service Platform Programs (DS489)

On February 11, 2015, the United States requested consultations regarding China's "Demonstration Bases-Common Service Platform" export subsidy program. Under this program, China appears to provide prohibited export subsidies through "Common Service Platforms" to manufacturers and producers across seven economic sectors and dozens of sub-sectors located in more than 150 industrial clusters, known as "Demonstration Bases."

Pursuant to this Demonstration Bases-Common Service Platform program, China provides free and discounted services as well as cash grants and other incentives to enterprises that meet export performance criteria and are located in 179 Demonstration Bases throughout China. Each of these Demonstration Bases is comprised of enterprises from one of seven sectors: (1) textiles, apparel, and footwear; (2) advanced

materials and metals (including specialty steel, titanium, and aluminum products); (3) light industry; (4) specialty chemicals; (5) medical products; (6) hardware and building materials; and, (7) agriculture. China maintains and operates this extensive program through over 150 central government and sub-central government measures throughout China.

The United States held consultations with China on March 13, April 1, and April 2, 2015. At the request of the United States, on April 22, 2015, the WTO established a panel to examine the U.S. complaint. The United States and China held additional consultations following the establishment of the Panel and reached agreement in April 2016 on an MOU. Pursuant to the MOU, China agreed to terminate the export subsidies it had provided through the Demonstration Bases-Common Service Platform program. The United States continues to monitor China's actions with respect to its compliance with the terms of the MOU.

China – Export Duties on Certain Raw Materials (DS508)

On July 13 and July 19, 2016, the United States requested consultations with China regarding China's restraints on the exportation of antimony, chromium, cobalt, copper, graphite, indium, lead, magnesia, talc, tantalum, and tin. These materials are critical to the production of downstream products made in the United States in industries including aerospace, automotive, construction, electronics, and steel.

The United States challenged China's export restraints on these materials as inconsistent with several WTO provisions, including provisions in the GATT 1994, as well as specific commitments made by China in its WTO accession agreement. The export restraints include export quotas, export duties, and additional requirements that impose restrictions on the trading rights of enterprises seeking to export various forms of the materials, such as prior export performance requirements.

The United States, together with the EU, held consultations with China on September 8 and September 9, 2016. Consultations did not resolve the dispute.

At the request of the United States, the WTO established a panel on November 8, 2016. In light of Chinese actions to cease to apply the export duties and quotas in 2017, the United States is continuing to monitor China's actions.

China – Domestic Support for Agricultural Producers (DS511)

On September 13, 2016, the United States requested consultations with China concerning China's provision of domestic support in favor of agricultural producers, in particular, to those producing wheat, Indica rice, Japonica rice, and corn. It appears that China's level of domestic support is in excess of its commitment level of *nil* specified in Section I of Part IV of China's Schedule CLII because, for example, China provides domestic support in excess of its product-specific *de minimis* level of 8.5 percent for each of wheat, Indica rice, Japonica rice, and corn.

China's level of domestic support appears to be inconsistent with Articles 3.2, 6.3, and 7.2(b) of the Agriculture Agreement. The parties consulted on this matter on October 20, 2016, but the consultations did not resolve the dispute.

At the request of the United States, the WTO established a panel on January 25, 2017, to examine the U.S. complaint. Australia, Brazil, Canada, Colombia, Ecuador, Egypt, El Salvador, the EU, Guatemala, India, Indonesia, Israel, Japan, Kazakhstan, Korea, Norway, Pakistan, Paraguay, Philippines, Russia, Saudi Arabia, Singapore, Chinese Taipei, Thailand, Türkiye, Ukraine, and Vietnam reserved their rights to participate in panel proceedings as third parties. On June 24, 2017, the parties agreed to compose the Panel

as follows: Mr. Gudmundur Helgason, Chair; and, Mr. Juan Antonio Dorantes Sánchez and Ms. Elaine Feldman, Members.

On February 28, 2019, the Panel circulated its report. The Panel found that China had breached Articles 3.2 and 6.3 of the Agriculture Agreement by exceeding, in each year from 2012 to 2015, its de minimis level of support for wheat, Indica rice, and Japonica rice. The DSB adopted the Panel report on April 26, 2019. The United States and China agreed that the RPT for China to come into compliance with WTO rules would end March 31, 2020.

On July 16, 2020, the United States requested authorization to suspend the application to China of tariff concessions and other obligations at an estimated level of \$1.3 billion for 2020 pursuant to Article 22.2 of the Dispute Settlement Understanding (DSU). On July 27, 2020, China objected to the U.S. request, automatically referring the matter to arbitration. On August 5, 2020, China requested the establishment of a compliance panel pursuant to Article 21.5 of the DSU, and at its meeting on September 28, 2020, the DSB established a compliance panel.

China – Administration of Tariff-Rate Quotas for Certain Agricultural Products (DS517)

On December 15, 2016, the United States requested consultations with China regarding the administration of TRQs for certain agricultural products, namely, wheat, corn, and rice.

The measures identified in the request establish a system by which the National Development and Reform Commission (NDRC) annually allocates quota to eligible enterprises, and reallocates quota returned unused, based on eligibility requirements and allocation principles that are not clearly specified. The TRQs for these commodities have under filled, even in years where market conditions would suggest demand for imports. China's administration of these TRQs inhibits the filling of the TRQs, restricting opportunities for U.S. and other trading partners to export wheat, corn, and rice to China.

On February 9, 2017, the United States and China held consultations in Geneva. The EU, Canada, Australia, and Thailand requested to join the consultations, but China denied the third parties' requests.

The consultations failed to resolve the U.S. concerns, and at the request of the United States, the WTO established a panel on September 22, 2017. Australia, Brazil, Canada, Ecuador, the EU, Guatemala, India, Indonesia, Japan, Kazakhstan, Korea, Norway, Russia, Singapore, Chinese Taipei, Ukraine and Vietnam reserved third party rights. The Panel was composed on February 22, 2018, as follows: Mr. Mateo Diego-Fernandez, Chair; and, Mr. Stefan H. Johannesson and Mr. Esteban B. Conejos, Jr., Members.

The Panel circulated its report on April 18, 2019. The Panel found that with respect to the United States' claims under Paragraph 116 of China's Working Party Report:

- The basic eligibility criteria used in China's administration of its TRQs for wheat, rice, and corn are inconsistent with the obligations to administer TRQs on a transparent, predictable, and fair basis, and to administer TRQs using clearly specified requirements.
- The allocation principles used in China's administration of its wheat, rice, and corn TRQs are inconsistent with the obligations to administer TRQs on a transparent, predictable, and fair basis, and to administer TRQs using clearly specified administrative procedures.
- The reallocation procedures used in China's administration of its wheat, rice, and corn TRQs are inconsistent with the obligation to administer TRQs using clearly specified administrative procedures.

- The public comment process used in China’s administration of its wheat, rice, and corn TRQs is inconsistent with the obligations to administer TRQs on a transparent, predictable, and fair basis, and to administer TRQs using clearly specified administrative procedures.
- The administration of STE and non-STE portions of China’s wheat, rice, and corn TRQs is inconsistent with the obligations to administer TRQs on a transparent, predictable, and fair basis, to administer TRQs using clearly specified administrative procedures, and to administer TRQs in a manner that would not inhibit the filling of each TRQ.
- The usage requirements for imported wheat and corn used in China’s administration of its TRQ for wheat and corn are inconsistent with the obligations to administer TRQs on a predictable basis, to administer TRQs using clearly specified administrative procedures, and to administer TRQs in a manner that would not inhibit the filling of each TRQ.

The Panel also found that China’s administration of its wheat, rice, and corn TRQs is, as a whole, inconsistent with the obligations to administer TRQs on a transparent, predictable, and fair basis, to administer TRQs using clearly specified requirements and administrative procedures, and to administer TRQs in a manner that would not inhibit the filling of each TRQ.

The DSB adopted the Panel report on May 28, 2019. The United States and China agreed that the reasonable period of time for China to come into compliance with WTO rules would end on June 29, 2021.

On July 15, 2021, the United States requested authorization to suspend the application to China of tariff concessions and other obligations pursuant to Article 22.2 of the DSU. China objected to the U.S. request, automatically referring the matter to arbitration. On July 15, 2021, China requested the establishment of a compliance panel pursuant to Article 21.5 of the DSU, and at its meeting on August 30, 2021, the DSB established a compliance panel.

China – Additional Duties on Certain Products from the United States (DS558)

On July 16, 2018, the United States requested consultations with China with respect to its imposition of additional duties on certain products originating in the United States. China imposed the additional duties in retaliation for the action the President took under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. The U.S. consultations request alleges that the additional duties contravene China’s obligations under the WTO Agreement because they: (1) fail to extend to U.S. products an advantage, favor, privilege or immunity granted by China to products originating in the territory of other WTO Members; (2) accord less favorable treatment to products originating in the United States; and, (3) impose duties in excess of those set forth in China’s schedule.

The United States held consultations with China on August 29, 2018, but these consultations did not resolve the dispute. At the request of the United States, the WTO established a panel on November 21, 2018, to examine the U.S. complaint. On January 25, 2019, the Director-General composed the Panel as follows: Mr. William Ehlers, Chair; and, Mr. Cristian Espinosa Cañizares and Ms. Mónica Rolong, Members. In August 2023, the Panel circulated its final report agreeing with the United States that China’s retaliatory tariffs breached WTO rules and that the U.S. Section 232 measures were taken pursuant to the essential security exception under the GATT 1994. On September 18, 2023, China notified the DSB of an appeal of the panel report. As of December 2023, no division of the Appellate Body could be established to hear the appeal.

European Union – Measures concerning meat and meat products (hormones) (DS26, 48)

The United States and Canada challenged the EU ban on imports of meat from animals to which any of six hormones for growth promotional purposes had been administered. The Panel found that the EU ban is inconsistent with the EU's obligations under the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), and that the ban is not based on science, a risk assessment, or relevant international standards.

Upon appeal, the Appellate Body affirmed the Panel's findings that the EU ban fails to satisfy the requirements of the SPS Agreement. The Appellate Body also found that, while a country has broad discretion in electing what level of protection it wishes to implement, in doing so it must fulfill the requirements of the SPS Agreement. The Appellate Body concluded that in this case, the ban imposed is not rationally related to the conclusions of the risk assessments the EU had performed.

Because the EU did not comply with the recommendations and rulings of the DSB by May 13, 1999, the final date of its compliance period as set by arbitration, the United States sought WTO authorization to suspend concessions with respect to certain products of the EU in an amount equal to the value of the estimated annual harm to U.S. exports resulting from the EU's failure to lift its ban on imports of U.S. meat. The EU exercised its right to request arbitration concerning the amount of the suspension. On July 12, 1999, the arbitrators determined the level of suspension to be \$116.8 million. On July 26, 1999, the DSB authorized the United States to suspend such concessions and the United States proceeded to impose 100 percent *ad valorem* duties on a list of EU products with an annual trade value of \$116.8 million.

On November 3, 2003, the EU notified the WTO that it had amended its hormones ban. On November 8, 2004, the EU requested consultations with respect to "the United States continued suspension of concessions and other obligations under the covered agreements" in the EU-Hormones dispute. The Appellate Body issued its report in the *U.S. – Continued Suspension* (WT/DS320) dispute on October 16, 2008.

On October 31, 2008, USTR announced that it was considering changes to the list of EU products on which 100 percent *ad valorem* duties had been imposed in 1999. A modified list of EU products was announced by USTR on January 15, 2009.

On December 22, 2008, the EU requested consultations with the United States and Canada pursuant to Articles 4 and 21.5 of the DSU, regarding the EU's implementation of the DSB's recommendations and rulings in the EU-Hormones dispute. In its consultations request, the EU stated that it considered that it has brought into compliance the measures found inconsistent in EU-Hormones by, among other things, adopting its revised ban in 2003. Consultations took place in February 2009.

Pursuant to an MOU between the United States and the EU, further litigation in the EU-Hormones compliance proceeding has been suspended.

In 2016, industry representatives requested that the United States reinstate suspension of concessions, as authorized by the DSB. USTR accordingly initiated proceedings under Section 306 of the Trade Act. In 2019, the United States and the EU concluded successful negotiations to resolve concerns with the operation of the TRQ established by the MOU. On August 2, 2019 the United States and the EU signed the Agreement on the Allocation to the United States of a Share in the Tariff Rate Quota for High Quality Beef Referred to in the Revised MOU 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 Union. On December 13, 2019, USTR published notice of its determination not to reinstate action in connection with the EU's measures concerning meat and meat products in the Federal Register.

For further discussion of the U.S. suspension of concessions and the MOU, see Chapter II.B Section 301.

European Union – Measures affecting the approval and marketing of biotechnology products (DS291)

Since the late 1990s, the EU has pursued policies that undermine the commercialization and trade of agricultural biotechnology products. After approving a number of agricultural biotechnology products through October 1998, the EU adopted an across-the-board moratorium under which no further biotechnology applications were allowed to reach final approval. In addition, six Member States (Austria, France, Germany, Greece, Italy, and Luxemburg) adopted unjustified bans on certain biotechnology crops that had been approved by the EU prior to the adoption of the moratorium. These measures have caused a growing portion of U.S. agricultural exports to be excluded from EU markets and unfairly cast concerns about biotechnology products around the world, particularly in developing countries.

On May 13, 2003, the United States filed a consultation request with respect to: (1) the EU's moratorium on all new biotechnology approvals; (2) delays in the processing of specific biotech product applications; and, (3) the product-specific bans adopted by six EU Member States (Austria, France, Germany, Greece, Italy, and Luxemburg). The United States requested the establishment of a panel on August 7, 2003. Argentina and Canada submitted similar consultation and panel requests. On August 29, 2003, the DSB established a panel to consider the claims of the United States, Argentina, and Canada. On March 4, 2003, the Director-General composed the Panel as follows: Mr. Christian Häberli, Chair; and Mr. Mohan Kumar and Mr. Akio Shimizu, Members.

The Panel issued its report on September 29, 2006. The Panel agreed with the United States, Argentina, and Canada that the disputed measures of the EU, Austria, France, Germany, Greece, Italy, and Luxemburg are inconsistent with the obligations set out in the SPS Agreement. In particular:

- The Panel found that the EU adopted a *de facto*, across-the-board moratorium on the final approval of biotechnological products, starting in 1999 up through the time the Panel was established in August 2003.
- The Panel found that the EU had presented no scientific or regulatory justification for the moratorium, and thus that the moratorium resulted in “undue delays” in violation of the EU's obligations under the SPS Agreement.
- The Panel identified specific, WTO inconsistent “undue delays” with regard to 24 of the 27 pending product applications that were listed in the U.S. panel request.
- The Panel upheld the United States' claims that, in light of positive safety assessments issued by the EU's own scientists, the bans adopted by six EU Member States on products approved in the EU prior to the moratorium were not supported by scientific evidence, and were thus inconsistent with WTO rules.

The DSB adopted the Panel report on November 21, 2006. At the meeting of the DSB held on December 19, 2006, the EU notified the DSB that the EU intended to implement the recommendations and rulings of the DSB in these disputes, and stated that it would need a RPT for implementation. On June 21, 2006, the United States, Argentina, and Canada notified the DSB that they had agreed with the EU on a one-year period of time for implementation, to end on November 21, 2007. On November 21, 2007, the United

States, Argentina, and Canada notified the DSB that they had agreed with the EU to extend the implementation period to January 11, 2008.

On January 17, 2008, the United States submitted a request for authorization to suspend concessions and other obligations with respect to the EU under the covered agreements at an annual level equivalent to the annual level of nullification or impairment of benefits accruing to the United States resulting from the EU's failure to bring measures concerning the approval and marketing of biotechnology products into compliance with the recommendations and rulings of the DSB. On February 6, 2008, the EU objected under Article 22.6 of the DSU, claiming that the level of suspension proposed by the United States was not equivalent to the level of nullification or impairment, referring the matter to arbitration. The United States and the EU mutually agreed to suspend the Article 22.6 arbitration proceedings on February 18, 2008.

Subsequent to the suspension of the Article 22.6 proceeding, the United States continues monitoring EU developments and has been engaging with the EU in discussions with the goal of normalizing trade in biotechnology products.

European Communities and certain Member States – Measures affecting trade in large civil aircraft (DS316)

On October 6, 2004, the United States requested consultations with the EU, as well as with Germany, France, the UK, and Spain, with respect to subsidies provided to Airbus, a manufacturer of large civil aircraft. The United States alleged that such subsidies violated various provisions of the Agreement on Subsidies and Countervailing Measures (SCM Agreement), as well as Article XVI:1 of the GATT 1994. Consultations were held on November 4, 2004. On January 11, 2005, the United States and the EU agreed to a framework for the negotiation of a new agreement to end subsidies for large civil aircraft. The parties set a three-month time frame for the negotiations and agreed that, during negotiations, they would not request panel proceedings.

The United States and the EU were unable to reach an agreement within the 90-day time frame. Therefore, the United States filed a request for a panel on May 31, 2005. The Panel was established on July 20, 2005. The U.S. request challenged several types of EU subsidies that appear to be prohibited, actionable, or both.

On October 17, 2005, the Deputy Director-General composed the Panel as follows: Mr. Carlos Pérez del Castillo, Chair; and, Mr. John Adank and Mr. Thinus Jacobsz, Members.

The Panel issued its report on June 30, 2010. It agreed with the United States that the disputed measures of the EU, France, Germany, Spain, and the UK were inconsistent with the SCM Agreement. In particular:

- Every instance of “launch aid” provided to Airbus was a subsidy because in each case, the terms charged for this unique low interest, success-dependent financing were more favorable than were available in the market.
- Some of the launch aid provided for the A380, Airbus’s newest and largest aircraft, was contingent on exports and, therefore, a prohibited subsidy.
- Several instances in which German and French government entities created infrastructure for Airbus were subsidies because the infrastructure was not general, and the price charged to Airbus for use resulted in less than adequate remuneration to the government.

- Several government equity infusions into the Airbus companies were subsidies because they were on more favorable terms than available in the market.
- Several EU and Member State research programs provided grants to Airbus to develop technologies used in its aircraft.
- These subsidies caused adverse effects to the interests of the United States in the form of lost sales, displacement of U.S. imports into the EU market, and displacement of U.S. exports into the markets of Australia, Brazil, China, Korea, Mexico, Singapore, and Chinese Taipei.

The EU filed a notice of appeal on July 21, 2010. The Appellate Body held two hearings on the issues raised in the EU's appeal of the Panel's findings of WTO inconsistent subsidization of Airbus. The first hearing, held November 11 to November 17, 2010, addressed issues associated with the main subsidy to Airbus, launch aid, and the other subsidies challenged by the United States. The second hearing held December 9 to December 14, 2010, focused on the Panel's findings that the European subsidies caused serious prejudice to the interests of the United States in the form of lost sales and declining market share in the EU and other third-country markets. On May 18, 2011, the Appellate Body issued its report. The Appellate Body affirmed the Panel's central findings that European government launch aid had been used to support the creation of every model of large civil aircraft produced by Airbus. The Appellate Body also confirmed that launch aid and other challenged subsidies to Airbus have directly resulted in Boeing losing sales involving purchases of Airbus aircraft by EasyJet, Air Berlin, Czech Airlines, Air Asia, Iberia, South African Airways, Thai Airways International, Singapore Airlines, Emirates Airlines, and Qantas, as well as lost market share, with Airbus gaining market share in the EU and in third-country markets, including China and Korea, at the expense of Boeing. The Appellate Body also found that the Panel applied the wrong standard for evaluating whether subsidies are export subsidies, and that the Panel record did not have enough information to allow application of the correct standard.

On December 1, 2011, the EU provided a notification in which it claimed to have complied with the DSB recommendations and rulings. On December 9, 2011, the United States requested consultations regarding the notification and also requested authorization from the DSB to impose countermeasures. The United States and the EU held consultations on January 13, 2012. On December 22, 2011, the EU objected to the level of suspension of concessions requested by the United States, and the matter was referred to arbitration pursuant to Article 22.6 of the DSU. On January 19, 2012, the United States and the EU requested that the arbitration be suspended pending the conclusion of the compliance proceeding.

On March 30, 2012, in light of the Parties' disagreement over whether the EU had complied with the DSB's recommendations and rulings, the United States requested that the DSB refer the matter to the original Panel pursuant to Article 21.5 of the DSU. The DSB did so at a meeting held on April 13, 2012. On April 25, 2012, the compliance Panel was composed with the members of the original Panel: Mr. Carlos Pérez del Castillo, Chair; and, Mr. John Adank and Mr. Thinus Jacobsz, Members.

On September 22, 2016, the report of the Article 21.5 Panel was circulated to the Members. The Panel found that the EU breached Articles 5(c) and 6.3(a), (b), and (c) of the SCM Agreement, and that the EU and certain Member States failed to comply with the DSB recommendations under Article 7.8 of the SCM Agreement to "take appropriate steps to remove the adverse effects or ... withdraw the subsidy."

Significant findings by the compliance Panel against the EU include:

- 34 out of 36 alleged compliance “steps” notified by the EU did not amount to “actions” with respect to the subsidies provided to the Airbus or the adverse effects that those subsidies were to have caused in the original proceeding.
- As a result, the EU failed to withdraw the subsidies, as recommended by the DSB.
- Those subsidies were a genuine and substantial cause of lost sales to U.S. aircraft, and displacement and impedance of exports of U.S. aircraft to Australia, China, India, Korea, Singapore, and the United Arab Emirates.

On October 13, 2016, the EU notified the DSB of its decision to appeal certain issues of law and legal interpretations developed by the compliance panel. The Division hearing the appeal was composed of Ricardo Ramirez-Hernandez as Presiding Member, and Peter van den Bossche and Ujal Singh Bhatia.

On May 15, 2018, the Appellate Body issued its report. The Appellate Body confirmed that the EU and certain Member States failed to comply with the earlier WTO determination finding launch aid inconsistent with their WTO obligations. The Appellate Body further confirmed that almost \$5 billion in new launch aid for the A350 XWB was WTO-inconsistent. The Appellate Body found that the WTO-inconsistent subsidies continue to cause significant lost sales of Boeing aircraft in the twin-aisle and very large aircraft markets, and that these subsidies impede exports of Boeing 747 aircraft to numerous geographic markets. The Appellate Body also found that, due to the passage of time, the EU no longer needed to take action regarding some of the earlier (*i.e.*, pre-A380) launch aid subsidies previously found to be WTO-inconsistent.

On July 13, 2018, at the request of the United States, the arbitration regarding the level of countermeasures (suspended in January 2012) was resumed. On October 2, 2019, the Arbitrator issued its decision that the level of countermeasures commensurate with the degree and nature of the adverse effects determined to exist is up to \$7.50 billion annually. On October 14, 2019, the WTO accordingly authorized the United States to take countermeasures consistent with the award of the Arbitrator. The United States imposed tariffs on certain imports from the involved EU member states pursuant to Section 301 of the Trade Act.

On May 17, 2018, the EU represented to the DSB that it had taken new steps to achieve compliance with its WTO obligations. However, following consultations, the United States did not agree that the EU had achieved compliance. At the request of the EU, the WTO established a second compliance panel on August 27, 2018.

On December 2, 2019, the second compliance Panel issued its report. The Panel found that the EU continued to be in breach of Articles 5(c) and 6.3(a), (b), and (c) of the SCM Agreement, and that the EU and certain Member States had accordingly failed to comply with the DSB recommendations under Article 7.8 of the SCM Agreement to “take appropriate steps to remove the adverse effects or ... withdraw the subsidy.” The Panel agreed with the United States that none of the measures taken by the four EU Member States amounted to a withdrawal of the launch aid for the A350XWB and A380. The Panel also found that that launch aid for the A380 and A350XWB continued to be a genuine and substantial cause of lost sales to U.S. aircraft, and impedance of exports of U.S. aircraft to China, India, Korea, Singapore, and the United Arab Emirates.

On December 6, 2019, the EU notified the DSB of its decision to appeal certain findings of the compliance Panel.

On June 15 and June 17, 2021, the United States reached understandings on cooperative frameworks with the EU and the UK, respectively, on the parallel aircraft disputes (DS316 and DS353). In accordance with the understandings, each side intends not to impose any WTO-authorized countermeasures for a period of five years starting from July 4, 2021. Each side also intends to provide any financing to its large civil aircraft producer (LCA producer) for the production or development of large civil aircraft on market terms. Additionally, each side intends to provide any funding for research and development (R&D) for large civil aircraft to its LCA producer through an open and transparent process while making the results of fully government funded R&D widely available. A working group is also established under each framework to analyze and overcome any disagreements in the sector, including on any existing support measures. The working group will also collaborate on jointly analyzing and addressing non-market practices of third parties that may harm their respective large civil aircraft industries.

For further discussion of the U.S. countermeasures, see Chapter II.B Section 301.

European Union – Additional Duties on Certain Products from the United States (DS559)

On July 16, 2018, the United States requested consultations with the EU with respect to its imposition of additional duties on certain products originating in the United States. The EU imposed the additional duties in retaliation for the action the President took under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. The U.S. consultations request alleges that the additional duties contravene the EU's obligations under the WTO Agreement because they: (1) fail to extend to U.S. products an advantage, favor, privilege or immunity granted by the EU to products originating in the territory of other WTO Members; (2) accord less favorable treatment to products originating in the United States; and, (3) impose duties in excess of those set forth in the EU's schedule.

The United States held consultations with the EU on August 28, 2018, but these consultations did not resolve the dispute. At the request of the United States, the WTO established a panel on November 21, 2018, to examine the U.S. complaint. On January 25, 2019, the Director-General composed the Panel as follows: Mr. William Ehlers, Chair; and, Ms. Olga Lucía Lozano Ferro and Mr. Anwar Zaheer Jamali, Members.

In November 2021, the United States and EU announced arrangements on steel and aluminum cooperation, and the EU announced that it would suspend its additional duties. The United States requested that the Panel suspend its work. The EU informed the Panel that it did not object to that request, and the Panel granted it. Pursuant to that agreement, the United States and the EU mutually agreed to resort to arbitration regarding the matter pending before the Panel in this dispute. Upon composition of the Arbitrator, the arbitration was immediately and indefinitely suspended and the dispute before this Panel was terminated. On January 17, 2022, the United States and the European Union notified the DSB that they were terminating this dispute before the panel in light of the agreed procedures for arbitration under Article 25 of the DSU. On January 20, 2022, the Chair of the panel informed the DSB that it had ceased all work in these proceedings.

On January 17, 2022, the United States and the European Union notified the DSB that they had agreed, pursuant to Article 25.2 of the DSU, to resort to arbitration on the matter pending before the panel in this dispute. The arbitrator was composed on January 20, 2022 with the same persons who served as members of the Panel. As provided in the Parties' communication of January 17, 2022, the arbitration was suspended.

India – Measures Concerning the Importation of Certain Agricultural Products from the United States (DS430)

On March 6, 2012, the United States requested consultations with India regarding its import prohibitions on various agricultural products from the United States. India asserts these import prohibitions are necessary to prevent the entry of avian influenza into India. However, the United States has not had an outbreak of highly pathogenic avian influenza since 2004. With respect to low pathogenic avian influenza, the only kind of avian influenza found in the United States since 2004, international standards do not support the imposition of import prohibitions, including the type maintained by India. The United States considers that India's restrictions are inconsistent with numerous provisions of the SPS Agreement, including Articles 2.2, 2.3, 3.1, 5.1, 5.2, 5.5, 5.6, 5.7, 6.1, 6.2, 7, Annex B, and Articles I and XI of GATT 1994.

The United States and India held consultations on April 16 and 17, 2012, but were unable to resolve the dispute. At the request of the United States, the WTO established a panel to examine the U.S. complaint on June 25, 2012. On February 18, 2014, the Director-General composed the Panel as follows: Mr. Stuart Harbinson, Chair; and, Ms. Delilah Cabb and Mr. Didrik Tønseth, Members.

The Panel issued its report on October 14, 2014. In its report, the Panel found in favor of the United States. Specifically, the Panel found that India's restrictions breach its WTO obligations because they: (1) are not based on international standards or a risk assessment that takes into account available scientific evidence; (2) arbitrarily discriminate against U.S. products because India blocks imports while not similarly blocking domestic products; (3) constitute a disguised restriction on international trade; (4) 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) 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) 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. India filed its notice of appeal on January 26, 2015.

On June 4, 2015, the Appellate Body issued its report in this dispute, upholding the Panel's findings that India's restrictions: (1) are not based on international standards or a risk assessment that takes into account available scientific evidence; (2) arbitrarily discriminate against U.S. products because India blocks imports while not similarly blocking domestic products; (3) 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; and, (4) 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.

On July 13, 2015, India informed the DSB that it intended to implement the DSB's recommendations and rulings and would need a RPT to do so. On December 8, 2015, the United States and India agreed that the RPT would be 12 months, ending on June 19, 2016.

On July 7, 2016, the United States requested the authorization of the DSB to suspend concessions or other obligations pursuant to Article 22.2 of the DSU. India objected to the request, referring the matter to arbitration. The arbitrator was composed with the members of the original Panel.

On April 6, 2017, India requested the establishment of a compliance panel. India asserted that it had enacted a revised avian influenza measure that complied with India's WTO obligations. The compliance Panel was composed by the original panelists.

From 2018 through 2022, the United States and India on several occasions postponed both the release of the Arbitrator's decision on the level of suspension of concessions and the remaining steps in the

compliance panel proceeding while the two sides discuss potential resolution of the dispute. In March 2018, the United States and India agreed to veterinary export certificates for the shipment to India of U.S. poultry and poultry products.

On September 8, 2023, after agreeing to terminate six other WTO disputes, the United States and India announced an agreement to resolve this dispute. After India carries out certain tariff cuts as agreed within 180 days, *i.e.*, by March 7, 2024, the parties intend to notify a mutually agreed solution to the WTO.

India – Solar Local Content I / II (DS456)

In February 2013, the United States requested WTO consultations with India concerning domestic content requirements for participation in an Indian solar power generation program known as the National Solar Mission (NSM). Under Phase I of the NSM, which India initiated in 2010, India provided guaranteed long-term payments to solar power developers contingent on the purchase and use of solar cells and solar modules of domestic origin. India continued to impose domestic content requirements for solar cells and modules under Phase II of the NSM, which India launched in October 2013. In March 2014, the United States held consultations with India on Phase II of the NSM. In April 2014, after two rounds of unsuccessful consultations with India, the United States requested that the WTO DSB establish a dispute settlement panel. In May 2014, the DSB established a WTO panel to examine India’s domestic content requirements under its NSM program. On September 24, 2014, the Parties agreed to compose the Panel as follows: Mr. David Walker, Chair; and, Mr. Pornchai Danvivathana and Mr. Marco Tulio Molina Tejada, Members. The Panel held meetings with the Parties on February 3 and February 4, 2015, and on April 28 and April 29, 2015.

The Panel issued its final public report on February 24, 2016, finding in favor of the United States on all claims. The Panel found that India’s domestic content requirements under its NSM are inconsistent with India’s national treatment obligations under Article III:4 of the GATT 1994, and Article 2.1 of the Agreement on Trade-related Investment Measures (TRIMS Agreement). Because an Indian solar power developer may bid for and maintain certain power generation contracts only by using domestically produced equipment, and not by using imported equipment, India’s requirements accord “less favorable” treatment to imported solar cells and modules than that accorded to like products of Indian origin. India appealed this decision to the WTO Appellate Body on April 20, 2016. The Appellate Body issued its report on September 16, 2016. The Appellate Body affirmed the Panel’s finding that India’s domestic content requirements (DCR measures) under its NSM are inconsistent with India’s national treatment obligations under Article III:4 of the GATT 1994 and Article 2.1 of the TRIMS Agreement. The Appellate Body also affirmed that Panel’s rejection of India’s defensive claims under Articles III:8(a), XX(j) and XX(d) of the GATT 1994.

The DSB adopted the Panel and Appellate Body reports during a special meeting of the DSB on October 14, 2016. At that meeting, India informed the DSB that India intended to implement the DSB’s recommendations and rulings in a manner that respects its WTO obligations, and that it would need an RPT to do so. India and the United States agreed that India would complete implementation of the DSB recommendations and rulings by December 14, 2017.

On December 14, 2017, India submitted a status report to DSB indicating that India had implemented the rulings and recommendations of the DSB. On December 19, 2017 the United States requested authorization from the DSB to suspend trade concessions under Article 22.2 of the DSU on grounds that India had not, in fact, brought its measures into conformity with WTO rules. India objected to the United States’ request on January 3, 2018, referring the matter to arbitration.

On January 23, 2018, India requested the establishment of a compliance panel under Article 21.5 of the DSU to determine whether the measures that India has purportedly taken to comply with the

recommendations and rulings of the DSB are consistent with WTO rules. At its meeting on February 28, 2018, the DSB agreed to establish a compliance panel.

In July 2023, the United States and India notified the DSB that they had reached mutually agreed solutions in six disputes, including DS456, following an agreement reached in June 2023.

India – Export Related Measures (DS541)

On March 14, 2018, the United States requested consultations with India concerning certain Indian measures relating to export subsidy programs including: (1) the Export Oriented Units Scheme and sector specific schemes, including Electronics Hardware Technology Parks Scheme; (2) the Merchandise Exports from India Scheme; (3) the Export Promotion Capital Goods Scheme; (4) Special Economic Zones; and, (5) a duty-free imports for exporters program. The United States alleges that these programs are inconsistent with Articles 3.1(a) and 3.2 of the SCM Agreement because they provide prohibited subsidies contingent upon export performance. Consultations were held on April 11, 2018, but failed to resolve the dispute.

On May 17, 2018, the United States requested the establishment of a panel to examine the complaint. On July 16, 2018, the United States requested the Director-General to determine the composition of the Panel, and on July 23, 2018, the Director-General composed the Panel as follows: Mr. Jose Antonio S. Buencamino, Chair; and, Ms. Leora Blumberg and Mr. Serge Pannatier, Members.

On October 31, 2019, the Panel issued its report. The Panel found all of the challenged export subsidy programs inconsistent with Articles 3.1(a) and 3.2 of the SCM Agreement. The Panel rejected India's two principal defenses of its programs. First, the Panel disagreed with India's argument that India continued to have an exemption, based on a certain developing country status designation, to provide subsidies contingent upon export performance. Second, the Panel rejected India's defense that the export subsidy programs qualified as "duty-drawback" schemes. With respect to certain product lines under the duty-free imports for exporters program, the Panel found language for those lines limited the import duty exemption at issue to products used in the manufacture/processing of final products for export. Those product lines were exempted and were not deemed to be subsidies. However, the remaining product lines did not qualify for duty-drawback protection and were found to be subsidies.

On November 19, 2019, India notified the DSB of its decision to appeal the Panel's report.

In July 2023, the United States and India notified the DSB that they had reached mutually agreed solutions in six disputes, including DS541, following an agreement reached in June 2023.

India – Additional Duties on Certain Products from the United States (DS585)

On July 3, 2019, the United States requested consultations with India with respect to its imposition of additional duties on certain products originating in the United States. India imposed the additional duties in retaliation for the action the President took under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. The U.S. consultations request alleges that the additional duties contravene India's obligations under the WTO Agreement because they: (1) fail to extend to U.S. products an advantage, favor, privilege or immunity granted by India to products originating in the territory of other WTO Members; (2) accord less favorable treatment to products originating in the United States; and, (3) impose duties in excess of those set forth in India's schedule.

The United States held consultations with India on August 1, 2019, but these consultations did not resolve the dispute. At the request of the United States, the WTO established a panel on October 28, 2019 to examine the U.S. complaint. On January 7, 2020, following the agreement of the parties, the Panel was composed as follows: Mr. Hugo Cayrús, Chair; and, Mr. Anthony Abad and Mr. César Montaña Huerta, Members.

In July 2023, the United States and India notified the DSB that they had reached mutually agreed solutions in six disputes, including DS585, following an agreement reached in June 2023. As part of that agreement, India removed retaliatory duties on several products of commercial significance.

Indonesia – Import Restrictions on Horticultural Products, Animals, and Animal Products (DS455, DS465 and DS478)

On May 8, 2014, the United States, joined by New Zealand, requested consultations with Indonesia concerning certain measures affecting the importation of horticultural products, animals, and animal products into Indonesia. The measures on which consultations were requested include Indonesia’s import licensing regimes for horticultural products and for animals and animal products, as well as certain prohibitions and restrictions that Indonesia imposes through these regimes.

The United States had previously requested consultations on prior versions of Indonesia’s import licensing regimes governing the importation of horticultural products and animals and animal products, including the regime established in 2012. The United States was concerned about these regimes and certain measures imposed through them and, on January 10, 2013, requested consultations with Indonesia. Indonesia subsequently amended or replaced its import licensing regulations changing their structure and requirements. The United States requested consultations again, this time joined by New Zealand, on August 30, 2013. Indonesia again amended its import licensing regimes shortly thereafter, and the consultation request in the current dispute (DS478) followed.

The United States was concerned that Indonesia, through its import licensing regimes, imposes numerous prohibitions and restrictions on the importation of covered products, including: (1) prohibiting the importation of certain products altogether; (2) imposing strict application windows and validity periods for import permits; (3) restricting the type, quantity, and country of origin of products that may be imported; (4) requiring that importers actually import a certain percentage of the volume of products allowed under their permits; (5) restricting the uses for which products may be imported; (6) imposing local content requirements; (7) restricting imports on a seasonal basis; and, (8) setting a “reference price” below which products may not be imported. The Indonesian measures at issue appeared to be inconsistent with several WTO provisions, including Article XI:1 of the GATT 1994 and Article 4.2 of the Agriculture Agreement.

The United States and New Zealand held consultations with Indonesia on June 19, 2014, but these consultations failed to resolve the dispute. On March 18, 2015, the United States, together with New Zealand, requested the WTO to establish a dispute settlement panel to examine Indonesia’s import restrictions. A panel was established on May 20, 2015. The Director-General Composed the Panel as follows: Mr. Christian Espinoza Cañizares, Chair; and, Mr. Gudmundur Helgason and Ms. Angela Maria Orozco Gómez, Members. The Panel held meetings with the Parties on February 1 and February 2, 2016, and on April 13 and April 14, 2016.

The Panel circulated its report on December 22, 2016. The Panel found that all of Indonesia’s import restricting measures for horticultural products and animal products are inconsistent with Article XI:1 of the GATT 1994. The Panel also found that Indonesia has failed to demonstrate that the challenged measures are justified under any general exception available under the GATT 1994. Indonesia appealed the Panel’s report on February 17, 2017. An appellate report was issued on November 9, 2017, affirming the finding

of the Panel that all of Indonesia's measures are inconsistent with Article XI:1 of the GATT 1994 and that Indonesia had not established an affirmative defense with respect to any measure.

The WTO adopted the appellate report and the Panel report on November 22, 2017. A WTO arbitrator set the reasonable period of time for Indonesia to bring its measures into compliance with WTO rules to expire on July 22, 2018. On August 2, 2018, the United States requested WTO authorization to suspend concessions of other obligations pursuant to Article 22.2 of the DSU. On August 14, 2018, Indonesia objected to the United States' proposed level of suspension of concessions pursuant to Article 22.6 of the DSU, referring the matter to arbitration. The United States paused the arbitration on August 20, 2018, to provide more time for the parties to discuss a resolution to the dispute. Indonesia notified the DSB on December 18, 2020, that a new law that aims to address one of the inconsistent measures had entered into force on November 2, 2020. With respect to the other inconsistent measures, Indonesia notified the DSB that it made "significant adjustments" to its relevant regulations that include the removal of some of the measures. As of December 2023, Indonesia continued to assert to the DSB that it removed or adjusted the measures to comply with the DSB rulings and recommendations. The United States continues to monitor the situation closely.

Russia – Additional Duties on Certain Products from the United States (DS566)

On July 16, 2018, the United States requested consultations with Russia with respect to its imposition of additional duties on certain products originating in the United States. Russia imposed the additional duties in retaliation for the action the President took under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. The U.S. consultations request alleged that the additional duties contravene Russia's obligations under the WTO Agreement because they: (1) fail to extend to U.S. products an advantage, favor, privilege or immunity granted by Russia to products originating in the territory of other WTO Members; (2) accord less favorable treatment to products originating in the United States; and, (3) impose duties in excess of those set forth in Russia's schedule.

The United States held consultations with Russia on August 28, 2018, but these consultations did not resolve the dispute. At the request of the United States, the WTO established a panel on December 18, 2018 to examine the U.S. complaint. On January 25, 2019, the Director-General composed the Panel as follows: Mr. William Ehlers, Chair; and, Ms. Petina Gappah and Mr. Syed Tauquir Hussain Shah, Members. As of December 2023, the panel proceeding was ongoing.

Türkiye – Additional Duties on Certain Products from the United States (DS561)

On July 16, 2018, the United States requested consultations with Türkiye with respect to its imposition of additional duties on certain products originating in the United States. Türkiye imposed the additional duties in retaliation for the action the President took under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. The U.S. consultations request alleges that the additional duties contravene Türkiye's obligations under the WTO Agreement because they: (1) fail to extend to U.S. products an advantage, favor, privilege or immunity granted by Türkiye to products originating in the territory of other WTO Members; (2) accord less favorable treatment to products originating in the United States; and, (3) impose duties in excess of those set forth in Türkiye's schedule.

The United States held consultations with Türkiye on August 29, 2018, as well as supplemental consultations on November 14, 2018, regarding an amendment to Türkiye's measure imposing the additional duties. These consultations, however, did not resolve the dispute. At the request of the United States, on January 28, 2019 the WTO established a panel to examine the matter. On February 29, 2019, the

Director-General composed the Panel as follows: Mr. William Ehlers, Chair; and Mr. Johannes Bernabe and Mr. Homero Larrea, Members. On December 19, 2023, the Panel circulated its final report agreeing with the United States that Türkiye's retaliatory tariffs breached WTO rules and that the U.S. Section 232 measures were taken pursuant to the essential security exception under the GATT 1994.

Disputes Brought Against the United States

This section includes summaries of dispute settlement activity for disputes in which the United States was a responding party (listed by DS number).

United States – Section 110(5) of the Copyright Act (DS160)

As amended in 1998 by the Fairness in Music Licensing Act, section 110(5) of the U.S. Copyright Act exempts certain retail and restaurant establishments that play radio or television music from paying royalties to songwriters and music publishers. The EU claimed that, as a result of this exception, the United States was in violation of its TRIPS obligations. Consultations with the EU took place on March 2, 1999. A panel on this matter was established on May 26, 1999. On August 6, 1999, the Director-General composed the Panel as follows: Ms. Carmen Luz Guarda, Chair; and, Mr. Arumugamangalam V. Ganesan and Mr. Ian F. Sheppard, Members. The Panel issued its final report on June 15, 2000, and found that one of the two exemptions provided by section 110(5) is inconsistent with the U.S. WTO obligations. The Panel report was adopted by the DSB on July 27, 2000, and the United States has informed the DSB of its intention to respect its WTO obligations. On October 23, 2000, the EU requested arbitration to determine the period of time to be given to the United States to implement the Panel's recommendation. By mutual agreement of the parties, Mr. J. Lacarte-Muró was appointed to serve as arbitrator. He determined that the deadline for implementation should be July 27, 2001. On July 24, 2001, the DSB approved a U.S. proposal to extend the deadline until the earlier of the end of the then current session of the U.S. Congress or December 31, 2001.

On July 23, 2001, the United States and the EU requested arbitration to determine the level of nullification or impairment of benefits to the EU as a result of section 110(5)(B). In a decision circulated to WTO Members on November 9, 2001, the arbitrators determined that the value of the benefits lost to the EU in this case was \$1.1 million per year. On January 7, 2002, the EU sought authorization from the DSB to suspend its obligations vis-à-vis the United States. The United States objected to the details of the EU request, thereby causing the matter to be referred to arbitration.

However, because the United States and the EU had been engaged in discussions to find a mutually acceptable resolution of the dispute, the arbitrators suspended the proceeding pursuant to a joint request by the parties filed on February 26, 2002.

On June 23, 2003, the United States and the EU notified the WTO of a mutually satisfactory temporary arrangement regarding the dispute. Pursuant to this arrangement, the United States made a lump sum payment of \$3.3 million to the EU, to a fund established to finance activities of general interest to music copyright holders, in particular, awareness raising campaigns at the national and international level and activities to combat piracy in the digital network. The arrangement covered a three-year period, which ended on December 21, 2004.

United States – Section 211 Omnibus Appropriations Act (DS176)

Section 211 addresses the ability to register or enforce, without the consent of previous owners, trademarks or trade names associated with businesses confiscated without compensation by the Cuban government. The EU questioned the consistency of Section 211 with the TRIPS Agreement and requested consultations

on July 7, 1999. Consultations were held September 13 and December 13, 1999. On June 30, 2000, the EU requested a panel. A panel was established on September 26, 2000, and at the request of the EU, the Director-General composed the Panel on October 26, 2000. The Director-General composed the Panel as follows: Mr. Wade Armstrong, Chair; and, Mr. François Dessemontet and Mr. Armand de Mestral, Members. The Panel report was circulated on August 6, 2001, rejecting 13 of the EU's 14 claims and finding that, in most respects, section 211 is not inconsistent with the obligations of the United States under the TRIPS Agreement. The EU appealed the decision on October 4, 2001. The Appellate Body issued its report on January 2, 2002.

The Appellate Body reversed the Panel's one finding against the United States and upheld the Panel's favorable findings that WTO Members are entitled to determine trademark and trade name ownership criteria. The Appellate Body found certain instances, however, in which section 211 might breach the national treatment and most favored nation obligations of the TRIPS Agreement. The Panel and Appellate Body reports were adopted on February 1, 2002, and the United States informed the DSB of its intention to implement the recommendations and rulings. The RPT for implementation ended on June 30, 2005. On June 30, 2005, the United States and the EU agreed that the EU would not request authorization to suspend concessions at that time and that the United States would not object to a future request on grounds of lack of timeliness.

In January 2016, the United States notified the EU of positive developments that resolved a longstanding issue of concern to the EU and others, which helped move this dispute into a more cooperative phase.

United States – Antidumping measures on certain hot-rolled steel products from Japan (DS184)

Japan alleged that the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission's preliminary and final determinations in their antidumping investigations of certain hot-rolled steel products from Japan issued on November 25 and November 30, 1998, February 12, 1999, April 28, 1999, and June 23, 1999, were erroneous and based on deficient procedures under the U.S. Tariff Act of 1930 and related regulations. Japan claimed that these procedures and regulations violate the GATT 1994, as well as the Agreement on Implementation of Article VI of the GATT 1994 (Antidumping Agreement) and the Agreement Establishing the WTO. Consultations were held on January 13, 2000, and a panel was established on March 20, 2000. In May 2000, the Director-General composed the Panel as follows: Mr. Harsha V. Singh, Chair; and, Mr. Yanyong Phuangrath and Ms. Lidia di Vico, Members. On February 28, 2001, the Panel circulated its report, in which it rejected most of Japan's claims, but found that, *inter alia*, particular aspects of the antidumping duty calculation, as well as one aspect of the U.S. antidumping duty law, were inconsistent with the Antidumping Agreement. On April 25, 2001, the United States filed a notice of appeal on certain issues in the Panel report.

The Appellate Body report was issued on July 24, 2001, reversing in part and affirming in part. The reports were adopted on August 23, 2001. Pursuant to a February 19, 2002 arbitral award, the United States was given 15 months, or until November 23, 2002, to implement the DSB's recommendations and rulings. On November 22, 2002, Commerce issued a new final determination in the hot-rolled steel antidumping duty investigation, which implemented the recommendations and rulings of the DSB with respect to the calculation of antidumping margins in that investigation. The RPT ended on July 31, 2005. With respect to the outstanding implementation issue, on July 7, 2005, the United States and Japan agreed that Japan would not request authorization to suspend concessions at that time and that the United States would not object to a future request on grounds of lack of timeliness.

United States – Continued Dumping and Subsidy Offset Act of 2000 (CDSOA) (DS217/234)

On December 21, 2000, Australia, Brazil, Chile, the EU, India, Indonesia, Japan, South Korea, and Thailand requested consultations with the United States regarding the Continued Dumping and Subsidy Offset Act of 2000 (19 U.S.C. § 754) (CDSOA), which amended Title VII of the Tariff Act of 1930 to transfer import duties collected under U.S. antidumping and countervailing duty orders from the U.S. Treasury to the companies that filed the antidumping and countervailing duty petitions. Consultations were held on February 6, 2001. On May 21, 2001, Canada and Mexico also requested consultations on the same matter, which were held on June 29, 2001. On July 12, 2001, the original nine complaining parties requested the establishment of a panel, which was established on August 23, 2001. On September 10, 2001, a panel was established at the request of Canada and Mexico, and all complaints were consolidated into one panel. The Panel was composed of: Mr. Luzius Wasescha, Chair; and, Mr. Maamoun Abdel-Fattah and Mr. William Falconer, Members.

The Panel issued its report on September 2, 2002, finding against the United States on three of the five principal claims brought by the complaining parties. Specifically, the Panel found that the CDSOA constitutes a specific action against dumping and subsidies and, therefore, is inconsistent with the Antidumping and SCM Agreements as well as Article VI of the GATT 1994. The Panel also found that the CDSOA distorts the standing determination conducted by Commerce and, therefore, is inconsistent with the standing provisions in the Antidumping and SCM Agreements. The United States prevailed against the complainants' claims under the Antidumping and SCM Agreements that the CDSOA distorts Commerce's consideration of price undertakings (agreements to settle antidumping and countervailing duty investigations). The Panel also rejected Mexico's actionable subsidy claim brought under the SCM Agreement. Finally, the Panel rejected the complainants' claims under Article X:3 of the GATT, Article 15 of the Antidumping Agreement, and Articles 4.10 and 7.9 of the SCM Agreement. The United States appealed the Panel's adverse findings on October 1, 2002.

The Appellate Body issued its report on January 16, 2003, upholding the Panel's finding that the CDSOA is an impermissible action against dumping and subsidies, but reversing the Panel's finding on standing. The DSB adopted the Panel and Appellate Body reports on January 27, 2003. At the meeting, the United States stated its intention to implement the DSB recommendations and rulings. On June 13, 2003, the Arbitrator determined that this period would end on December 27, 2003. On June 19, 2003, legislation to bring the Continued Dumping and Subsidy Offset Act into conformity with U.S. obligations under the Antidumping Agreement, the SCM Agreement, and the GATT of 1994 was introduced in the U.S. Senate (S. 1299).

On January 15, 2004, eight complaining parties (Brazil, Canada, Chile, the EU, India, Japan, South Korea, and Mexico) requested WTO authorization to retaliate. The remaining three complaining parties (Australia, Indonesia, and Thailand) agreed to extend to December 27, 2004, the period of time in which the United States had to comply with the WTO rulings and recommendations in this dispute. On January 23, 2004, the United States objected to the requests from the eight complaining parties to retaliate, thereby referring the matter to arbitration. On August 31, 2004, the Arbitrators issued their awards in each of the eight arbitrations. They determined that each complaining party could retaliate, on a yearly basis, covering the total value of trade not exceeding, in U.S. dollars, the amount resulting from the following equation: amount of disbursements under CDSOA for the most recent year for which data are available relating to antidumping or countervailing duties paid on imports from each party at that time, as published by the U.S. authorities, multiplied by 0.72.

Based on requests from Brazil, the EU, India, Japan, South Korea, Canada, and Mexico, on November 26, 2004, the DSB granted these Members authorization to suspend concessions or other obligations, as provided in DSU Article 22.7 and in the Decisions of the Arbitrators. The DSB granted Chile authorization

to suspend concessions or other obligations on December 17, 2004. On December 23, 2004, and January 7 and January 11, 2005, the United States reached agreements with Australia, Thailand, and Indonesia that these three complaining parties would not request authorization to suspend concessions at that time, and that the United States would not object to a future request on grounds of lack of timeliness.

On February 8, 2006, the U.S. President signed the Deficit Reduction Act into law. That Act included a provision repealing the CDSOA. Certain of the complaining Parties nevertheless continued to impose retaliatory measures because they considered that the Deficit Reduction Act failed to bring the United States into immediate compliance.

The United States has informed WTO Members that it has withdrawn the challenged measure and come into compliance in this dispute. In 2023, the EU continued imposing countermeasures at a rate of 0.164 percent on certain products.

United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services (DS285)

On March 13, 2003, Antigua and Barbuda (Antigua) requested consultations regarding its claim that U.S. Federal, State, and territorial laws on gambling violate U.S. specific commitments under the GATS, as well as Articles VI, XI, XVI, and XVII of the GATS, to the extent that such laws prevent or can prevent operators from Antigua from lawfully offering gambling and betting services in the United States. Consultations were held on April 30, 2003.

Antigua requested the establishment of a panel on June 12, 2003. The DSB established a panel on July 21, 2003. At the request of Antigua, on August 21, 2003, the Director-General composed the Panel as follows: Mr. B.K. Zutshi, Chair; and, Mr. Virachai Plasai and Mr. Richard Plender, Members. The Panel's final report, circulated on November 10, 2004, found that the United States breached Article XVI (Market Access) of the GATS by maintaining three U.S. Federal laws (18 U.S.C. §§ 1084, 1952, and 1955) and certain statutes of Louisiana, Massachusetts, South Dakota, and Utah. It also found that these measures were not justified under exceptions in Article XIV of the GATS.

The United States filed a notice of appeal on January 7, 2005. The Appellate Body issued its report on April 7, 2005, in which it reversed and/or modified several Panel findings. The Appellate Body overturned the Panel's findings regarding the state statutes, and found that the three U.S. Federal gambling laws at issue "fall within the scope of 'public morals' and/or 'public order'" under Article XIV. To meet the requirements of the Article XIV chapeau, the Appellate Body found that the United States needed to clarify an issue concerning Internet gambling on horse racing.

The DSB adopted the Panel and Appellate Body reports on April 20, 2005. On May 19, 2005, the United States stated its intention to implement the DSB recommendations and rulings. On August 19, 2005, an Article 21.3(c) arbitrator determined that the RPT for implementation would expire on April 3, 2006.

At the DSB meeting of April 21, 2006, the United States informed the DSB that the United States was in compliance with the recommendations and rulings of the DSB in the dispute. On June 8, 2006, Antigua requested consultations with the United States regarding U.S. compliance with the DSB recommendations and rulings. The parties held consultations on June 26, 2006. On July 5, 2006, Antigua requested the DSB to establish a panel pursuant to Article 21.5 of the DSU, and a panel was established on July 19, 2006. The chair of the original panel and one of the panelists were unavailable to serve. The Parties agreed on their replacements, and the Panel was composed as follows: Mr. Lars Anell, Chair; and, Mr. Mathias Francke and Mr. Virachai Plasai, Members. The report of the Article 21.5 Panel, which was circulated on March

30, 2007, found that the United States had not complied with the recommendations and rulings of the DSB in this dispute.

On May 4, 2007, the United States initiated the procedure provided for under Article XXI of the GATS to modify the schedule of U.S. commitments so as to reflect the original U.S. intent of excluding gambling and betting services.

The DSB adopted the report of the Article 21.5 panel on May 22, 2007. On June 21, 2007, Antigua submitted a request, pursuant to Article 22.2 of the DSU, for authorization from the DSB to suspend the application to the United States of concessions and related obligations of Antigua under the GATS and the TRIPS Agreement. On July 23, 2007, the United States referred this matter to arbitration under Article 22.6 of the DSU. The arbitration was carried out by the three panelists who served on the Article 21.5 Panel.

On December 21, 2007, the Article 22.6 arbitration award was circulated. The Arbitrator concluded that Antigua's annual level of nullification or impairment of benefits is \$21 million, and that Antigua may request authorization from the DSB to suspend its obligations under the TRIPS Agreement in this amount. On December 6, 2012, Antigua submitted a request under Article 22.7 of the DSU for authorization to suspend concessions or other obligations under the TRIPS Agreement consistent with the award of the Arbitrator. At the DSB meeting of January 28, 2013, the DSB authorized Antigua to suspend concessions or other obligations under the TRIPS Agreement consistent with the award of the Arbitrator.

During 2007 and early 2008, the United States reached agreement with every WTO Member, aside from Antigua, that had pursued a claim of interest in the GATS Article XXI process of modifying the U.S. schedule of GATS commitments so as to exclude gambling and betting services. Antigua and the United States have engaged in efforts to achieve a mutually agreeable resolution to this matter.

United States – Subsidies on large civil aircraft (DS317)

On October 6, 2004, the EU requested consultations with respect to “prohibited and actionable subsidies provided to U.S. producers of large civil aircraft.” The EU alleged that such subsidies violated several provisions of the SCM Agreement, as well as Article III:4 of the GATT. Consultations were held on November 5, 2004. On January 11, 2005, the United States and the EU agreed to a framework for the negotiation of a new agreement to end subsidies for large civil aircraft. The parties set a three-month timeframe for the negotiations and agreed that, during negotiations, they would not request panel proceedings. These discussions did not produce an agreement. On May 31, 2005, the EU requested the establishment of a panel to consider its claims. The EU filed a second request for consultations regarding large civil aircraft subsidies on June 27, 2005. This request covered many of the measures covered in the initial consultations, as well as many additional measures that were not covered.

A panel was established with regard to the October claims on July 20, 2005. On October 17, 2005, the Deputy Director-General established the Panel as follows: Ms. Marta Lucía Ramírez de Rincón, Chair; and, Ms. Gloria Peña and Mr. David Unterhalter, Members. Since that time, Ms. Ramírez and Mr. Unterhalter have resigned from the Panel. They have not been replaced.

The EU requested establishment of a panel with regard to its second panel request on January 20, 2006. That Panel was established on February 17, 2006. On December 8, 2006, the WTO issued notices changing the designation of this Panel to DS353. The summary below of *United States – Subsidies on large civil aircraft (Second Complaint) (DS353)* discusses developments with regard to this Panel.

United States – Measures Affecting Trade in Large Civil Aircraft (Second Complaint) (DS353)

On June 27, 2005, the EU filed a second request for consultations regarding large civil aircraft subsidies allegedly applied by the United States. The section above on United States – Subsidies on large civil aircraft (DS317) discusses developments with regard to the dispute arising from the initial request for consultations. The June 2005 request covered many of the measures in the initial consultations, as well as many additional measures that were not covered. The EU requested establishment of a panel with regard to its second panel request on January 20, 2006. A panel was established on February 17, 2006. On November 22, 2006, the Deputy Director-General composed the Panel as follows: Mr. Crawford Falconer, Chair; and, Mr. Francisco Orrego Vicuña and Mr. Virachai Plasai, Members.

On March 31, 2011, the Panel circulated its report with the following findings:

Findings against the EU

- Most of the National Aeronautics and Space Administration (NASA) research spending challenged by the EU did not go to Boeing.
- Most of the U.S. Department of Defense (DoD) research payments to Boeing were not subsidies or did not cause adverse effects to Airbus.
- Treatment of patent rights under U.S. Government contracts is not a subsidy specific to the aircraft industry.
- Treatment of certain overhead expenses in U.S. Government contracts is not a subsidy.
- Washington State infrastructure and plant location incentives were not a subsidy or did not cause adverse effects.
- Commerce research programs were not a subsidy specific to the aircraft industry.
- The U.S. Department of Labor payments to Edmonds Community College in Snohomish County, Washington, were not specific subsidies.
- Kansas and Illinois tax programs were not subsidies or did not cause adverse effects.
- The Foreign Sales Corporation/Extraterritorial Income tax measures were a WTO inconsistent subsidy, but as the United States removed the subsidy in 2006, there was no need for any further recommendation.

Findings against the United States

- NASA research programs conferred a subsidy to Boeing of \$2.6 billion that caused adverse effects to Airbus.
- Tax programs and other incentives offered by the State of Washington and some of its municipalities conferred a subsidy of \$16 million that caused adverse effects to Airbus.

- Certain types of research projects funded under the U.S. Department of Defense’s Manufacturing Technology and Dual Use Science and Technology programs were a subsidy to Boeing of approximately \$112 million that caused adverse effects to Airbus.

On April 1, 2011, the EU filed a notice of appeal on certain findings, and on April 28, 2011, the United States filed a notice of other appeal. On March 12, 2012, the Appellate Body circulated its report with the following findings:

- The Panel erred in its analysis of whether NASA and DoD research funding was a subsidy. However, the Appellate Body affirmed the Panel’s subsidy finding with regard to NASA research funding and DoD research funding through assistance instruments on other grounds. The Appellate Body declared the Panel’s findings with regard to DoD procurement contracts moot, but made no further findings.
- The Panel correctly found that NASA and DoD rules regarding the allocation of patent rights were not, on their face, specific subsidies. The Appellate Body found that the Panel should have addressed the EU allegations of de facto specificity, but was unable to complete the Panel’s analysis of this issue.
- The Panel correctly found that Washington State tax measures and industrial revenue bonds issued by the City of Wichita were subsidies.
- The Panel erred in concluding that the WTO DSB was not obligated to initiate information-gathering procedures requested by the EU, but this error did not require any modification in the panel’s ultimate findings.
- The Panel correctly concluded that NASA research funding and DoD funding of research through assistance instruments caused adverse effects to Airbus.
- The Panel erred in analyzing the effects of the Wichita industrial revenue bonds separately from other tax measures. The Appellate Body grouped the Wichita measure with the other tax benefits.
- The Panel erred in concluding that Washington State tax benefits, in tandem with Foreign Sales Corporation/ Extraterritorial Income (FSC/ETI) tax benefits program, caused lost sales, lost market share, and price depression of the Airbus A320 and A340 product lines. The Appellate Body found that the evidence before it justified a finding of lost sales only in two instances, involving 50 A320 airplanes.

On March 23, 2012, the DSB adopted its recommendations and rulings in this dispute. At the following DSB meeting, on April 13, 2012, the United States informed the DSB of its intention to implement the recommendations and rulings of the DSB in connection with this matter. On September 23, 2012, the United States notified the DSB that it had brought the challenged measures into compliance with the recommendations and rulings of the DSB.

On September 25, 2012, the EU requested consultations regarding the U.S. notification. On October 11, 2012, the EU requested that the DSB refer the matter to the original Panel pursuant to Article 21.5 of the DSU. The DSB did so at a meeting held on October 23, 2012. On October 30, 2012, the compliance Panel was composed with the members of the original Panel: Mr. Crawford Falconer, Chair; and, Mr. Francisco Orrego Vicuña and Mr. Virachai Plasai, Members.

The compliance Panel circulated its report on June 9, 2017, with the following findings:

Findings against the EU

- The EU alleged that DoD provided Boeing with funding and other resources worth \$2.9 billion to conduct research that assisted Boeing’s development of large civil aircraft. The Panel rejected most of the EU claims for procedural reasons. It found that the remaining claims were worth only \$41 million, that most of those programs were not subsidies. The Panel subsequently found that the DoD funding found to constitute subsidies did not cause adverse effects to Airbus.
- The Panel found that NASA R&D programs were subsidies, but only conferred benefits of approximately \$158 million. It found that these subsidies did not cause adverse effects to Airbus.
- The EU alleged that the Federal Aviation Administration (FAA) provided funding and resources worth \$28 million to Boeing. The Panel found that the FAA program in question was a subsidy, and agreed that it was worth \$28 million. However, it found that these subsidies did not cause adverse effects to Airbus.
- The EU alleged that Boeing received \$51 million in tax benefits from 2007 through 2014 under the FSC/ETI program that Congress discontinued in 2006. The Panel found that there was no evidence that Boeing benefitted from this program in the 2007 to 2014 period.
- The EU asserted that the City of Wichita issued “industrial revenue bonds” in a way that gave Boeing tax subsidies. The Panel found that this program was a subsidy, but that it did not constitute a WTO breach because it was not “specific,” *i.e.*, targeted toward particular entities or industries.
- The EU brought claims with respect to a number of Washington State programs. The Panel rejected one of the EU claims for procedural reasons. The Panel found that all of the remaining programs were subsidies. However, with one exception, the Panel found that these programs did not cause any adverse effects to Airbus.
- The EU alleged that several South Carolina programs worth a total of \$1.7 billion caused adverse effects to Airbus. The Panel found that all but three of these programs either were not subsidies or were not “specific,” *i.e.*, did not involve the type of targeting needed to establish a WTO breach. Although it found that three South Carolina programs, worth a total of \$78 million, were subsidies, the Panel concluded that they did not cause adverse effects to Airbus.

Findings against the United States

- The EU argued that Washington State’s adjustment to its Business and Occupation (“B&O”) tax applicable to aerospace manufacturing foregoes revenue that could otherwise be collected from Boeing, making it a subsidy for WTO purposes. The Panel found that this program confers a subsidy on Boeing, worth an average value of \$100-\$110 million per year during the period of review. The Panel further found that these subsidies cause adverse effects, but only with respect to certain sales of the Airbus A320 aircraft.

On June 29, 2017, the EU filed a notice of appeal on certain findings, and the United States filed a notice of other appeal on August 10, 2017. The Division assigned to hear the appeal consisted of Mr. Peter Van

den Bossche, Mr. Thomas R. Graham, and Mr. Shree B.C. Servansing. On March 28, 2019, the Division circulated its report with the following relevant findings:

- The Panel did not err in including DoD procurement contracts within its terms of reference, but the panel did not sufficiently engage with evidence and arguments regarding whether the funding conferred a benefit. However, there were insufficient factual findings by the panel or undisputed facts on the record for the Appellate Body to complete the analysis in this respect.
- The Panel erred when considering whether revenue was “foregone” with respect to the FSC/ETI tax concessions by focusing on the conduct of eligible taxpayers rather than the government. The Appellate Body completed the legal analysis and found that the measure was inconsistent with the SCM Agreement to the extent that Boeing remains entitled to FSC/ETI tax concessions.
- The Panel did not err in using the period following the end of the implementation period to assess whether Wichita industrial revenue bonds were specific because of the granting of disproportionately large amounts of subsidies to certain enterprises, but the Panel erred in finding that no disparity existed between the expected and actual distribution of the subsidies. However, there were insufficient factual findings by the Panel or undisputed facts on the record for the Appellate Body to complete its legal analysis in this respect.
- The Panel did not err in its interpretation of the term “limited number” of certain enterprises with respect to the specificity of the South Carolina economic development bonds, but the panel erred by excluding evidence as to the percentage of bonds by value used by certain enterprises from its evaluation of whether the subsidy was specific by reason of predominant use by certain enterprises. However, there were insufficient factual findings by the Panel or undisputed facts on the record for the Appellate Body to complete its legal analysis in this respect.
- The Panel erred in the application of the term “designated geographical region” in assessing the specificity of the South Carolina multi-county industrial park job tax credits. The Appellate Body completed the legal analysis with respect to this and found that the subsidy was specific.
- The Panel correctly found that the EU had failed to establish that there was a continuation of the original adverse effects of the pre-2007 aeronautics R&D subsidies into the post-implementation period in the form of present serious prejudice in relation to the A330 and A350XWB.
- The Panel erred in its analysis of whether the technology effects of the pre-2007 aeronautics R&D subsidies in relation to certain U.S. aircraft continued into the post-implementation period, and therefore, the panel’s finding that the EU failed to establish that the pre-2007 R&D subsidies were a genuine and substantial cause of adverse effects to the A350XWB and A320neo in the post-implementation period was reversed. However, there were insufficient factual findings by the panel or undisputed facts on the record for the Appellate Body to complete its legal analysis in this respect, and there was no basis to conclude that the original adverse effects, in the form of technology effects, continued into the post-implementation period.
- The Panel correctly found that the EU failed to establish that the tied tax subsidies caused adverse effects in the twin-aisle LCA market in the post-implementation period, but that there were adverse effects in the post-implementation period in the form of significant lost sales in the single-aisle LCA and in the form of threat of impedance of imports of Airbus single-aisle LCA in the U.S. and United Arab Emirates markets.

On September 27, 2012, the EU requested authorization from the DSB to impose countermeasures. On October 22, 2012, the United States objected to the level of suspension of concessions requested by the EU, referring the matter to arbitration pursuant to Article 22.6 of the DSU. On November 27, 2012, the United States and the EU each requested that the arbitration be suspended pending the conclusion of the compliance proceeding. On June 5, 2019, at the request of the EU, the arbitration regarding the level of countermeasures was resumed. On October 13, 2020, the Arbitrator issued its decision with respect to the adverse effects caused by the Washington State tax rate reduction during an historical 2012 reference period. The Arbitrator determined the level of countermeasures commensurate with the degree and nature of the adverse effects determined to exist is approximately \$3.99 billion annually. On October 26, 2020, the WTO granted the EU authorization to take countermeasures consistent with the Arbitrator's decision. Because the Washington State tax rate reduction was repealed effective April 1, 2020, the EU has no legal basis to maintain countermeasures on U.S. goods.

On June 15 and June 17, 2021, the United States reached understandings on cooperative frameworks with the EU and the UK, respectively, on the parallel aircraft disputes (DS316 and DS353). In accordance with the understandings, each side intends not to impose any WTO-authorized countermeasures for a period of five years starting from July 4, 2021. Each side also intends to provide any financing to its large civil aircraft producer (LCA producer) for the production or development of large civil aircraft on market terms. Additionally, each side intends to provide any funding for research and development (R&D) for large civil aircraft to its LCA producer through an open and transparent process while making the results of fully government funded R&D widely available. A working group was also established under each framework to analyze and overcome any disagreements in the sector, including on any existing support measures. The working group will collaborate on jointly analyzing and addressing non-market practices of third parties that may harm their respective large civil aircraft industries.

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

On April 24, 2012, India requested consultations concerning countervailing measures on certain hot-rolled carbon steel flat products from India. India challenged the Tariff Act of 1930, in particular: sections 771(7)(G) regarding the cumulation of imports for purposes of an injury determination and 776(b) regarding the use of “facts available.” India also challenged Title 19 of the Code of Federal Regulations, sections 351.308 regarding “facts available” and 351.511(a)(2)(i)-(iv), which relates to Commerce's calculation of benchmarks. In addition, India challenged the application of these and other measures in the U.S. Department of Commerce's countervailing duty (CVD) determinations and the U.S. International Trade Commission's (USITC) injury determination. Specifically, India argued that these determinations were inconsistent with Articles I and IV of the GATT 1994 and Articles 1, 2, 10, 11, 12, 13, 14, 15, 19, 21, 22, and 32 of the SCM Agreement. The DSB established a panel to examine the matter on August 31, 2012. The Panel was composed by the Director-General on February 18, 2013, as follows: Mr. Hugh McPhail, Chair; and, Mr. Anthony Abad and Mr. Hanspeter Tschaeni, Members.

The Panel met with the parties on July 9 and July 10, 2013, and on October 8 and October 9, 2013. The Panel circulated its report on July 14, 2014. The Panel rejected India's claims against the U.S. statutes and regulations concerning facts available and benchmarks under Articles 12.7 and 14(d) of the SCM Agreement, respectively. It also rejected India's “as such” claim regarding the U.S. statutory cumulation provision for injury determinations in five-year reviews, but found that the U.S. statute governing cumulation in original injury investigations was inconsistent with Article 15 of the SCM Agreement because it required the cumulation of subsidized imports with dumped non-subsidized imports in the context of CVD investigations. Applying this reasoning, the Panel also found that the USITC's injury determination in the India Hot-Rolled Steel CVD investigation breached U.S. obligations under Article 15.

The Panel rejected India's challenges under Article 1.1(a)(1) of the SCM Agreement to Commerce's "public body" findings in two instances, as well as most of India's claims with respect to Commerce's application of facts available under Article 12.7 in the determination at issue. The Panel also rejected most of India's claims against Commerce'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 Commerce's determination that certain low-interest loans constituted "direct transfers" of funds was consistent with Article 1.1(a)(1), but that Commerce's determination that a captive mining program constituted a financial contribution was not consistent with Article 1.1(a). Finally, the Panel found that Commerce 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 appealed the Panel's findings. On August 13, 2014, the United States also appealed certain of the Panel's findings. The Appellate Body released its report on December 8, 2014.

The Appellate Body upheld the Panel's findings regarding the U.S. benchmarks regulation, but found that certain instances of Commerce's application of these regulations were inconsistent with Article 14(d). The Appellate Body rejected India's interpretation of "public body" under Article 1.1(a)(1), but reversed the Panel's finding that Commerce acted consistently in making the public body determination at issue on appeal. Regarding 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)(1)(i) relating to "direct transfers of funds." The Appellate Body also reversed the Panel's finding that Commerce 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 by the Appellate Body report, on December 19, 2014.

Regarding injury, the Appellate Body found that the Panel had failed to conduct an objective examination of the U.S. cumulation statute. However, without any relevant Panel factual findings or arguments by the Parties, the Appellate Body erroneously found that one subsection of the cumulation provision (1677(7)(G)(i)(III)) was inconsistent with the SCM Agreement because it requires cumulation of subsidized imports with dumped non-subsidized imports in the context of CVD investigations, without considering that this subsection could apply only if Commerce self-initiated an investigation on the same day that a petition was filed covering the same products.

At the DSB meeting held on January 16, 2015, the United States notified the DSB of its intention to comply with the recommendations and rulings and indicated it would need an RPT to do so. On March 24, 2015, the United States and India informed the DSB that they had agreed on an RPT of 15 months, ending on March 19, 2016. At the United States' request, India then agreed to a 30-day extension to April 18, 2016.

On March 7, 2016, the USITC issued a Section 129 determination in the hot-rolled steel from India CVD proceeding to comply with the findings of the Appellate Body. On March 18, 2016, Commerce issued its preliminary determination memos in the Section 129 proceedings, and on April 14, 2016, Commerce issued its final Section 129 determinations. On April 22, 2016, the United States informed the DSB that it had complied with the recommendations and rulings in this dispute.

On June 5, 2017, India requested consultations regarding the U.S. implementation, and on March 28, 2018, India requested the establishment of a compliance panel. On May 31, 2018, the Panel was composed of the original panel members. The compliance Panel circulated its panel report on November 15, 2019. The compliance Panel rejected the majority of India's claims that the United States failed to bring its CVD determination and injury determination into compliance. The United States prevailed on eight sets of

claims, including with respect to Commerce’s determination that the National Mineral Development Corporation is a public body, rejection of in-country benchmarks, use of out-of-country benchmarks, the calculation of benefit under the Steel Development Fund program, inclusion of new subsidies in a review proceeding, disclosure of essential facts, the “appropriateness” of exceeding a terminated domestic settlement rate in a Section 129 proceeding, and all but one aspect of the injury determination. The compliance Panel found in favor of India on one specificity claim and on one injury issue. The compliance Panel also found that the United States’ failure to amend one portion of the cumulation statute (19 USC § 1677(7)(G)(i)(III)) was inconsistent with the DSB recommendation made in the original proceedings of the dispute.

On December 18, 2019, the United States notified the DSB of its decision to appeal issues of law covered in the report of the compliance Panel and legal interpretations developed by the compliance Panel. Because no division of the Appellate Body can be established to hear this appeal, the United States has sought to confer with India to seek a positive solution to this dispute.

In July 2023, the United States and India notified the DSB that they had reached mutually agreed solutions in six disputes, including DS436, following an agreement reached in June 2023.

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

On May 25, 2012, China requested consultations regarding numerous U.S. countervailing duty determinations in which Commerce had determined that various Chinese state-owned enterprises were “public bodies” under Article 1.1(a)(1) of the SCM Agreement, with a view towards extending the Appellate Body’s analysis in DS379 to those determinations. China challenged various other aspects of these investigations as well, including but not limited to Commerce’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.

Consultations were held in July 2012, and a panel was established in September 2012. The Panel was composed by the Director-General on November 26, 2012, as follows: Mr. Mario Matus, Chair; and, Mr. Scott Gallacher and Mr. Hugo Perezcano Díaz, Members. The Panel met with the Parties on April 30 and May 1, 2013, and on June 18 and June 19, 2013. The Panel circulated its report on July 14, 2014. The Panel found that Commerce’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 Commerce’s calculation of benchmarks, initiation of investigations, and use of facts available. The Panel also upheld most of Commerce’s specificity determinations. The Panel also found that China established that Commerce 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 findings regarding Commerce’s calculation of benchmarks, specificity determinations, and use of facts available. On August 27, 2014, the United States appealed the Panel’s finding that a section of China’s panel request setting forth claims related to Commerce’s use of facts available was within the panel’s terms of reference. The Appellate Body held a hearing in Geneva on October 16 and October 17, 2014, with Peter Van den Bossche as Chair; and, Ujal Singh Battia and Seung Wha Chang as Members.

On December 18, 2014, the Appellate Body circulated its report. On benchmarks, the Appellate Body reversed the Panel and found that Commerce’s determination to use out-of-country 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 Commerce 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 were inconsistent with Article 11 of the DSU, and reversed the Panel's finding that Commerce's application of facts available was not inconsistent with Article 12.7 of the SCM Agreement. Lastly, 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 of its claim sufficient to present the problem clearly.

The DSB adopted the Appellate Body report and the Panel report, as modified by the Appellate Body report, on January 16, 2015. In a letter dated February 13, 2015, the United States notified the DSB of its intention to comply with its WTO obligations and indicated it would need a RPT to do so.

On June 26, 2015, China requested that the RPT be determined through arbitration pursuant to Article 21.3(c) of the DSU. On July 17, 2015, the Director-General appointed Mr. Georges M. Abi-Saab as the arbitrator. On October 9, 2015, the Arbitrator issued his award, deciding that the RPT would be 14 months and 16 days, ending on April 1, 2016.

Commerce subsequently issued redeterminations in 15 separate countervailing duty investigations and with respect to one "as such" finding of the DSB. Commerce implemented these determinations on April 1, 2016, and May 26, 2016. On June 22, 2016, the United States notified the DSB that it had brought the challenged measures into compliance with the recommendations and rulings of the DSB.

On May 13, 2016, China requested consultations regarding the U.S. implementation. The United States and China held consultations on May 27, 2016. On July 8, 2016, China requested that the DSB refer the matter to the original Panel pursuant to Article 21.5 of the DSU. The DSB did so at a meeting held on July 21, 2016. On October 5, 2016, the compliance Panel was composed with one member of the original Panel: Mr. Hugo Perezcano Diaz, Chair; and, two additional panelists Mr. Luis Catibayan and Mr. Thinus Jacobsz, Members, who were selected to replace unavailable members of the original panel. The compliance Panel circulated its report on March 21, 2018. The compliance Panel found that Commerce's redeterminations that certain state-owned enterprises were "public bodies" were not inconsistent with Article 1.1(a)(1) of the SCM Agreement, and Commerce's Public Bodies Memorandum is not inconsistent with the SCM Agreement, "as such." The compliance Panel also upheld Commerce's redetermination concerning regional specificity. However, the compliance Panel found in favor of China with respect to China's claims regarding Commerce's calculation of benchmarks and its input specificity analysis.

On April 27, 2018, the United States appealed certain findings of the compliance Panel regarding the Public Bodies Memorandum, Commerce's benchmarks and input specificity redeterminations, and whether certain Commerce determinations were within the compliance Panel's terms of reference. On May 2, 2018, China appealed certain findings of the compliance Panel regarding Commerce's redeterminations that certain state-owned enterprises were "public bodies," the Public Bodies Memorandum, and the legal interpretation of Articles 1.1(b) and 14(d) of the SCM Agreement. The three persons hearing the appeal were Thomas R. Graham as Presiding Member; and, Ujal Singh Battia and Shree B.C. Servansing. An appellate report was circulated on July 16, 2019. The Appellate Majority upheld the findings of the compliance Panel. The appellate report includes a lengthy dissent that calls into question the reasoning and interpretative analysis of the appellate majority and prior Appellate Body reports.

The DSB considered the appellate report and the compliance Panel report, as modified by the appellate report, at its meeting on August 15, 2019. The United States noted in its DSB statement that, through the interpretations applied in this proceeding, based primarily on erroneous approaches by the Appellate Body in past reports, the WTO dispute settlement system is weakening the ability of WTO Members to use WTO

tools to discipline injurious subsidies. The SCM Agreement is not meant to provide cover for, and render untouchable, one Member's policy of providing massive subsidies to its industries through a complex web of laws, regulations, policies, and industrial plans. Finding that the kinds of subsidies at issue in this dispute cannot be addressed using existing WTO remedies, such as countervailing duties, calls into question the usefulness of the WTO to help WTO Members address the most urgent economic problems in today's global economy. The United States noted specific aspects of the findings of the appellate report that are erroneous and undermine the interests of all WTO Members in a fair-trading system, including erroneous interpretations of "public body" and out-of-country benchmarks, diminishing U.S. rights and adding to U.S. obligations, engaging in fact-finding, and treating prior reports as "precedent."

On October 17, 2019, China requested authorization to suspend concessions and other obligations pursuant to Article 22.2 of the DSU. On October 25, 2019, the United States objected to China's request, referring the matter to arbitration pursuant to Article 22.6 of the DSU. On November 15, 2019, the WTO notified the parties that the arbitration would be carried out by the panelists who served during the compliance proceeding: Mr. Hugo Perezcano Diaz, Chair; and, Mr. Luis Catibayan and Mr. Thinus Jacobsz, Members. The Arbitrator held a virtual hearing with the parties in November 2020. In January 2022, the Arbitrator decided that the level of suspension of concessions or other obligations should be no more than \$645.121 million annually.

United States – Anti-Dumping and Countervailing Measures on Large Residential Washers from Korea (DS464)

On August 29, 2013, the United States received from Korea a request for consultations pertaining to antidumping and countervailing duty measures imposed by the United States pursuant to final determinations issued by Commerce following antidumping and countervailing duty investigations regarding large residential washers (washers) from Korea. Korea claimed that Commerce's determinations, as well as certain methodologies used by Commerce, were inconsistent with U.S. commitments and obligations under Articles 1, 2, 2.1, 2.4, 2.4.2, 5.8, 9.3, 9.4, 9.5, 11, and 18.4 of the Antidumping Agreement, Articles 1.1, 1.2, 2.1, 2.2, 10, 14, and 19.4 of the SCM Agreement; Articles VI, VI:1, VI:2, and VI:3 of the GATT 1994; and Article XVI:4 of the WTO Agreement. Specifically, Korea challenged Commerce's alleged use of "zeroing" and application of the second sentence of Article 2.4.2 of the Antidumping Agreement, as applied in the washers antidumping investigation and "as such." Korea also challenged Commerce's determinations in the washers countervailing duty investigation that Article 10(1)(3) of Korea's Restriction of Special Taxation Act (RSTA) is a subsidy that is specific within the meaning of Article 2.1 of the SCM Agreement, Commerce's determination of the amount of subsidy benefit received by a respondent under Article 10(1)(3) of the RSTA, Commerce's determination that Article 26 of the RSTA is a regionally specific subsidy, and Commerce's imposition of countervailing duties on one respondent that were attributable to tax credits that the respondent received for investments that it made under Article 26 of the RSTA.

The United States and Korea held consultations on October 3, 2013. On December 5, 2013, Korea requested that the DSB establish a panel. On January 22, 2014, a panel was established. On June 20, 2014, the Director-General composed the Panel as follows: Ms. Claudia Orozco, Chair; and Mr. Mazhar Bangash and Mr. Hanspeter Tschaeni, Members.

The Panel circulated its report on March 11, 2016. The Panel found that aspects of Commerce's antidumping determination were inconsistent with the second sentence of Article 2.4.2 of the Antidumping Agreement, including the determination to apply an alternative, average-to-transaction comparison methodology and the application of that methodology to all transactions rather than just to so-called pattern transactions. The Panel rejected other claims asserted by Korea, including Korea's argument that

Commerce acted inconsistently with Article 2.4.2 by determining the existence of a pattern exclusively on the basis of quantitative criteria.

The Panel found that aspects of Commerce’s differential pricing methodology are inconsistent “as such” with the second sentence of Article 2.4.2 of the Antidumping Agreement. The Panel also found that the United States’ use of zeroing when applying the average-to-transaction comparison methodology is inconsistent with the second sentence of Article 2.4.2 and Article 2.4, both “as such” and as applied in the washers antidumping investigation.

In addition, the Panel made several findings on the CVD issues raised by Korea. The Panel found that Commerce’s disproportionality analysis, in its original and remand determinations, was inconsistent with Article 2.1(c) of the SCM Agreement. But the Panel rejected Korea’s remaining claims – *i.e.*, its claim that Commerce’s regional specificity determination was inconsistent with Article 2.2 of the SCM Agreement, and its claims concerning the proper quantification of subsidy ratios.

On April 19, 2016, the United States appealed certain of the Panel’s findings. Korea filed another appeal on April 25, 2016.

On September 7, 2016, the Appellate Body circulated its report. The Appellate Body upheld several of the Panel’s findings under the Antidumping Agreement, including the Panel’s finding that the average-to-transaction comparison methodology should be applied only to so-called pattern transactions, the Panel’s finding that the use of zeroing is inconsistent with the second sentence of Article 2.4.2 and Article 2.4, both “as such” and as applied, and the Panel’s finding that the differential pricing methodology is inconsistent “as such” with the second sentence of Article 2.4.2 of the Antidumping Agreement. The Appellate Body reversed other findings made by the Panel. For instance, the Appellate Body found that an investigating authority must assess the price differences at issue on both a quantitative and qualitative basis, and the Appellate Body mooted the Panel’s finding concerning systemic disregarding, finding instead that the combined application of comparison methodologies is impermissible. With respect to the CVD issues, the Appellate Body upheld the Panel’s rejection of Korea’s regional specificity claim, but found that certain aspects of Commerce’s calculation of subsidy rates were inconsistent with Article 19.4 of the SCM Agreement and Article VI:3 of the GATT 1994.

On September 26, 2016, the DSB adopted the Panel and Appellate Body reports. On October 26, 2016, the United States stated that it intends to implement the recommendations of the DSB in this dispute in a manner that respects U.S. WTO obligations, and that it will need a reasonable period of time in which to do so. On April 13, 2017, an Article 21.3(c) arbitrator determined that the RPT for implementation would expire on December 26, 2017.

On January 11, 2018, Korea requested authorization to suspend concessions and other obligations pursuant to Article 22.2 of the DSU. On January 19, 2018, the United States objected to Korea’s request, referring the matter to arbitration pursuant to Article 22.6 of the DSU. On February 6, 2018, the WTO notified the parties that the arbitration would be carried out by the original panelists: Ms. Claudia Orozco, Chair; and Mr. Mazhar Bangash and Mr. Hanspeter Tschaeni, Members. The Arbitrator circulated its decision on February 8, 2019. The Arbitrator determined that the level of nullification or impairment to Korea from U.S. noncompliance with respect to the antidumping and countervailing duty measures on washers totaled no more than \$84.81 million per year, and the Arbitrator further specified a formula for calculating the nullification or impairment for products other than washers.

On May 6, 2019, Commerce published a notice in the U.S. *Federal Register* announcing the revocation of the antidumping and countervailing duty orders on washers (84 Fed. Reg. 19,763 (May 6, 2019)). With

this action, the United States completed implementation of the DSB recommendations concerning those antidumping and countervailing duty orders.

United States – Certain Methodologies and their Application to Anti-Dumping Proceedings Involving China (DS471)

On December 3, 2013, the United States received a request from China for consultations pertaining to antidumping measures imposed by the United States pursuant to final determinations issued by Commerce following antidumping investigations regarding a number of products from China, including certain coated paper suitable for high-quality print graphics using sheet-fed presses; certain oil country tubular goods; high pressure steel cylinders, polyethylene terephthalate film, sheet, and strip; aluminum extrusions; certain frozen and canned warm water shrimp; certain new pneumatic off-the-road tires; crystalline silicon photovoltaic cells, whether or not assembled into modules; diamond sawblades and parts thereof; multilayered wood flooring; narrow woven ribbons with woven selvedge; polyethylene retail carrier bags; and, wooden bedroom furniture. China claimed that Commerce’s determinations, as well as certain methodologies used by Commerce, are inconsistent with U.S. obligations under Articles 2.4.2, 6.1, 6.8, 6.10, 9.2, 9.3, 9.4, and Annex II of the Antidumping Agreement; and, Article VI:2 of the GATT 1994. Specifically, China challenged Commerce’s application in certain investigations and administrative reviews of a “targeted dumping methodology,” “zeroing” in connection with such methodology, a “single rate presumption for non-market economies,” and an “NME-wide methodology” including certain “features.” China also challenged a “single rate presumption” and the use of “adverse facts available” “as such.”

The United States and China held consultations on January 23, 2014. On February 13, 2014, China requested that the DSB establish a panel, and a panel was established on March 26, 2014. On August 28, 2014, the Director-General composed the Panel as follows: Mr. José Pérez Gabilondo, Chair; and, Ms. Beatriz Leycegui Gardoqui and Ms. Enie Neri de Ross, Members.

The Panel circulated its report on October 19, 2016. The Panel found that a number of aspects of the “targeted dumping methodology” applied by Commerce in three challenged investigations were not inconsistent with the requirements of the Antidumping Agreement, including certain quantitative aspects of Commerce’s methodology. However, the Panel found fault with other aspects of Commerce’s methodology and with Commerce’s explanation of why resort to the alternative methodology was necessary. The Panel also found that Commerce’s application of the alternative methodology to all sales, rather than only to so-called pattern sales, and Commerce’s use of “zeroing” in connection with the alternative methodology, were inconsistent with the second sentence of Article 2.4.2 of the Antidumping Agreement. The Panel found that Commerce’s use of a rebuttable presumption that all producers and exporters in China comprise a single entity under common government control – the China-government entity – to which a single antidumping margin is assigned, both as used in specific proceedings and generally, is inconsistent with certain obligations in the Antidumping Agreement concerning when exporters and producers are entitled to a unique antidumping margin or rate. Finally, the Panel agreed with the United States that China had not established that Commerce has a general norm whereby it uses adverse inferences to pick information that is adverse to the interests of the China-government entity in calculating its antidumping margin or rate. The Panel also decided to exercise judicial economy with respect to the information Commerce utilized in particular proceedings.

On November 18, 2016, China appealed certain of the Panel’s findings regarding Commerce’s “targeted dumping methodology,” use of “adverse facts available,” and the “single rate presumption.” The Appellate Body held a hearing in Geneva on February 27 and February 28, 2017, and issued a report on May 11, 2017. The Appellate Body rejected virtually all of China’s claims on appeal and did not make any additional findings of inconsistency against the United States.

On May 22, 2017, the DSB adopted the Panel and Appellate Body reports. On June 19, 2017, the United States stated that it intends to implement the recommendations of the DSB in this dispute in a manner that respects U.S. WTO obligations, and that it will need a reasonable period of time in which to do so. On October 17, 2017, China requested that an Article 21.3(c) arbitrator determine the RPT for implementation. The Arbitrator determined the reasonable period of time to be 15 months, expiring on August 22, 2018.

On September 9, 2018, China requested authorization to suspend concessions and other obligations pursuant to Article 22.2 of the DSU. On September 19, 2018, the United States objected to China's request, referring the matter to arbitration. On October 5, 2018, the WTO notified the parties that the arbitration would be carried out by the original panelists: Mr. José Pérez Gabilondo, Chair; and, Ms. Beatriz Leycegui Gardoqui and Ms. Enie Neri de Ross, Members. The Arbitrator circulated its decision on November 1, 2019. The Arbitrator determined that the level of nullification or impairment to China from U.S. noncompliance with respect to determinations made by Commerce in a number of antidumping proceedings involving goods from China, as well as certain methodologies China claimed Commerce applies in antidumping proceedings, totaled no more than \$3.579 billion per year.

United States – Anti-Dumping Measures on Oil Country Tubular Goods from Korea (DS488)

On December 22, 2014, the United States received from Korea a request for consultations pertaining to antidumping duties imposed on oil country tubular goods from Korea. Korea claimed that the calculation by Commerce of the constructed value profit rate for Korean respondents was inconsistent with U.S. obligations under Articles 2.2, 2.2.2, 2.4, 6.2, 6.4, 6.9, and 12.2.2 of the Antidumping Agreement and Articles I and X:3 of the GATT 1994. Korea also claimed that Commerce's decision regarding the affiliation of a certain Korean respondent to a supplier, and the effects of that decision, was inconsistent with Articles 2.2.1.1 and 2.3 of the Antidumping Agreement and that its selection of two mandatory respondents was inconsistent with Article 6.10, including Articles 6.10.1 and 6.10.2. Korea further claimed that Commerce's methodology for disregarding a respondent's exports to third-country markets was inconsistent "as such" and "as applied" in the investigation at issue with Article 2.2 of the Antidumping Agreement.

The United States and Korea held consultations on January 21, 2015. On February 23, 2015 Korea requested the establishment of a panel. The DSB established a panel on March 25, 2015, and the Parties agreed to the composition of the Panel on July 13, 2015 as follows: Mr. John Adank, Chair; and, Mr. Abd El Rahman Ezz El Din Fawzy and Mr. Gustav Brink, Members. Subsequently, Mr. Adank withdrew as Chair prior to the second substantive meeting of the Panel, and the Parties agreed that Mr. Crawford Falconer would replace Mr. Adank as Chair. The Panel met with the parties on July 20 and July 21, 2016, and November 1 and November 2, 2016.

The Panel circulated its report on November 14, 2017. The Panel found that the United States had acted inconsistently with the chapeau of Article 2.2.2 of the Antidumping Agreement because Commerce did not determine profit for constructed value based on actual data pertaining to sales of the like product in the home market. The Panel also found that the United States had acted inconsistently with Articles 2.2.2(i) and (iii) because Commerce relied on a narrow definition of the "same general category of products" in concluding it could not determine profit under Article 2.2.2(i) and in concluding that it could not calculate a profit cap under Article 2.2.2(iii). The Panel further found that the United States had acted inconsistently with Article 2.2.2(iii) because Commerce failed to calculate and apply a profit cap. The Panel exercised judicial economy with respect to Korea's claims that the United States acted inconsistently with the chapeau of Article 2.2.2 because Commerce did not determine profit for constructed value based on actual data pertaining to sales of the like product in third-country markets and with respect to Articles 1 and 9.3 as a consequence of substantive violations of Articles 2.2.2, 2.2.2(i), and 2.2.2(iii). Finally, the Panel found two of Korea's claims with respect to profit for constructed value to be outside its terms of reference, specifically

its claim that the United States had violated Article 2.2.2(iii) because Commerce had determined the profit rate based on a certain company's financial statements and its claim that the United States had violated Article X: 3(a) of the GATT 1994, because Commerce had purportedly acted contrary to its agency practice of determining profit.

The Panel otherwise rejected the remaining claims asserted by Korea with respect to the investigation at issue, including claims regarding the use of constructed export price and the selection of costs for calculation of constructed normal value; found such claims to be outside its terms of reference; or, exercised judicial discretion. For example, the Panel specifically found that Korea failed to demonstrate that the United States acted inconsistently with Articles 6.10 and 6.10.2 of the Antidumping Agreement in its selection of mandatory respondents. The Panel also specifically rejected Korea's claims that Commerce's methodology for disregarding a respondent's exports to third-country markets was inconsistent "as such" and "as applied" in the investigation with Article 2.2 of the Antidumping Agreement. Finally, the Panel exercised judicial economy with respect to Korea's claim that the United States had acted inconsistently with Article 2.4.

On January 12, 2018, the DSB adopted the Panel report in this dispute. On February 26, 2018, the United States and Korea informed the DSB that they had agreed that the reasonable period of time to implement the DSB's recommendations and rulings would be 12 months, expiring on January 12, 2019. On November 23, 2018, Commerce published a notice in the Federal Register commencing a proceeding to gather information, analyze record evidence, and consider the determinations which would be necessary to bring its measures into conformity with the DSB recommendations and rulings. On January 11, 2019, the United States and Korea informed the DSB that they had mutually agreed to extend the reasonable period of time for an additional six months, expiring on July 12, 2019.

On July 5, 2019, Commerce published a final decision memorandum, addressed all comments submitted by interested parties, and implemented the recommendations and rulings of the DSB in a manner that respects U.S. WTO obligations. On July 11, 2019, the United States informed the DSB that these actions brought the United States into compliance with the panel findings in this dispute.

On July 29, 2019, Korea requested the authorization of the DSB to suspend concessions or other obligations pursuant to Article 22.2 of the DSU on the grounds that the United States had failed to comply with the DSB's recommendations and rulings within the reasonable period of time. On August 8, 2019, the United States objected to Korea's proposed level of suspension of concessions pursuant to Article 22.6 of the DSU, referring the matter to arbitration. On February 6, 2020, Korea and the United States reached an understanding regarding procedures under Articles 21 and 22 of the DSU, under which each party agreed it would accept a report by the compliance panel without appeal.

United States – Countervailing Measures on Supercalendered Paper from Canada (DS505)

On March 30, 2016, Canada requested consultations with the United States to consider claims related to U.S. countervailing duties on supercalendered paper from Canada (Investigation C-122-854). Consultations between the United States and Canada took place in Washington, D.C. on May 4, 2016.

On June 9, 2016, Canada requested the establishment of a panel challenging certain actions of Commerce with respect to the countervailing duty investigation and final determination, the countervailing duty order, and an expedited review of that order. The Panel request also presented claims with respect to alleged U.S. "ongoing conduct" or, in the alternative, a purported rule or norm, with respect to the application of facts available in relation to subsidies discovered during the course of a countervailing duty investigation.

Canada alleged that the U.S. measures at issue were inconsistent with obligations under Articles 1.1(a)(1), 1.1(b), 2, 10, 11.1, 11.2, 11.3, 11.6, 12.1, 12.2, 12.3, 12.7, 12.8, 14, 14(d), 19.1, 19.3, 19.4, 22.3, 22.5, and 32.1 of the SCM Agreement; and Article VI:3 of the GATT 1994.

A panel was established on July 21, 2016. On August 31, 2016, the Panel was composed by the Director-General to include: Mr. Paul O'Connor, Chair; and, Mr. David Evans and Mr. Colin McCarthy, Members. The Panel met with the parties on March 21 and March 22, 2017, and on June 13 and June 14, 2017. The Panel report was circulated on July 5, 2018. The Panel report, among other things, upheld Canada's claims that there was "ongoing conduct" with respect to Commerce's treatment of subsidies that Canadian respondents refused to disclose in response to Commerce questionnaires, but which Commerce subsequently discovered during verification in the course of the countervailing duty investigation. The Panel report also found that such treatment was inconsistent with Article 12.7 of the SCM Agreement. Commerce terminated the countervailing duties on July 5, 2018.

On August 27, 2018, the United States notified the DSB of its decision to appeal the Panel's findings related to the alleged "ongoing conduct" and to the treatment of undisclosed subsidies discovered during the course of a countervailing duty investigation. The persons hearing the appeal were Ujal Singh Battia as Presiding Member, and Thomas R. Graham and Hong Zhao. A hearing was held in Geneva on November 4 and 5, 2019, and an appellate report was issued on February 6, 2020. The document contains a majority view upholding the findings of the Panel and also a separate opinion that calls into question the reasoning and interpretative analysis of the appellate majority concerning "ongoing conduct."

The DSB considered the appellate document and panel report at its meeting on March 5, 2020. The United States noted in its DSB statement that there were serious procedural and substantive concerns with the appellate document, and objected to the adoption of the document as an Appellate Body Report. The United States explained that the document cannot be an Appellate Body report because the Chinese national who served on the appeal was not a valid member of the Appellate Body given that the individual is affiliated with the Government of China, in breach of Article 17.3 of the DSU. The concern related to the individual's service was further compounded because the appeal directly implicated the interests of the Government of China. The United States also reiterated its concerns of ex-Appellate Body members' continuation of service without authorization by the DSB, and the failure to adhere to the deadline in Article 17.5 of the DSU. Accordingly, the United States did not join in a consensus to adopt the document and report that were before the DSB. The United States explained that because there was no valid Appellate Body report in this dispute, the document and report could only be adopted by positive consensus. Because there was no consensus on adoption, the DSB did not validly adopt any document and report in this dispute, and therefore there was no valid recommendation of the DSB with which to bring a measure into conformity with a covered agreement.

On June 18, 2020, Canada requested authorization to suspend concessions and other obligations pursuant to Article 22.2 of the DSU. On June 26, 2020, the United States objected to Canada's request, referring the matter to arbitration pursuant to Article 22.6 of the DSU. On August 6, 2020, the WTO notified the parties that the arbitration would be carried out by the panelists who served during the panel proceedings: Mr. Paul O'Connor, Chair; and, Mr. David Evans and Mr. Colin McCarthy, Members. The Arbitrator held a virtual hearing with the Parties in September 2021. The Arbitrator's decision was circulated on July 13, 2022. The Arbitrator adopted the U.S. economic model as the basis for determining a future level of nullification or impairment, and rejected Canada's proposed formula as the basis of the Arbitrator's award. However, during the arbitration, the United States disputed Canada's ability to pursue countermeasures and the Arbitrator's ability to issue a decision, given that the challenged "ongoing conduct" measure had been removed with the revocation of the CVD order. The United States argued that Canada did not suffer from any economic harm from the disputed conduct, and may never experience any economic effect. Therefore,

following the issuance of the Arbitrator’s decision, there was no monetary award for Canada to seek based on the CVD order on supercalendered paper.

United States – Certain Measures Relating to the Renewable Energy Sector (DS510)

On September 9, 2016, India requested WTO consultations regarding alleged domestic content requirement and subsidy measures maintained under renewable energy programs in the States of California, Connecticut, Delaware, Massachusetts, Michigan, Minnesota, Montana, and Washington.

India’s request alleges the U.S.-state measures are inconsistent with: Articles III:4, XVI:1, and XVI:4 of the GATT 1994; Article 2.1 and 2.2 of the TRIMS Agreement; and, Articles 3.1(b), 3.2, 5(a), 5(c), 6.3(a), 6.3(c), and 25 of the SCM Agreement. Consultations between India and the United States took place in Geneva on November 16 and November 17, 2016.

A panel was established on March 21, 2017. On April 11, 2018, India requested the Director-General to compose the Panel. On April 21, 2018, the Panel was composed by the Director-General to include: Mr. Alberto Juan Dumont, Chair; and, Ms. Penelope Jane Ridings and Mr. Miguel Rodriguez Mendoza, Members.

The Panel circulated its report on June 27, 2019. The Panel found that certain measures maintained by the States of California, Massachusetts, Minnesota, and Washington were not within its terms of reference. With respect to the other measures, the Panel found that each of the measures was inconsistent with Article III:4 of the GATT 1994 because it accorded less favorable treatment to imported products as compared to like domestic products. The Panel exercised judicial economy on India’s claims under Articles 2.1 and 2.2 of the TRIMS Agreement and Articles 3.1(b) and 3.2 of the SCM Agreement.

On August 15, 2019, the United States notified the DSB of its decision to appeal certain issues of law and legal interpretations in the panel report. On August 20, 2019, India notified the DSB of its decision to appeal.

In July 2023, the United States and India notified the DSB that they had reached mutually agreed solutions in six disputes, including DS510, following an agreement reached in June 2023.

United States – Measures Related to Price Comparison Methodologies (DS515)

On December 12, 2016, China requested consultations with the United States regarding its use of a non-market economy (NME) methodology in the context of antidumping investigations involving Chinese producers. In its request, China asserts that WTO Members were required to terminate the use of an NME methodology by December 11, 2016, and thereafter apply the provisions of the Antidumping Agreement and the GATT 1994 to determine normal value.

Specifically, China alleges that the following “measures” are inconsistent with Articles 2.1, 2.2, 9.2, 18.1, and 18.4 of the Antidumping Agreement and Articles I:1, VI:1, and VI:2 of GATT 1994:

- Sections 771(18) and 773 of the Tariff Act of 1930, as amended;
- Part 351.408 of Commerce’s regulations, 19 C.F.R. § 351.408;
- Commerce’s 2006 determination that China is a ‘non-market economy’ for purposes of the Tariff Act of 1930, as amended;

- The failure of the United States, by way of omission, to revoke the 2006 determination or otherwise modify its laws with respect to antidumping investigations and reviews of Chinese products initiated and/or resulting in preliminary or final determinations after December 11, 2016.

China also challenged Section 773(e) of the Tariff Act of 1930 – the constructed value provision that applies to market economies – to the extent that it permits the use of “surrogate values.” Consultations took place on February 7 and February 8, 2017, in Geneva.

China requested supplemental consultations on November 3, 2017, which took place on January 4, 2018, in Geneva. As part of its supplemental consultations request, China further alleged that certain of the following “measures” were also inconsistent with: Articles 2.1, 2.2, 5.2, 5.3, 7.1(ii), 9.2, 9.3, 11.1, 11.2, 11.3, 18.1, and 18.4 of the Antidumping Agreement; Articles I:1, VI:1, and VI:2 of GATT 1994; and, Article XVI:4 of the Marrakesh Agreement Establishing the WTO:

- Commerce’s 2017 determination that China is a “non-market economy” for purposes of the Tariff Act of 1930, as amended;
- The policy or practice of using surrogate values to determine normal value in both original and administrative review determinations in antidumping proceedings involving Chinese products, whether that conduct is pursuant to Section 773(c) of the Tariff Act, Section 773(e), or any other provision of U.S. law;
- Certain named Commerce final determinations of normal value in antidumping investigations or administrative reviews of Chinese imports made subsequent to December 11, 2016, which were based on the use of “surrogate values”;
- Commerce’s preliminary affirmative determinations in Certain Hardwood Plywood Products From the People’s Republic of China (June 23, 2017), Certain Aluminum Foil From the People’s Republic of China (October 26, 2017), and Carton-Closing Staples from the People’s Republic of China (October 27, 2017);
- Certain named Commerce final determinations in sunset reviews in which Commerce relied on margins of dumping calculated on the basis of “surrogate values”;
- The policy or practice of making final determinations in sunset reviews of antidumping orders applicable to Chinese products relying on margins of dumping calculated on the basis of surrogate values, whether pursuant to Section 773(c) of the Tariff Act of 1930, Section 773(e), or any other provision of U.S. law; and,
- The failure of Commerce, by way of omission, to conduct “reviews based on changed circumstances” pursuant to Section 751(b) of the Tariff Act in the antidumping investigations of Chinese products, by virtue of the expiration of Section 15(a)(ii) of China’s Accession Protocol.

China further added that the measures at issue are “not justifiable” under the second Supplementary Provision of Article VI:1 of GATT 1994, as referenced in Article 2.7 of the Antidumping Agreement. The parties consulted in December 2016 and November 2017, but China has not moved forward with panel proceedings.

United States – Countervailing Measures on Certain Pipe and Tube Products from Türkiye (DS523)

On March 8, 2017, Türkiye requested consultations concerning CVD measures imposed by the United States pursuant to four final CVD determinations issued by Commerce pertaining to certain pipe and tube products. Türkiye alleges inconsistencies with Articles 1.1(a)(1), 1.1(b), 2.1(c), 2.4, 10, 12.7, 14(d), 15.3, 19.4, and 32.1 of the SCM Agreement, and Article VI:3 of the GATT 1994.

Türkiye challenges the application of measures in four final CVD determinations with respect to the provision of hot-rolled steel for less than adequate remuneration. Specifically, Türkiye challenges Commerce’s “public bodies” determination, use of facts available, and determination of specificity of the subsidy program. Türkiye also challenges Commerce’s calculation of benchmarks, both as applied and “as such.” With respect to injury, Türkiye challenges the USITC’s “practice” of cross-cumulating imports, as well as the application of that practice in the underlying determinations.

Consultations between the United States and Türkiye took place in Geneva on April 28, 2017. A panel was established on June 19, 2017, and on September 14, 2017, the Director-General composed the Panel as follows: Mr. Guillermo Valles, Chair; and, Ms. Luz Elena Reyes de la Torre and Mr. Jose Antonio de la Puente Leon, Members.

The Panel circulated its report on December 18, 2018. With respect to public body, the Panel found that Commerce acted inconsistently with Article 1.1(a)(1) by failing to apply the standard set out previously by the Appellate Body, and failing to establish based on record evidence that the relevant entities were public bodies. With respect to benchmarks as such, the Panel rejected Türkiye’s claims that Commerce has a practice of rejecting in-country benchmarks solely based on majority or substantial government ownership or control of the market. For benchmarks as applied, the Panel declined to make a finding under Article 14(d) of the SCM Agreement because the relevant determination had ceased to have legal effect prior to the Panel’s establishment. With respect to specificity, the Panel found that Commerce acted inconsistently with Articles 2.1(c) and 2.4 of the SCM Agreement by failing to identify and clearly substantiate the existence of a subsidy program, and failing to take into account the extent of diversification of Türkiye’s economy and the length of time in which the program had been in place. With respect to facts available, the Panel found Commerce acted inconsistently with Article 12.7 of the SCM Agreement by failing to do a comparative process of reasoning and evaluation before selecting from the facts available in certain circumstances. With respect to injury, the Panel found that Article 15.3 of the SCM Agreement does not permit the USITC to assess cumulatively the effects of imports not subject to CVD investigations with the effects of imports subject to CVD investigations. The Panel thus found cross-cumulation by the USITC, both in the original investigations at issue and as a practice, to be inconsistent with Article 15.3. With respect to cross-cumulation in sunset reviews, the Panel found the USITC did not act inconsistently with Article 15.3 of the SCM Agreement, either “as such” or in connection with the sunset review at issue.

On January 25, 2019, the United States notified the DSB of its decision to appeal certain legal conclusions and interpretations of the Panel. On January 30, 2019, Türkiye also filed an appeal. The persons hearing this appeal had been Ujal Singh Bhatia as Presiding Member, and Thomas Graham and Hong Zhao.

United States – Countervailing Measures on Softwood Lumber from Canada (DS533)

On November 28, 2017, the United States received from Canada a request for consultations pertaining to the final determination issued by Commerce following a CVD investigation regarding softwood lumber from Canada. Canada claimed that Commerce’s determination is inconsistent with U.S. commitments and obligations under Articles 1.1(a), 1.1(b), 2.1(a), 2.1(b), 10, 11.2, 11.3, 14(d), 19.1, 19.3, 19.4, 21.1, 21.2, 32.1, and 32.5 of the SCM Agreement; and, Article VI:3 of the GATT 1994. Specifically, Canada

challenged Commerce's determinations regarding benchmarks for stumpage, log export permitting processes, and non-stumpage programs.

The United States and Canada held consultations on January 17, 2018. At Canada's request, the WTO established a panel on April 9, 2018. On July 6, 2018, the Director-General composed the panel as follows: Ms. Enie Neri de Ross, Chair; and, Mr. Gustav Brink and Mr. Alberto Trejos, Members. As of December 2022, the panel proceeding was ongoing.

The Panel circulated its report on August 24, 2020. The Panel found that Commerce's determinations regarding benchmarks for stumpage, log export permitting processes, and non-stumpage programs were inconsistent with the SCM Agreement. The Panel effectively applied the WTO Appellate Body's flawed test for using out-of-country benchmarks in its analysis of benchmarks from within Canada that Commerce used to measure the benefit of subsidies. The Panel also applied a heightened level of scrutiny in its review of Commerce's determination, in essence putting itself in the place of the investigating authority, contrary to the terms of the SCM Agreement.

On September 28, 2020, the United States notified the DSB of its decision to appeal certain issues of law covered in the panel report.

United States – Anti-Dumping Measures Applying Differential Pricing Methodology to Softwood Lumber from Canada (DS534)

On November 28, 2017, the United States received from Canada a request for consultations pertaining to the final determination issued by Commerce following an antidumping investigation regarding softwood lumber from Canada. Canada claimed that Commerce's determination is inconsistent with U.S. commitments and obligations under Articles 1, 2.1, 2.4, and 2.4.2 of the Antidumping Agreement; and Articles VI:1 and VI:2 of the GATT 1994. Specifically, Canada challenged Commerce's application of a differential pricing methodology, including the United States' use of zeroing when applying the average-to-transaction comparison methodology.

The United States and Canada held consultations on January 17, 2018. At Canada's request, the WTO established a panel on April 9, 2018. On May 22, 2018, the Director-General composed the Panel as follows: Mr. Thinus Jacobsz, Chair; and, Ms. María Valeria Raiteri and Mr. Guillermo Valles, Members.

The Panel circulated its report on April 9, 2019. The Panel found that Commerce's use of zeroing when applying the average-to-transaction comparison methodology was not inconsistent with the Antidumping Agreement or the GATT 1994. Among other things, the Panel reasoned that nothing in the text of the Antidumping Agreement directly addresses the use of zeroing. The Panel agreed with the United States that, if the use of zeroing were prohibited in connection with the alternative, targeted dumping methodology, then the alternative calculation methodology necessarily always would result in a margin of dumping that is mathematically equivalent to that calculated using the normal calculation methodology, which would render the alternative methodology useless. In coming to its conclusion, the Panel also examined and disagreed with findings in prior WTO Panel and Appellate Body reports. The Panel explained why it found the approach of those reports not persuasive.

The Panel also found that one aspect of Commerce's differential pricing analysis, in which Commerce aggregated differences in export prices across categories (*i.e.*, purchasers, regions, and time periods) to find a single pattern of export prices which differed significantly among different purchasers, regions, and time periods, was inconsistent with the requirements of the Antidumping Agreement.

On June 4, 2019, Canada notified the DSB of its decision to appeal certain of the panel's findings. The persons hearing this appeal had been Hong Zhao as Presiding Member, and Ujal Singh Bhatia and Thomas Graham.

United States – Certain Systemic Trade Remedies Measures from Canada (DS535)

On December 20, 2017, Canada requested consultations with the United States concerning certain laws, regulations, and practices that Canada claims are maintained by the U.S. in its AD and CVD proceedings. Specifically, Canada alleged that the United States: (1) failed to implement WTO-inconsistent findings by liquidating final duties in excess of WTO-consistent rates, and failed to refund cash deposits collected in excess of WTO-consistent rates; (2) retroactively collected provisional AD and CVD duties following preliminary affirmative critical circumstances determinations; (3) treated export controls as a financial contribution and improperly initiated investigations into and/or imposed duties; (4) improperly calculated the benefit in determining whether there is a provision of goods for less than adequate remuneration; (5) effectively closed the evidentiary record before the preliminary determination and failed to exercise its discretion to accept additional factual information; and, (6) created an institutional bias in favor of affirmative results in injury, threat of injury, or material retardation when the commissioners of the U.S. International Trade Commission are evenly divided on whether a determination should be affirmative or negative.

Canada claims these alleged measures are inconsistent with Articles VI (in particular, VI:2 and VI:3) and X:3(a) of the GATT 1994; Articles 1, 3.1, 6 (in particular, 6.1, 6.2, and 6.9), 7 (in particular, 7.4 and 7.5), 9 (in particular, 9.2, 9.3, 9.3.1, and 9.4), 10 (in particular, 10.1 and 10.6), 11 (in particular 11.1 and 11.2), 18 (in particular, 18.1 and 18.4) of the Antidumping Agreement; Articles 1 (in particular, 1.1(a) and 1.1(b)), 10, 11 (in particular, 11.2, 11.3, and 11.6), 12 (in particular, 12.1 and 12.8), 14(d), 15.1, 17 (in particular, 17.3, 17.4, and 17.5), 19 (in particular, 19.1, 19.3 and 19.4), 20 (in particular, 20.1 and 20.6), 21 (in particular, 21.1 and 21.2), and 32 (in particular, 32.1 and 32.5) of the SCM Agreement; and, Articles 21.1 and 21.3 of the DSU.

Consultations between the United States and Canada took place on February 6, 2018.

United States — Anti-Dumping Measures on Fish Fillets from Vietnam (DS536)

On January 8, 2018, Vietnam requested consultations concerning anti-dumping measures on fish fillets from Vietnam. Vietnam claimed that Commerce's determinations, as well as certain methodologies used by Commerce, are inconsistent with U.S. obligations under Articles 1, 2.1, 2.4, 2.4.2, 6, 9, 11, 17.6, and Annex II of the Antidumping Agreement; Articles I:1, VI:1, VI:2, and X:3(a) of the GATT 1994; and, Vietnam's Protocol of Accession. The United States and Vietnam held consultations on March 1, 2018, but were unable to resolve the dispute. On June 8, 2018, Vietnam requested the establishment of a panel. The DSB established a panel on July 20, 2018. On December 3, 2018, the Director-General composed the panel as follows: Mr. José Alfredo Graça Lima, Chair; and, Mr. Shahid Bashir and Mr. Greg Weppner, Members. The Panel met with the parties on May 8 and May 9, 2019, and on August 6 and August 7, 2019.

In 2023, the United States and Vietnam have, on several occasions, jointly informed the panel that they remain engaged in discussions with respect to the resolution of this dispute and requested that the panel postpone circulation of the final report. The Panel has accepted these requests.

United States – Anti-Dumping and Countervailing Duties on Certain Products and the Use of Facts Available (DS539)

In February 2018, Korea requested WTO dispute settlement consultations regarding Commerce’s use of facts available in certain antidumping and countervailing duty measures against Korea, and certain laws, regulations, and other measures maintained by the United States with respect to the use of facts available in antidumping and countervailing duty proceedings. The United States and Korea held consultations in March 2018, but those consultations failed to resolve the dispute. On April 27, 2018, Korea requested the establishment of a panel. On May 28, 2018, the DSB established a panel. Following agreement of the parties, a panel was composed on December 5, 2018 as follows: Ms. Marta Lemme, Chair; and Ms. Leonora Blumberg and Mr. Matthew Kennedy, Members.

The Panel circulated its report on January 21, 2021. The Panel found that Commerce acted inconsistently with the Antidumping Agreement, or SCM Agreement, in either resorting to facts available or selecting the replacement facts in the eight instances challenged by Korea. With respect to the “as such” claim against an alleged unwritten measure, the panel found that Korea failed to establish that such an unwritten rule even existed. This obviated the Panel’s need to evaluate whether such a rule (if it did exist) would breach the Antidumping Agreement or SCM Agreement.

On March 19, 2021, the United States notified the DSB of its decision to appeal certain issues of law covered in the panel report.

United States – Tariff Measures on Certain Goods from China (DS543)

On April 4, 2018, China requested consultations with the United States concerning certain tariff measures on Chinese goods that the United States might implement under Section 301-310 of the U.S. Trade Act of 1974. China alleged that the tariff measures are inconsistent with U.S. commitments and obligations under Articles I:1, II:1(a), and II:1(b) of the GATT 1994 and Article 23 of the DSU. On July 6, July 16, and September 18, respectively, China requested additional consultations regarding tariff measures imposed under Section 301 that supplemented its original consultations request of April 4, 2018. The United States and China held consultations in Geneva on August 28 and October 22, 2018.

At China’s request, the WTO established a panel on January 28, 2019. On June 3, 2019 the Panel was composed by the Director-General. Following the resignation of a panelist on September 25, 2019, the Director-General appointed a new panelist on October 17, 2019. The Panel includes: Mr. Alberto Juan Dumont, Chair; and, Mr. Álvaro Espinoza and Ms. Athaliah Lesiba Molokomme, Members.

The Panel circulated its report on September 15, 2020. The Panel concluded that the tariff measures at issue are inconsistent with Article I:1 of the GATT 1994 (MFN), because they fail to provide treatment for Chinese products that is no less favorable than that granted to like products originating from other WTO Members, and with Articles II:1(a) and (b) of the GATT 1994, because the additional duties are in excess of the bound rates found in the U.S. Schedule.

On October 27, 2020, the United States notified the DSB of its decision to appeal certain issues of law covered in the panel report.

United States – Certain Measures on Steel and Aluminum Products (DS544)

On April 5, 2018, China requested consultations concerning certain duties that the United States had imposed under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. China claimed that imposition of the

duties breached various provisions of the GATT 1994, and the Agreement on Safeguards. The United States and China held consultations on July 19, 2018, but the consultations failed to resolve the dispute. At China's request, the WTO established a panel on November 21, 2018. On January 25, 2019, the Panel was composed by the Director-General to include: Mr. Elbio Rosselli, Chair; and, Mr. Esteban B. Conejos, Jr. and Mr. Rodrigo Valenzuela, Members.

The Panel circulated its final report on December 9, 2022. The Panel concluded that the Section 232 measures are inconsistent with Article I of the GATT 1994 because exemptions for certain countries from Section 232 tariffs confer an advantage to products from those countries that have not been accorded immediately and unconditionally to like products from all other Members, and with Article II:1(a) and Article II:1(b) of the GATT 1994 because the Section 232 duties do not accord the treatment provided for in the United States' Schedule. The Panel rejected the complainant's claims under Article XIX of the GATT 1994 and the Agreement on Safeguards because the measures at issue are not safeguard measures, as they were sought, taken, or maintained pursuant to a provision of the GATT 1994 other than Article XIX, namely Article XXI of the GATT 1994. The Panel disagreed with the long-standing U.S. interpretation that the essential security exception is self-judging and concluded that the measures at issue were not "taken in time of war or other emergency in international relations" within the meaning of Article XXI(b)(iii). Accordingly, the Panel found that the Section 232 measures were not justified under Article XXI(b)(iii) of the GATT 1994. In response to the reports, the United States rejected the Panel's flawed interpretation and conclusions and reiterated that the United States has held the clear and unequivocal position, for over 70 years, that issues of national security cannot be reviewed in WTO dispute settlement and the WTO has no authority to second-guess the ability of a WTO Member to respond to a wide-range of threats to its security. On January 26, 2023, the United States notified the DSB of its decision to appeal certain issues of law covered in the panel report.

United States – Safeguard Measure on Imports of Crystalline Silicon Photovoltaic Products (DS545)

On May 14, 2018, Korea requested consultations with the United States concerning a safeguard measure imposed by the United States on imports of CSPV products. Korea claimed that the measure appears to be inconsistent with Articles 1, 2.1, 3.1, 3.2, 4.1, 4.2, 5.1, 5.2, 7.1, 7.4, 8.1, 12.1, 12.2, and 12.3 of the Agreement on Safeguards; and, Articles II:1, X:3, XIII, and XIX:1(a) of the GATT 1994. China, the EU, Malaysia, and Thailand requested to join the consultations, and the United States accepted each request. Consultations were held on June 26, 2018.

At Korea's request, the WTO established a panel on September 26, 2018.

United States – Safeguard Measure on Imports of Large Residential Washers (DS546)

On May 14, 2018, Korea requested consultations with the United States concerning a safeguard measure imposed by the United States on imports of large residential washers. Korea claimed that the measure appears to be inconsistent with Articles 1, 2.1, 2.2, 3.1, 3.2, 4.1, 4.2, 5.1, 7.1, 7.4, 8.1, 12.1, 12.2, and 12.3 of the Agreement on Safeguards; and Articles I:1, II, X:3 and XIX:1(a) of the GATT 1994. Thailand requested to join consultations, and the United States accepted Thailand's request. Consultations were held on June 26, 2018.

At Korea's request, the WTO established a panel on September 26, 2018. On July 1, 2019, the Panel was composed by the Director-General to include: Mr. Alexander Hugh McPhail, Chair; and, Mr. Welber Oliveira Barral and Ms. Stephanie Sin Far Lee, Members.

On February 8, 2022, the panel rejected certain of Korea's claims, including against aspects of the ITC's serious injury investigation, the President's chosen form of the safeguard measure, and whether the United States timely notified key decisional points in the safeguard investigation. However, the panel found certain aspects of the ITC's serious injury determination were WTO-inconsistent. The panel also found that the United States acted inconsistently with the WTO Agreement on Safeguards by not providing Korea with sufficient time to allow for the possibility, through consultations, for meaningful consultations between announcement of the final safeguard measure and the date it took effect. The United States and Korea have been engaged in dialogue to attempt to resolve this dispute. To facilitate such dialogue, the parties have jointly requested the WTO Dispute Settlement Body to extend the deadline to either adopt or appeal the panel report.

On April 28, 2023, the DSB adopted the panel report, and on the same day the United States and Korea jointly notified the DSB that the parties had reached a mutually agreed solution.

United States – Certain Measures on Steel and Aluminum Products (DS547)

On May 18, 2018, India requested consultations concerning certain duties that the United States had imposed under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. India claimed that imposition of the duties breached various provisions of the GATT 1994 and the Agreement on Safeguards. The United States and India held consultations on July 20, 2018, but the consultations failed to resolve the dispute. At India's request, the WTO established a panel on December 4, 2018. On January 25, 2019, the Panel was composed by the Director-General to include: Mr. Elbio Rosselli, Chair; and, Mr. Esteban B. Conejos, Jr. and Mr. Rodrigo Valenzuela, Members.

In July 2023, the United States and India notified the DSB that they had reached mutually agreed solutions in six disputes, including DS547, following an agreement reached in June 2023.

United States – Certain Measures on Steel and Aluminum Products (DS548)

On June 1, 2018, the EU requested consultations concerning certain duties that the United States had imposed under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. The EU claimed that imposition of the duties breached various provisions of the GATT 1994 and the Agreement on Safeguards. The United States and the EU held consultations on July 19, 2018, but the consultations failed to resolve the dispute. At the EU's request, the WTO established a panel on November 21, 2018. On January 25, 2019, the Panel was composed by the Director-General to include: Mr. Elbio Rosselli, Chair; and, Mr. Esteban B. Conejos, Jr. and Mr. Rodrigo Valenzuela, Members.

In November 2021, the United States and the EU announced arrangements on steel and aluminum, including U.S. TRQs for EU steel and aluminum products free of duties under Section 232. The EU requested that the Panel suspend its work. The United States informed the Panel that it did not object to that request, and the Panel granted it. Pursuant to that agreement, the United States and the EU mutually agreed to resort to arbitration regarding the matter pending before the Panel in this dispute. Upon composition of the Arbitrator, the arbitration was immediately and indefinitely suspended and the dispute before the Panel was terminated.

On January 17, 2022, the EU and the United States notified the DSB that they were terminating this dispute before the panel in light of the agreed procedures for arbitration under Article 25 of the DSU. On January 20, 2022, the Chair of the Panel informed the DSB that it had ceased all work in these proceedings.

On January 17, 2022, the EU and the United States notified the DSB that they had agreed, pursuant to Article 25.2 of the DSU, to resort to arbitration on the matter pending before the Panel in this dispute. The Arbitrator was composed on January 20, 2022 with the same persons who served as members of the Panel. As provided in the Parties' communication of January 17, 2022, the arbitration was suspended.

United States – Certain Measures on Steel and Aluminum Products (DS552)

On June 13, 2018, Norway requested consultations concerning certain duties that the United States had imposed under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. Norway claimed that imposition of the duties breached various provisions of the GATT 1994 and the Agreement on Safeguards. The United States and Norway did not hold consultations. At Norway's request, the WTO established a panel on November 21, 2018. On January 25, 2019, the Panel was composed by the Director-General to include: Mr. Elbio Rosselli, Chair; and, Mr. Esteban B. Conejos, Jr. and Mr. Rodrigo Valenzuela, Members.

The Panel circulated its final report on December 9, 2022. The Panel concluded that the Section 232 measures are inconsistent with Article I of the GATT 1994, because exemptions for certain countries from Section 232 tariffs confer an advantage to products from those countries that has not been accorded immediately and unconditionally to like products from all other Members, and with Article II:1(a) and Article II:1(b) of the GATT 1994 because the Section 232 duties do not accord the treatment provided for in the United States' Schedule. The Panel also concluded that the Section 232 measures were inconsistent with Article XI:1 of the GATT 1994 because by imposing import quotas on steel and aluminum from certain countries, the United States has instituted prohibitions or restrictions other than duties, taxes or other charges on the importation of those products of the territory of those members. The Panel rejected the complainant's claims under Article XIX of the GATT 1994 and the Agreement on Safeguards because the measures at issue are not safeguard measures, as they were sought, taken, or maintained pursuant to a provision of the GATT 1994 other than Article XIX, namely Article XXI of the GATT 1994.

The Panel disagreed with the long-standing U.S. interpretation that the essential security exception is self-judging and concluded that the measures at issue were not "taken in time of war or other emergency in international relations" within the meaning of Article XXI(b)(iii). Accordingly, the Panel found that the Section 232 measures were not justified under Article XXI(b)(iii) of the GATT 1994. In response to the reports, the United States rejected the Panel's flawed interpretation and conclusions and reiterated that the United States has held the clear and unequivocal position, for over 70 years, that issues of national security cannot be reviewed in WTO dispute settlement and the WTO has no authority to second-guess the ability of a WTO Member to respond to a wide-range of threats to its security. On January 26, 2023, the United States notified the DSB of its decision to appeal certain issues of law covered in the panel report.

United States – Certain Measures on Steel and Aluminum Products (DS554)

On June 29, 2018, Russia requested consultations concerning certain duties that the United States had imposed under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. Russia claimed that imposition of the duties breached various provisions of the GATT 1994 and the Agreement on Safeguards. The United States and Russia held consultations on August 30, 2018, but the consultations failed to resolve the dispute. At Russia's request, the WTO established a panel on November 21, 2018. On January 25, 2019, the Panel was composed by the Director-General to include: Mr. Elbio Rosselli, Chair; and, Mr. Esteban B. Conejos, Jr. and Mr. Rodrigo Valenzuela, Members. In April 2022, following Russia's full-scale invasion of Ukraine in violation of international law, the United States suspended permanent normal trade relations with Russia and will continue to partner with other WTO Members to isolate and ostracize Russia in the WTO and other

multilateral institutions. In June 2023, Russia requested that the Panel suspend its work in this dispute pursuant to Article 12.12 of the DSU, and the Panel accepted Russia's request.

United States – Certain Measures on Steel and Aluminum Products (DS556)

On July 9, 2018, Switzerland requested consultations concerning certain duties that the United States had imposed under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. Switzerland claimed that imposition of the duties breached various provisions of the GATT 1994 and the Agreement on Safeguards. The United States and Switzerland held consultations on August 30, 2018, but the consultations failed to resolve the dispute. At Switzerland's request, the WTO established a panel on December 4, 2018. On January 25, 2019, the Panel was composed by the Director-General to include: Mr. Elbio Rosselli, Chair; and, Mr. Esteban B. Conejos, Jr. and Mr. Rodrigo Valenzuela, Members.

The Panel circulated its final report on December 9, 2022. The Panel concluded that the Section 232 measures are inconsistent with Article I of the GATT 1994, because exemptions for certain countries from Section 232 tariffs confer an advantage to products from those countries that has not been accorded immediately and unconditionally to like products from all other Members, and with Article II:1(a) and Article II:1(b) of the GATT 1994 because the Section 232 duties do not accord the treatment provided for in the United States' Schedule. The Panel also concluded that the Section 232 measures were inconsistent with Article XI:1 of the GATT 1994 because by imposing import quotas on steel and aluminum from certain countries, the United States has instituted prohibitions or restrictions other than duties, taxes or other charges on the importation of those products of the territory of those members. The Panel rejected the complainant's claims under Article XIX of the GATT 1994 and the Agreement on Safeguards, because the measures at issue are not safeguard measures, as they were sought, taken, or maintained pursuant to a provision of the GATT 1994 other than Article XIX, namely Article XXI of the GATT 1994.

The Panel disagreed with the long-standing U.S. interpretation that the essential security exception is self-judging and concluded that the measures at issue were not "taken in time of war or other emergency in international relations" within the meaning of Article XXI(b)(iii). Accordingly, the Panel found that the Section 232 measures were not justified under Article XXI(b)(iii) of the GATT 1994. In response to the reports, the United States rejected the Panel's flawed interpretation and conclusions and reiterated that the United States has held the clear and unequivocal position, for over 70 years, that issues of national security cannot be reviewed in WTO dispute settlement and the WTO has no authority to second-guess the ability of a WTO Member to respond to a wide-range of threats to its security. On January 26, 2023, the United States notified the DSB of its decision to appeal certain issues of law covered in the panel report.

United States – Safeguard Measure on Imports of Crystalline Silicon Photovoltaic Products (DS562)

On August 14, 2018, China requested consultations with the United States concerning a safeguard measure imposed by the United States on CSPV products. China claimed that the measure appears to be inconsistent with Articles 2.1, 2.2, 3.1, 3.2, 4.1, 4.2, 5.1, 7.1, 7.4, 8.1, 12.1, 12.2, and 12.3 of the Agreement on Safeguards; and, Articles X:3, XIII, XIX:1(a), and XIX:2 of the GATT 1994. The EU and Thailand requested to join the consultations, and the United States accepted each request. Consultations were held on October 22, 2018.

At China's request, the WTO established a panel on August 15, 2019. On October 24, 2019, the Panel was composed by the Director-General to include: Mr. Guillermo Valles, Chair; and, Mr. José Antonio de la Puente León and Ms. Chantal Ononaiwu, Members.

The Panel circulated its final report on September 2, 2021. The Panel rejected all of China's claims against the U.S. safeguard measure.

On September 16, 2021, China notified the DSB of its decision to appeal certain issues of law covered in the panel report.

United States — Certain Measures Related to Renewable Energy (DS563)

On August 2018, China requested consultations with the United States concerning certain measures adopted and maintained in the States of California, Michigan, and Washington in relation to alleged subsidies or domestic content requirements in the energy sector. China alleged that the measures appear to be inconsistent with U.S. obligations under Articles 3.1(b) and 3.2 of the SCM Agreement, Articles 2.1 and 2.2 of the TRIMS Agreement, and Article III:4 of the GATT 1994. The United States and China held consultations on October 23, 2018.

United States – Certain Measures on Steel and Aluminum Products (DS564)

On August 15, 2018, Türkiye requested consultations concerning certain duties that the United States had imposed under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products that threaten to impair U.S. national security. Türkiye claimed that imposition of the duties breached various provisions of the GATT 1994, and the Agreement on Safeguards. The United States and Türkiye held consultations on October 10, 2018, but the consultations failed to resolve the dispute. At Türkiye's request, the WTO established a panel on November 21, 2018. On January 25, 2019, the Panel was composed by the Director-General to include: Mr. Elbio Rosselli, Chair; and, Mr. Esteban B. Conejos, Jr. and Mr. Rodrigo Valenzuela, Members.

The Panel circulated its final report on December 9, 2022. The Panel concluded that the Section 232 measures are inconsistent with Article I of the GATT 1994 because exemptions for certain countries from Section 232 tariffs confer an advantage to products from those countries that has not been accorded immediately and unconditionally to like products from all other Members, and with Article II:1(a) and Article II:1(b) of the GATT 1994 because the Section 232 duties do not accord the treatment provided for in the United States' Schedule. The Panel also concluded that the Section 232 measures were inconsistent with Article XI:1 of the GATT 1994 because by imposing import quotas on steel and aluminum from certain countries, the United States has instituted prohibitions or restrictions other than duties, taxes or other charges on the importation of those products of the territory of those members. The Panel rejected the complainant's claims under Article XIX of the GATT 1994 and the Agreement on Safeguards, because the measures at issue are not safeguard measures, as they were sought, taken, or maintained pursuant to a provision of the GATT 1994 other than Article XIX, namely Article XXI of the GATT 1994.

The Panel disagreed with the long-standing U.S. interpretation that the essential security exception is self-judging and concluded that the measures at issue were not "taken in time of war or other emergency in international relations" within the meaning of Article XXI(b)(iii). Accordingly, the Panel found that the Section 232 measures were not justified under Article XXI(b)(iii) of the GATT 1994. In response to the reports, the United States rejected the Panel's flawed interpretation and conclusions and reiterated that the United States has held the clear and unequivocal position, for over 70 years, that issues of national security cannot be reviewed in WTO dispute settlement and the WTO has no authority to second-guess the ability of a WTO Member to respond to a wide-range of threats to its security. On January 26, 2023, the United States notified the DSB of its decision to appeal certain issues of law covered in the panel report.

United States – Tariff Measures on Certain Goods from China II (DS565)

On August 23, 2018, China requested consultations with the United States concerning certain tariff measures on Chinese goods that the United States might implement under Section 301-310 of the U.S. Trade Act of 1974. China alleged that the tariff measures are inconsistent with U.S. commitments and obligations under Articles I:1, II:1(a), and II:1(b) of the GATT 1994 and Article 23 of the DSU. The United States and China held consultations on October 22, 2018.

United States – Anti-Dumping and Countervailing Duties on Ripe Olives from Spain (DS577)

On January 29, 2019, the EU requested consultations with the United States concerning the imposition of antidumping and countervailing duties on ripe olives from Spain. The EU alleged that the duties imposed, as well as the administrative acts and legislation that were the basis for the imposition of those duties, appear to be inconsistent with various provisions of the Antidumping Agreement, the SCM Agreement and the GATT 1994. The United States and the EU held consultations on March 20, 2019, but the consultations failed to resolve the dispute. At the EU's request, the WTO established a panel on June 24, 2019. On October 18, 2019, the WTO Director-General composed the Panel as follows: Mr. Daniel Moulis, Chair; and, Mr. Martin Garcia and Ms. Charis Tan, Members.

On November 19, 2021, the Panel circulated its report. The Panel found that the United States acted inconsistently with the SCM Agreement and GATT 1994 in calculating the final subsidy rate of one respondent, and in relying upon Section 771B of the Tariff Act of 1930 to attribute benefits to downstream agricultural processors. The Panel also found that certain factual findings related to Commerce's specificity determination were inconsistent with the SCM Agreement. The Panel rejected the EU's other claims concerning specificity and rejected all of the EU's claims concerning the USITC's injury determination. On December 20, 2021, the DSB adopted the Panel report.

On January 19, 2022, the United States stated that it intended to implement the recommendations of the DSB in this dispute in a manner that respects U.S. WTO obligations, and that it will need a reasonable period of time in which to do so. On July 1, 2022, the United States and the EU informed the DSB that they had agreed that the reasonable period of time to implement the DSB's recommendations and rulings would be 12 months and 25 days, expiring on January 14, 2023. In July 2022, Commerce initiated an administrative proceeding pursuant to Section 129 of the Uruguay Round Agreements Act to reexamine Commerce's original countervailing duty determination.

Commerce issued its preliminary Section 129 determination on September 26, 2022, and its final Section 129 determination on December 20, 2022. In its final Section 129 determination Commerce: (1) reconsidered its specificity analysis of the basic payment scheme (BPS) program and found that the program is de facto specific under Section 771(5A)(D)(iii)(III) of the Tariff Act of 1930, as amended; (2) modified its definition of the "prior stage product" from all raw olives to four biologically distinct table and dual-use olive varieties and found that 55.28 percent of these varieties were processed into table olives; and, (3) revised Aceitunas Guadalquivir S.L.U.'s total subsidy rate from 27.02 percent to 11.63 percent and the all-others rate from 14.97 percent to 11.08 percent. On January 12, 2023, USTR directed the Department of Commerce to implement the Section 129 determinations, and on January 16, 2023, the United States provided a status report to the DSB confirming it had completed implementation of the DSB's recommendations.

On April 28, 2023, the EU requested consultations with the United States with respect to Commerce's redetermination of the attribution of benefits to downstream agricultural processors in the Section 129 determinations. The United States and the EU held consultations on May 24, 2023, but the consultations failed to resolve the dispute. At the EU's request, the WTO established a compliance panel on July 28,

2023. The EU claims that Section 771B remains inconsistent with Article V:3 of the GATT 1994 and Article 10 of the SCM Agreement, both “as such” and as applied in the Section 129 determinations. On July 31, 2023, the WTO Director-General composed the compliance Panel as follows: Mr. Daniel Moulis, Chair; and Mr. Martin Garcia and Ms. Charis Tan, Members. As of December 2023, the compliance panel proceeding was ongoing.

United States – Anti-Dumping Measures on Carbon-Quality Steel from Russia (DS586)

On July 5, 2019, Russia requested consultations with the United States concerning antidumping duty measures pertaining to hot-rolled flat-rolled carbon quality steel products from Russia. Russia alleged that the measures appear to be inconsistent with various provisions of the Antidumping Agreement and the GATT 1994. The United States and Russia held consultations on September 11, 2019.

United States – Origin Marking Requirement (DS597)

On October 30, 2020, Hong Kong, China, requested consultations concerning certain measures affecting marks of origin with respect to imported goods produced in Hong Kong, China. Hong Kong, China, alleged that the measures are inconsistent with Articles I:1, IX:1, and X:3(a) of the GATT 1994, Articles 2(c), 2(d), and 2(e) of the Agreement on Rules of Origin, and Article 2.1 of the Agreement on Technical Barriers to Trade. The United States and Hong Kong, China, held consultations on November 24, 2020. At the request of Hong Kong, China, the WTO established a panel on February 22, 2021. On April 29, 2021, the Director-General composed the Panel as follows: Ms. Beatriz Leycegui Gardoqui, Chair; and, Mr. Johannes Human and Mr. Alexander Hugh McPhail, Members.

On December 21, 2022, the Panel circulated its report. The Panel found that the marking requirement is inconsistent with Article IX:1 of the GATT 1994 because it accords products of Hong Kong, China, less favorable treatment with respect to marking requirements than the treatment accorded to like products of other countries, and exercised judicial economy with respect to the claims under Article I:1 of the GATT 1994, Article 2(c) and 2(d) of the Agreement on Rules of Origin, and Article 2.1 of the Agreement on Technical Barriers to Trade. The Panel disagreed with the long-standing U.S. interpretation that the essential security exception is self-judging and concluded that the situation with respect to Hong Kong, China is not “an emergency in international relations” within the meaning of Article XXI(b)(iii). The Panel therefore concluded that the measure at issue is not justified under Article XXI(b) of the GATT 1994. In response to the reports, the United States rejected the Panel’s flawed interpretation and conclusions and reiterated that the United States has held the clear and unequivocal position, for over 70 years, that issues of national security cannot be reviewed in WTO dispute settlement and the WTO has no authority to second-guess the ability of a WTO Member to respond to what it considers a threat to its security. On January 26, 2023, the United States notified the DSB of its decision to appeal certain issues of law covered in the panel report.

United States – Measures on Certain Semiconductors and Other Products, and Related Services and Technologies (DS615)

On December 12, 2022, China requested consultations concerning measures related to trade restrictions on certain advanced computing semiconductor chips, supercomputer items, semiconductor manufacturing items, and related services and technologies destined for China. China alleged that the measures are inconsistent with Articles I:1, XI:1, and X:3 of the GATT 1994, Article 2 of the TRIMs Agreement, Article 28 of the TRIPS Agreement, and Article VI of the GATS. The United States and China held consultations on March 29, 2023. On September 15, 2023, China supplemented its earlier consultations request with a request for further consultations, which the United States and China held on October 27, 2023.

United States – Anti-dumping Measure on Oil Country Tubular Goods from Argentina (DS617)

On May 17, 2023, Argentina requested consultations concerning antidumping duty measures pertaining to oil country tubular goods from Argentina and Section 771(7)(G) of the Tariff Act of 1930 regarding the cumulation of imports for purposes of an injury determination. Argentina alleged that the measures appear to be inconsistent with various provisions of the Antidumping Agreement and the GATT 1994. The United States and Argentina held consultations on July 6, 2023, but the consultations failed to resolve the dispute. At Argentina’s request, the WTO established a panel on October 26, 2023. As of December 2023, the panel proceeding was ongoing.

E. ENFORCEMENT ACTIVITIES TO COUNTER NON-MARKET POLICIES AND PRACTICES AND ENHANCE ECONOMIC SECURITY

Non-market policies and practices (NMPPs) – such as targeting of industrial sectors for dominance, non-market excess capacity, forced labor and other labor rights violations, and distorting activities of firms that are state-owned or state-sponsored, or whose market power is directly supported by government – have been used to create dependencies and vulnerabilities, which undermines U.S. economic security, including economic security for working people. USTR engages with trade partners in multiple forums to develop or coordinate effective responses to NMPPs in order to defend U.S. workers and industries, enhance economic security, strengthen supply chains, and cooperate with trusted partners. In addition to other USTR activities that may address NMPPs, USTR has developed and engaged in the following initiatives.

Group Addressing Economic Coercion and Non-Market Policies and Practices

The United States works with a group of like-minded trade partners to address a range of threats to our economic security. These efforts include coordination to deter and respond to economic coercion as well as actions to address non-market policies and practices. In 2023, USTR worked with these close partners to develop a Joint Declaration Against Trade-Related Economic Coercion and Non-Market Policies and Practices. The Joint Declaration expresses a shared concern and commitment to work together to effectively deter and address trade-related economic coercion and non-market policies and practices, including efforts to coordinate responses on economic coercion. Australia, Canada, Japan, New Zealand, the United Kingdom, and the United States endorsed the Joint Declaration at a Ministerial meeting in Paris on June 8, 2023. The group continues its work to develop effective responses to trade-related economic coercion and non-market policies and practices.

United States–European Union Trade and Technology Council

USTR has led efforts in the United States–European Union Trade and Technology Council (TTC) to engage European Union (EU) partners on effective means to address non-market policies and practices, economic coercion, and other issues of concern posed by third countries, including China.

In 2023, the United States and the EU exchanged views and information about non-market policies and practices in the medical devices sector in China and their adverse impact on U.S. and EU workers and businesses and explored possible coordinated actions in response to these policies and practices.

The United States and the EU also announced efforts to enhance coordination to deter and counter economic coercion and bolster transatlantic preparedness and resilience.

The United States and the EU shared concerns about the impact of non-market economic policies and practices on the global supply of semiconductors, particularly in legacy chips. To avoid negative spillover effects from excess global capacity, the United States and the EU, in cooperation with like-minded partners, confirmed they intend to exchange information and market intelligence about non-market policies and practices that undermine the well-being of the global semiconductor industry and explore cooperative measures to address the distortionary effects of these policies and practices.

For further discussion of the United States–European Union Trade and Technology Council, see Chapter I.A.4.

Trilateral (US-EU-Japan)

The United States works with the EU and Japan in the trilateral format to address non-market policies and practices. In 2021, the United States, Japan, and the European Union agreed to renew their trilateral partnership to address the global challenges posed by non-market policies and practices of third countries. Meetings at both the Minister level and working level continued throughout 2022 and 2023, and the group has focused on analyzing NMPPs and potential responses on a sectoral basis.

Group of 7

In addition to other trade-related Group of 7 (G7) activity, in 2023, the United States and G7 partners took a number of steps to enhance cooperation on addressing non-market policies and practices and to strengthen economic resilience and economic security.

In May 2023, G7 partners launched the Coordination Platform on Economic Coercion to increase collective assessment, preparedness, deterrence, and response to economic coercion, and further promote cooperation with partners beyond the G7. The United States works with G7 partners within this Coordination Platform to use early warning and rapid information sharing, regularly consult each other, collaboratively assess situations, explore coordinated responses, deter and, where appropriate, counter economic coercion.

In October 2023, the USTR and other G7 trade ministers issued a joint statement reaffirming shared concerns regarding a wide range of non-market policies and practices, notably when they are an integral part of comprehensive strategies to pursue global market dominance and unfairly target market share so as to create strategic dependencies and systemic vulnerabilities. The G7 trade ministers recognized the need to address these systemic challenges and that addressing non-market policies and practices can also be an integral aspect in enhancing economic resilience and economic security. The G7 trade ministers also reiterated their shared concerns regarding coercive economic measures and welcomed ongoing work in the Coordination Platform on Economic Coercion.

Large Civil Aircraft Cooperative Frameworks

As part of the understandings reached on cooperative frameworks with the United Kingdom (UK) and the EU in June 2021, the United States continues to work with UK and EU partners to implement the understanding on cooperation on non-market economies. Through the respective LCA Working Groups, USTR works with UK and EU partners to collaborate on jointly analyzing and addressing non-market practices of third parties that may harm their respective large civil aircraft industries.

The LCA Working Groups have engaged in ongoing analytical work related to Chinese non-market policies and practices in the sector, such as China’s state-directed industrial dominance targeting, discriminatory and anti-competitive activities of State- or Party-controlled entities, State-directed purchases, financial support, and forced technology transfer policies.

For further discussion of Large Civil Aircraft, see Chapter II.D WTO and FTA Enforcement.

Global Arrangement on Steel and Aluminum Non-Market Excess Capacity and Emissions Intensity

As part of efforts to negotiate global arrangements on steel and aluminum, the United States works with the EU to restore market-oriented conditions and address emissions intensity in these critical sectors. Non-market excess capacity harms our workers, communities, and market-oriented industries and generates unnecessary greenhouse gas emissions. In 2021, the United States and EU resolved to negotiate future arrangements for trade in the steel and aluminum sectors that take account of both global non-market excess capacity as well as the emissions intensity of these industries. The United States and the EU formed a technical working group to enhance their cooperation and facilitate negotiations on these arrangements, and agreed they will invite like-minded economies to participate in the arrangements. In 2023, the United States and the EU continued these negotiations, and over the past two years made substantial progress to identify the sources of non-market excess capacity and achieved a better understanding of the tools to address the emissions intensity of the steel and aluminum industries.

For further discussion of the Global Arrangement, see Chapter III.F Manufacturing and Trade.

Critical Minerals

The United States is working with a number of close partners to address non-market policies and practices through cooperation under various agreements on critical minerals.

On March 28, 2023, the United States and Japan signed a critical minerals agreement (Agreement Between the Government of the United States of America and the Government of Japan on Strengthening Critical Minerals Supply Chains). The Agreement memorializes the shared commitment of the United States and Japan with respect to the critical minerals sector to facilitate trade, promote fair competition and market-oriented conditions for trade in critical minerals, advance robust labor and environmental standards, and cooperate in efforts to ensure secure, transparent, sustainable, and equitable critical minerals supply chains. As part of the agreement, in order to promote fair competition and market-oriented conditions for trade in critical minerals, the United States and Japan agreed to confer on potential effective and appropriate domestic measures to address non-market policies and practices of non-parties affecting trade in critical minerals and on issues relating to global critical minerals supply chains, including extraction and processing capacity and trends, price differences between markets, domestic industry conditions, and trade flows.

In December 2023, the United States and Japan reviewed progress towards meeting the commitments under the Agreement, including with respect to non-market policies and practices.

In 2023, the United States and the EU held negotiations on a targeted critical minerals agreement. In 2023, the United States and the United Kingdom also held negotiations on a targeted critical minerals agreement.

For further discussion of Critical Minerals Agreements, see Chapter I.A.7 to Chapter I.A.9.

F. OTHER MONITORING AND ENFORCEMENT ACTIVITIES

1. Preference Programs Monitoring and Enforcement

Generalized System of Preferences

During 2023, the Office of the United States Trade Representative (USTR) and the Trade Policy Staff Committee (TPSC) Subcommittee on the Generalized System of Preferences (GSP) (19 U.S.C. § 2461 *et seq.*) continued to monitor beneficiary countries' compliance with the 15 GSP eligibility criteria established by Congress. These criteria include taking steps to afford internationally recognized worker rights, providing the United States with equitable and reasonable market access, reducing trade-distorting investment practices, providing adequate and effective protection of intellectual property (IP) rights to U.S. rights holders, and enforcing arbitral awards in favor of U.S. citizens or corporations.

As a result of the lapse of the GSP program's authorization on December 31, 2020, USTR did not open or close any reviews of designated GSP beneficiary countries' eligibility or hold public hearings on existing reviews in 2023. As of December 31, 2023, seven reviews were pending, including reviews of Indonesia and South Africa on IP protection and IP enforcement; a review of Ecuador on enforcement of arbitral awards; and reviews of Azerbaijan, Eritrea, Kazakhstan, and Zimbabwe on worker rights.

Throughout 2023, USTR engaged with GSP beneficiary countries, including Armenia, Azerbaijan, Brazil, Cambodia, Ecuador, Georgia, Kazakhstan, Nepal, Pakistan, Paraguay, the Philippines, Thailand, Sri Lanka, Ukraine, and Uzbekistan, on GSP eligibility criteria. Discussions took place during trade and investment framework agreement and other bilateral meetings.

For further discussion of the Generalized System of Preferences, see Chapters I.D.1 Generalized System of Preferences and III.H.2 Trade and Labor Monitoring and Enforcement Activities of Existing Agreements.

The African Growth and Opportunity Act

The African Growth and Opportunity Act (AGOA) (Title 1 of The Trade and Development Act of 2000, Public Law 106–200, 19 U.S.C. § 3701 *et seq.*) requires the President to determine annually which of the sub-Saharan African countries listed in the Act are eligible to receive AGOA benefits. The TPSC Subcommittee on AGOA examines through an annual review whether each country already eligible for AGOA has continued to meet the eligibility criteria and whether circumstances in ineligible countries have improved sufficiently to warrant their designation as AGOA beneficiary countries. The AGOA eligibility criteria include establishing or making continual progress in establishing (1) a market-based economy, (2) rule of law, (3) poverty-reduction policies, (4) a system to combat corruption and bribery, and (5) protection of internationally recognized worker rights. AGOA also requires that eligible countries do not engage in activities that undermine U.S. national security or foreign policy interests or engage in gross violations of internationally recognized human rights.

The annual review takes into account information drawn from U.S. Government agencies, the private sector, civil society, African governments, and other interested stakeholders. Through the AGOA eligibility review process, the annual AGOA Forum meeting, and ongoing dialogue with AGOA partners, AGOA provides incentives to promote economic and political reform as well as trade expansion in AGOA-eligible countries in support of broad-based economic development.

The 2024 AGOA eligibility review resulted in the termination of AGOA benefits for the Central African Republic, Gabon, Niger, and Uganda and the reinstatement of benefits for Mauritania, all of which took effect on January 1, 2024. In all, 32 sub-Saharan African countries are eligible for AGOA benefits in 2024.

Eligibility was terminated for both Gabon and Niger due to concerns with rule of law and political pluralism because of unconstitutional changes of government in each country. Eligibility was terminated for the Central African Republic due to concerns with rule of law, political pluralism, and worker rights, as well as on the basis of gross violations of internationally recognized human rights perpetrated by that government. Eligibility was terminated for Uganda on the basis of gross violations of internationally recognized human rights being perpetrated by that government.

Mauritania's eligibility was reinstated based on progress that it had made with respect to the 2019 termination of its benefits due to worker rights concerns related to forced labor, particularly hereditary slavery, as well as the government's willingness to work diligently with the United States to continue to make substantial and measurable progress on worker rights and eliminating forced labor across the country. In February 2023, USTR officials led a U.S. Government delegation to Nouakchott, Mauritania, to gather data and information on the status of hereditary slavery across the country and learn more about Mauritania's criminal justice system and the processes in place to investigate and prosecute slavery cases. The U.S. Government officials met with a variety of stakeholders from government, civil society, and international organizations and heard about Mauritania's progress in recent years on the issue as well as the key challenges that remain. During 2023, the United States continued to closely monitor Mauritania's continual progress in effectively and decisively protecting international recognized worker rights, particularly eradicating the scourge of hereditary slavery.

For additional information on country compliance with the AGOA eligibility criteria, see USTR's [2022 Biennial Report on the Implementation of the African Growth and Opportunity Act](#).

For further discussion on the AGOA Program and related activities, see Chapter I.C.6 Sub-Saharan Africa and I.D.2 African Growth and Opportunity Act.

Caribbean Basin Initiative

USTR monitors Caribbean Basin Initiative (CBI) (19 U.S.C. § 2701 *et seq.*) beneficiary countries' compliance with eligibility criteria set out in the various statutes, including the Caribbean Basin Economic Recovery Act (CBERA) (Public Law 98–67) and the Caribbean Basin Trade Partnership Act (CBTPA) (Title II of the Trade and Development Act of 2000, Public Law 106–200). For CBERA, these criteria include taking steps to respect internationally recognized worker rights, providing the United States with equitable and reasonable market access, respecting the IP rights of U.S. copyright owners, and enforcing arbitral awards in favor of U.S. citizens or corporations. Additional criteria for the CBTPA include demonstrating a commitment to undertake World Trade Organization obligations; providing appropriate IP protection, providing internationally recognized worker rights; implementing commitments to eliminate the worst forms of child labor; meeting U.S. counter-narcotics criteria; taking steps to implement the Inter-American Convention against Corruption; and applying transparent, nondiscriminatory, and competitive procedures in government procurement. For information on compliance of each country with CBI eligibility criteria, see USTR's [Fifteenth Report to Congress on the Operation of the Caribbean Basin Economic Recovery Act](#).

For further discussion of the Caribbean Basin Initiative, see Chapter I.D.5 Caribbean Basin Initiative.

Haitian Hemispheric Opportunity through the Partnership Encouragement Act

The Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008 (HOPE II Act) (Public Law 110–234, Title XV, Subtitle D, Part I) requires Haiti to have established or be making continual progress toward establishing the protection of internationally recognized worker rights to be eligible for the program and Haitian producers to comply with core labor standards and the corresponding labor laws of Haiti for their goods to receive duty-free treatment under HOPE II. The U.S. Department of Labor (DOL), in consultation with USTR, is charged with publicly identifying noncompliant producers on a biennial basis and providing assistance to such producers to comply with the standards. In addition, the DOL provides support to at-risk producers to help ensure that they do not fall out of compliance. During 2023, the DOL continued to monitor producer-level compliance with worker rights criteria and to follow up with producers to address concerns related to worker rights criteria to ensure continued compliance with HOPE II labor requirements. The United States also continued to work closely with the Government of Haiti and the International Labor Organization on implementation of the Technical Assistance Improvement and Compliance Needs Assessment and Remediation (TAICNAR) program to monitor factories’ compliance with internationally recognized worker rights. For information on monitoring efforts, see the [2023 USTR Annual Report on the Implementation of the TAICNAR Program and Assessment of Producer Eligibility](#).

For further discussion of the Haiti HOPE Act, see Chapter I.D.3 Haitian Hemispheric Opportunity through Partnership Encouragement Act

Nepal Trade Preference Program

The United States regularly engages with Nepal through the United States–Nepal Trade and Investment Framework Agreement (TIFA) Council to ensure that Nepal is meeting the Nepal Trade Preference Program (NTPP) statutory criteria, which consist of the eligibility requirements of GSP and AGOA. At the May 2023 TIFA Council meeting, the United States and Nepal discussed the criteria for the NTPP program, which is set to expire in 2025, including the need for continual progress in establishing a market-based economy, rule of law, and the protection of internationally recognized worker rights. The Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. § 4454), which created the program, requires the President to determine annually whether Nepal is eligible to receive benefits under the legislation. These decisions are supported by an annual interagency review, chaired by USTR, that examines whether Nepal meets the eligibility criteria. For information on Nepal’s eligibility to receive preferential trade benefits, see the [2024 USTR Annual Report to Congress on the Implementation of the Nepal Trade Preference Program](#).

For further discussion of the Nepal Trade Preference Program, see Chapter I.D.4 Nepal Trade Preference Program.

2. Special 301

Pursuant to Section 182 of the Trade Act of 1974, as amended by the Omnibus Trade and Competitiveness Act of 1988, the Uruguay Round Agreements Act of 1994, and the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. § 2242), the Office of the U.S. Trade Representative (USTR) is required to identify “those foreign countries that deny adequate and effective protection of intellectual property rights, or deny fair and equitable market access to United States persons that rely on intellectual property protection.” Countries that have the most onerous or egregious acts, policies, or practices and whose acts, policies, or practices have the greatest adverse impact (actual or potential) on relevant U.S. products are designated as “Priority Foreign Countries” (PFCs), unless those countries are entering into good faith negotiations or are making significant progress in bilateral or multilateral negotiations to provide adequate and effective protection of intellectual property (IP).

In addition, USTR has created a Special 301 “Priority Watch List” (PWL) and “Watch List” (WL). Placement of a trading partner on the PWL or WL indicates that particular problems exist in that country with respect to IP protection, enforcement, or market access for persons relying on IP. Countries placed on the PWL are the focus of increased bilateral attention concerning the specific problem areas. USTR develops an action plan for each foreign country identified for placement on the PWL and that has remained on the PWL for at least one year.

Additionally, Section 306 of the Trade Act of 1974 requires USTR to monitor a trading partner’s compliance with measures that are the basis for resolving an investigation under Section 301. USTR may take trade action if a country fails to implement such measures satisfactorily.

The Special 301 PWL and WL placements not only indicate those trading partners whose IP protection and enforcement regimes most concern the United States, but also alert firms considering trade or investment relationships with such countries that their IP may not be adequately protected.

2023 Special 301 Review Results

On April 26, 2023, USTR announced the results of the 2023 Special 301 Review. The 2023 Special 301 Report was the result of stakeholder input and interagency consultation.

USTR requested written submissions from the public through a [Federal Register notice](#) published on December 15, 2022. USTR fostered public participation via written submissions, with the interagency Special 301 Subcommittee of the Trade Policy Staff Committee (TPSC) sending written questions on February 22, 2023, about issues relevant to the review to those that submitted written comments, including to representatives of foreign governments, industry, and non-governmental organizations.

The Federal Register notice drew submissions from 71 non-government stakeholders and 17 foreign governments. USTR posted online all submissions received, as well as the written questions from the TPSC and the written responses at www.regulations.gov, docket number [USTR-2022-0016](#).

For more than 30 years, the Special 301 Report has identified positive advances as well as areas of continued concern. The Report has reflected changing technologies, promoted best practices, and situated these critical issues in their policy context, underscoring the importance of IP protection and enforcement to the United States and its trading partners. During this period, there has been significant progress in a variety of countries, including in Australia, Costa Rica, Israel, Italy, Jamaica, Japan, Korea, the Philippines, Spain, Taiwan, and Uruguay.

Considerable concerns still remain. In 2023, USTR received stakeholder input on more than 70 trading partners, but focused the review on the nominations contained in submissions that complied with the requirement in the Federal Register notice to identify whether a particular trading partner should be designated as a PFC, or placed on the PWL or WL, or not listed in the Special 301 Report, and that were filed by the deadlines provided in the notice. Following extensive research and analysis, USTR listed 7 countries on the PWL and 22 countries on the WL. Several countries, including Chile, India, Indonesia, the People’s Republic of China, Thailand, and Türkiye, have been listed every year since the Report’s inception. The 2023 listings were as follows:

Priority Watch List: Argentina, Chile, India, Indonesia, the People’s Republic of China, Russia, and Venezuela.

Watch List: Algeria, Barbados, Belarus, Bolivia, Brazil, Bulgaria, Canada, Colombia, Dominican Republic, Ecuador, Egypt, Guatemala, Mexico, Pakistan, Paraguay, Peru, Thailand, Trinidad and Tobago, Türkiye, Turkmenistan, Uzbekistan, and Vietnam.

When appropriate, USTR may conduct an Out-of-Cycle Review (OCR) to encourage progress on IP issues of concern. OCRs provide an opportunity to address and remedy such issues through heightened engagement with trading partners and other stakeholders. Successful resolution of specific IP issues of concern can lead to a positive change in a trading partner’s Special 301 status outside of the typical period for the annual review. In the 2022 Special 301 Report, USTR initiated an Out-of-Cycle Review of Bulgaria, which considered the extent to which Bulgaria addressed deficiencies in its investigation and prosecution of online piracy cases, particularly its failure to adopt evidence sampling in criminal cases. In the 2023 Special 301 Report, USTR initiated another Out-of-Cycle Review of Bulgaria in order to provide an opportunity for Bulgaria to demonstrate progress with addressing deficiencies in its investigation and prosecution of online piracy cases.

USTR also conducts a review focused on prominent and illustrative examples of online and physical markets that reportedly engage in or facilitate substantial piracy or counterfeiting. USTR started identifying notorious markets in the Special 301 Report in 2006. In 2010, USTR began publishing the Notorious Markets List (NML) separately from the Special 301 Report in order to increase public awareness and guide related enforcement efforts. Since publication of the first NML, several online markets closed or saw their business models disrupted as a result of enforcement efforts. In some instances, in an effort to legitimize their overall business, companies made the decision to close down problematic aspects of their operations; while others cooperated with authorities to address unauthorized conduct on their sites. Notwithstanding the progress that has occurred, online piracy and counterfeiting continue to grow, requiring robust, sustained, and coordinated responses by governments, private sector stakeholders, and consumers.

The NML also includes an “issue focus” that highlights an issue related to the facilitation of substantial trademark counterfeiting or copyright piracy. As announced in the [Federal Register notice](#) published on August 24, 2023, the issue focus for the 2023 NML will examine the potential health and safety risks posed by counterfeit goods.

The Special 301 Review and NML serve a critical function by identifying opportunities and challenges in foreign markets related to adequate and effective IP protection and enforcement facing U.S. innovative and creative industries, which are key industries for job creation and economic development. The Special 301 Report and NML inform the public and U.S. trading partners, and serve as a positive catalyst for change. USTR remains committed to meaningful and sustained engagement with U.S. trading partners, with the goal of resolving these challenges. Information related to Special 301 (including public hearing transcripts and videos), the NML, and USTR’s overall IP efforts can be found [online](#).

3. Section 1377 Review of Telecommunications Agreements

Section 1377 of the Omnibus Trade and Competitiveness Act of 1988 requires the Office of the U.S. Trade Representative (USTR) to review by March 31 of each year the operation and effectiveness of U.S. telecommunications trade agreements. The purpose of this review is to determine whether any act, policy, or practice of a foreign country that has entered into a telecommunications-related agreement with the United States: (1) is not in compliance with the terms of the agreement, or (2) otherwise denies, within the context of the agreement, to telecommunications products and services of U.S. firms, mutually advantageous market opportunities in that country.

USTR addresses these issues in its annual National Trade Estimate Report on Foreign Trade Barriers. This approach allows USTR to describe, in one comprehensive report, all of the overlapping barriers concerning telecommunications services and goods, along with any related digital trade issues.

In its 2023 Section 1377 Review, USTR focused on issues related to: limits on foreign investment, barriers to competition and licensing issues, international termination rates, satellite services, and telecommunications equipment trade and tariffs.

4. Section 337

Section 337 of the Tariff Act of 1930, as amended, makes it unlawful to engage in unfair acts or unfair methods of competition in the importation of goods or sale of imported goods. Most Section 337 investigations concern alleged infringement of intellectual property rights, such as U.S. patents.

The U.S. International Trade Commission (USITC) conducts Section 337 investigations through adjudicatory proceedings under the Administrative Procedure Act. The proceedings normally involve an evidentiary hearing before a USITC administrative law judge who issues an Initial Determination that is subject to review by the USITC (all sitting commissioners). If the USITC finds a violation, it can order that imported infringing goods be excluded from entry into the United States, issue cease and desist orders requiring firms to stop unlawful conduct in the United States, such as the sale or other distribution of imported infringing goods in the United States, or both. The USITC also is authorized to issue temporary exclusion or cease and desist orders before it completes an investigation if the complainant shows that there is reason to believe there has been a violation of Section 337 and shows that it will suffer irreparable harm absent issuance of a temporary exclusion order. Many Section 337 investigations are terminated after the parties reach settlement agreements or agree to the entry of consent orders. In cases in which the USITC finds a violation of Section 337, it must decide whether certain public interest factors nevertheless preclude the issuance of a remedial order. The four public interest considerations are the order's effect on: (1) public health and welfare; (2) competitive conditions in the U.S. economy; (3) the production of like or directly competitive articles in the United States; and, (4) U.S. consumers. USITC Section 337 determinations are subject to judicial review on the merits in the U.S. Court of Appeals for the Federal Circuit, with possible appeal to the U.S. Supreme Court. The Department of Homeland Security U.S. Customs and Border Protection enforces USITC exclusion and seizure orders.

If the USITC issues an affirmative determination and concomitant remedial order(s), it transmits the determination, order(s), and the record upon which the determination is based to the President for policy review. The Presidential review, set out in Section 337(j)(1)(B), Section 337(j)(2), and Section 337(j)(4) of the Tariff Act of 1930, has been delegated to the United States Trade Representative (USTR). The USTR conducts these reviews in consultation with other agencies. Importation of the subject goods may continue during this review process if the importer pays a bond in an amount determined by the USITC. If the USTR disapproves a determination before the end of the 60-day review period, the determination and order(s) have no force or effect as of the date the USTR notifies the USITC. If the USTR does not disapprove the USITC's determination within the 60-day review period, or if the USTR formally approves the determination before the end of the 60-day review period, the determination and order(s) become final on the day after the close of such period or the date that the President or the USTR notifies the USITC of the approval, as the case may be. During 2023, the USITC instituted 37 new Section 337 investigations and commenced 13 ancillary proceedings. The USITC also issued affirmative determinations and remedial orders in 11 investigations in calendar year 2023. The USTR did not take any action in nine of those investigations in calendar year 2023:

Certain Fitness Devices, Streaming Components Thereof, and Systems Containing Same, 337-TA-1265;

Certain Robotic Floor Cleaning Devices and Components Thereof, 337-TA-1252;

Certain Centrifuge Utility Platform and Falling Film Evaporator Systems and Components Thereof, 337-TA-1311;

Certain Refrigerator Water Filtration Devices and Components Thereof, 337-TA-1290;

Certain Oil-Vaping Cartridges, Components Thereof, and Products Containing the Same, 337-TA-1286;

Certain Automated Put Walls and Automated Storage and Retrieval Systems, Associated Vehicles, Associated Control Software, and Component Parts Thereof, 337-TA-1293;

Certain Casual Footwear and Packaging Thereof, 337-TA-1270;

Certain Universal Golf Club Shaft and Golf Club Head Connection Adaptors, Certain Components Thereof, and Products Containing the Same (II), 337-TA-1354; and

Certain Light-Based Physiological Measurement Devices and Components Thereof, 337-TA-1276.

All nine determinations and orders became final in 2023 after Presidential review. Presidential reviews of the remaining two investigations were completed in early 2024:

Certain Pillows and Seat Cushions, Components Thereof, and Packaging Thereof, Investigation No. 337-TA-1328, and

Certain Wet Dry Surface Cleaning Devices, 337-TA-1304.

5. Antidumping Actions

Under the U.S. antidumping law, duties are imposed on imported merchandise when the U.S. Department of Commerce (Commerce) determines that the merchandise is being dumped (sold at “less than fair value”) and the U.S. International Trade Commission (USITC) determines that there is material injury or threat of material injury to the domestic industry, or material retardation of the establishment of an industry, “by reason of” those imports. The antidumping law’s provisions are incorporated in Title VII of the Tariff Act of 1930 and have been substantially amended by the Trade Agreements Act of 1979, the Trade and Tariff Act of 1984, the Trade and Competitiveness Act of 1988, the Uruguay Round Agreements Act of 1994, and the Trade Facilitation and Trade Enforcement Act of 2015.

An antidumping investigation usually begins when a U.S. industry, or an entity filing on its behalf, submits a petition alleging, with respect to certain imports, the dumping and injury elements described above. If the petition meets the applicable requirements, Commerce will initiate an antidumping investigation. In special circumstances, Commerce also may self-initiate an investigation.

After initiation, the USITC decides, generally within 45 days of the filing of the petition, whether there is a “reasonable indication” of material injury or threat of material injury to a domestic industry, or material retardation of an industry’s establishment, by reason of the allegedly dumped imports. If this preliminary injury determination by the USITC is negative, the investigation is terminated and no duties are imposed; if it is affirmative, Commerce will make preliminary and final determinations concerning the allegedly dumped sales into the U.S. market. If Commerce’s preliminary determination is affirmative, it will direct

U.S. Customs and Border Protection (CBP) to suspend liquidation of entries and require importers to post a cash deposit equal to the estimated weighted-average dumping margin. If Commerce’s preliminary determination is negative, there is no suspension of liquidation of entries. In either scenario, Commerce will complete its investigation and issue a final determination.

If Commerce’s final determination regarding dumping is negative, the investigation is terminated and no duties are imposed. If affirmative, the USITC makes a final injury determination. If the USITC determines that there is material injury or threat of material injury, or material retardation of an industry’s establishment, by reason of the dumped imports, then Commerce will issue an antidumping order and direct CBP to assess, upon further instruction by Commerce, antidumping duties and require cash deposits on imported goods. If the USITC’s final injury determination is negative, the investigation is terminated and the cash deposits are refunded.

Upon request of an interested party, Commerce conducts annual reviews of dumping margins pursuant to Section 751 of the Tariff Act of 1930, as amended. Section 751 also provides for Commerce and USITC review in cases of changed circumstances and periodic review in conformity with the five-year “sunset” provisions of the U.S. antidumping law.

Antidumping determinations may be appealed to the U.S. Court of International Trade, with further judicial review possible in the U.S. Court of Appeals for the Federal Circuit and the U.S. Supreme Court. For certain investigations involving Canadian or Mexican merchandise, final determinations may be reviewed by a binational panel established under the United States–Mexico–Canada Agreement.

The United States initiated 64 antidumping investigations in 2023 and imposed 14 antidumping orders.

6. Countervailing Duty Actions

The U.S. countervailing duty (CVD) law dates back to late 19th century legislation authorizing the imposition of CVDs on subsidized sugar imports. The current CVD provisions are contained in Title VII of the Tariff Act of 1930, as amended by subsequent legislation including the Uruguay Round Agreements Act. As with the antidumping law, the U.S. International Trade Commission (USITC) and the U.S. Department of Commerce (Commerce) jointly administer the CVD law, and the U.S. Department of Homeland Security Customs and Border Protection (CBP) collects duties and enforces CVD orders on imported goods.

The CVD law’s purpose is to offset certain foreign government subsidies that benefit imports into the United States. CVD procedures under Title VII are very similar to antidumping procedures, and CVD determinations by Commerce and the USITC are subject to the same system of judicial review as antidumping determinations. Commerce normally initiates investigations based upon a petition submitted by a U.S. industry or an entity filing on its behalf. The USITC is responsible for investigating material injury issues. The USITC makes a preliminary finding as to whether there is a reasonable indication of material injury or threat of material injury, or material retardation of an industry’s establishment, by reason of imports subject to investigation. If the USITC’s preliminary determination is negative, the investigation terminates; otherwise, Commerce issues preliminary and final determinations on subsidization. If Commerce’s final determination of subsidization is affirmative, the USITC proceeds with its final injury determination of whether a domestic industry is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports for which Commerce has made an affirmative determination. If the USITC’s final determination is affirmative, Commerce will issue a CVD order. CBP collects CVDs on imported goods. If the USITC’s final injury determination is negative, the investigation is terminated.

Upon request of an interested party, Commerce conducts annual reviews of countervailable subsidy rates pursuant to Section 751 of the Tariff Act of 1930, as amended. Section 751 also provides for Commerce and USITC review in cases of changed circumstances and periodic review in conformity with the five-year “sunset” provisions of the U.S. countervailing duty law.

CVD determinations may be appealed to the U.S. Court of International Trade with further judicial review possible in the U.S. Court of Appeals for the Federal Circuit and the U.S. Supreme Court. For certain investigations involving Canadian or Mexican merchandise, final determinations may be reviewed by a binational panel established under the United States–Mexico–Canada Agreement.

As of December 2023, the United States initiated 20 CVD investigations and imposed 5 new CVD orders.

7. Subsidies Monitoring and Other Antidumping and Countervailing Duty Enforcement

Subsidies Enforcement

The World Trade Organization (WTO) Agreement on Subsidies and Countervailing Measures (SCM Agreement) establishes multilateral disciplines on subsidies. Among its various disciplines, the SCM Agreement provides remedies for subsidies that have adverse effects not only in the importing country’s market, but also in the subsidizing government’s market and in third-country markets. The SCM Agreement also obligates all WTO Members to file biennial notifications of all specific subsidies that they maintain. This transparency is fundamental to assessing the nature and extent of Members’ subsidy programs and their likely impact on trade and to utilizing the remedies permitted under the Agreement.

Prior to the SCM Agreement coming into effect in 1995, the U.S. countervailing duty (CVD) law was, in effect, the only practical mechanism for U.S. companies to address subsidized foreign competition. However, the CVD law focuses exclusively on the effects of foreign subsidized competition in the United States. Although the procedures and remedies are different, the multilateral remedies of the SCM Agreement provide an alternative tool to address foreign subsidies that affect U.S. businesses in an increasingly global marketplace.

Section 281 of the Uruguay Round Agreements Act of 1994 (URAA) and other authorities set out the responsibilities of the Office of the U.S. Trade Representative (USTR) and the U.S. Department of Commerce (Commerce) in enforcing U.S. rights in the WTO under the SCM Agreement. USTR coordinates the development and implementation of overall U.S. trade policy with respect to subsidy matters; represents the United States in the WTO, including in the WTO Committee on Subsidies and Countervailing Measures and in WTO dispute settlement relating to subsidies disciplines; and leads the interagency team on matters of policy. The role of Commerce’s Enforcement and Compliance (E&C) is to enforce the CVD law and, in accordance with responsibilities assigned by the Congress in the URAA, to pursue certain subsidies enforcement activities of the United States with respect to the disciplines embodied in the SCM Agreement. The E&C’s Subsidies Enforcement Office (SEO) is the specific office charged with carrying out these duties.

The primary mandate of the SEO is to examine subsidy complaints and concerns raised by U.S. exporting companies and to monitor foreign subsidy practices to determine whether there is reason to believe they are impeding U.S. exports to foreign markets and are inconsistent with the SCM Agreement. Once sufficient information about a subsidy practice has been gathered to permit it to be reliably evaluated, USTR and Commerce confer with an interagency team to determine the most effective way to proceed. It is frequently

advantageous to pursue resolution of these problems through a combination of informal and formal contacts, including, where warranted, dispute settlement action in the WTO. Remedies for violations of the SCM Agreement may, under certain circumstances, involve the withdrawal of a subsidy program or the elimination of the adverse effects of the program.

During 2023, USTR and E&C addressed numerous inquiries and met with representatives of U.S. industries concerned with the subsidization of foreign competitors. These efforts continued to be importantly enhanced by E&C officers stationed overseas (*e.g.*, in China), who help gather, clarify, and check the accuracy of information concerning foreign subsidy practices. U.S. Government officers stationed at U.S. Embassies where E&C are not present also handled such inquiries.

The SEO's electronic subsidies database continued to fulfill the goal of providing the U.S. trading community with a centralized location to obtain information about the remedies available under the SCM Agreement and much of the information that is needed to develop a CVD case or a WTO subsidies complaint. This database is accessible to the public through the [SEO website](#). The website includes an overview of the SEO, helpful links, and an easily navigable tool that provides information about each subsidy program investigated by Commerce in CVD cases since 1980. This database is frequently updated, making information on subsidy programs quickly available to the public.

Monitoring and Challenging Foreign Antidumping, Countervailing Duty, and Safeguard Actions

The WTO Agreement on Implementation of Article VI (Antidumping Agreement) and the SCM Agreement permit WTO Members to impose antidumping (AD) duties or CVDs to offset injurious dumping or subsidization of products exported from one Member to another. The United States actively monitors, evaluates, and where appropriate, participates in ongoing AD and CVD cases conducted by foreign countries in order to safeguard the interests of U.S. industry and to ensure that Members abide by their WTO obligations in conducting such proceedings.

To this end, the United States works closely with U.S. companies affected by foreign countries' AD and CVD investigations in an effort to help them better understand WTO Members' AD and CVD systems. The United States also advocates on their behalf in connection with ongoing investigations, with the goal of obtaining fair and objective treatment that is consistent with the WTO agreements. In addition, with regard to CVD cases, the United States provides extensive information in response to questions from foreign governments regarding the subsidy allegations at issue in a particular case.

Further, E&C's Trade Remedy Compliance Staff (TRCS) track foreign AD and CVD actions, as well as safeguard actions involving U.S. exporters, enabling U.S. companies and U.S. Government agencies to monitor other WTO Members' administration of such actions. Information about foreign trade remedy actions affecting U.S. exports is accessible to the public via the [TRC's website](#). The stationing of E&C officers to certain overseas locations and close contacts with U.S. Government officers stationed in embassies worldwide has contributed to the Administration's efforts to monitor the application of foreign trade remedy laws with respect to U.S. exports. In addition, E&C promotes fair treatment, transparency, and consistency with WTO obligations through technical exchanges and other bilateral engagements.

During the past year, several trade remedy actions involving exports from the United States were closely monitored, notable examples of which include: (1) Colombia's and the European Union's separate AD investigations of polyvinyl chloride; (2) India's separate AD investigations of isobutylene-isoprene rubber and halo-isobutene-isoprene rubber; and (3) India's safeguard investigation of PVC suspension resins with residual vinyl chloride monomer above 2 parts per million.

WTO Members must notify, on an ongoing basis and without delay, their preliminary and final determinations to the WTO. Twice a year, WTO Members also must notify the WTO of all AD and CVD actions they have taken during the preceding six-month period. The actions are identified in semiannual reports submitted for discussion in meetings of the relevant WTO committees. Finally, Members are required to notify the WTO of changes in their AD and CVD laws and regulations. These notifications are accessible through the [WTO website](#).

III. OTHER TRADE ACTIVITIES

A. PROMOTING EQUITABLE, INCLUSIVE, AND DURABLE TRADE POLICY AND EXPANDING STAKEHOLDER ENGAGEMENT

1. Overview of Intersectional and Interconnected Strategies and Actions

A core principle of the Office of the United States Trade Representative’s (USTR) 2023 trade activities centered on how trade and investment policy could contribute to and advance the United States’ economic competitiveness, resiliency, and equity. White House directives to ensure intersectional and interconnected trade and investment policy include: Executive Order (EO) 13985 on [*Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*](#); EO 13988 on [*Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation*](#); EO 14020 establishing and naming USTR as a member of the [*White House Gender Policy Council*](#); EO 14031 on [*Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders*](#); and the Presidential Memoranda on [*Tribal Consultation and Strengthening the Nation-to-Nation Relationship*](#) and [*Advancing the Human Rights of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Persons around the World*](#). In April 2023, the President also signed EO 14096, [*Revitalizing Our Nation’s Commitment to Environmental Justice for All*](#), to advance environmental justice as a whole-of-government effort, building on prior EOs, including EO 14008, [*Tackling the Climate Crisis at Home and Abroad*](#), which makes climate considerations an essential element of United States foreign policy. In addition, USTR serves on the White House Council on Native American Affairs, and the U.S. Trade Representative co-chairs the White House Initiative and President’s Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders with the Department of Health and Human Services Secretary. USTR also contributed to the development and release of the United States’ inaugural [*National Strategy on Gender Equity and Equality*](#) and the first-ever [*National Strategy to Advance Equity, Justice, and Opportunity for Asian American, Native Hawaiian, and Pacific Islander \(AA and NHPI\) Communities*](#).

Strategic Plan, Fiscal Years 2022-2026

In March 2022, following the most expansive and inclusive review and revision in the agency’s recent history, USTR released its [*Strategic Plan, Fiscal Years 2022-2026*](#). Developed in accordance with the USTR’s obligations under the Government Performance and Results Act (GPRA) Modernization Act of 2010, the Strategic Plan informs the public of the agency’s overarching mission and priorities. The agency’s Strategic Plan also informs USTR’s annual performance and assessment goals and objectives so that all employees will evaluate their individual progress and contributions towards the agency’s overall objectives. Revised with consultation and input from all of the agency’s offices and staff, including the agency’s Diversity, Equity, Inclusion, and Accessibility Council, the Strategic Plan unequivocally reflects that inclusive engagement and advancing racial and gender equity are strategic priorities for U.S. trade and investment policy.

In particular, the Strategic Plan includes the goal to “Develop Equitable Trade Policy Through Inclusive Processes.” By applying an intersectional and interconnected framework, USTR’s equity trade and investment policy approach strives to identify and address barriers in order to achieve the consistent and systematic fair, just, and impartial treatment of all individuals, including: individuals who belong to underserved communities that have been denied such treatment, such as women and girls; Black, Latino, Indigenous, and Native American persons; Asian Americans and Pacific Islanders, and other persons of

color; members of religious minorities; lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons; persons with disabilities; persons who live in rural areas; and, persons otherwise adversely affected by persistent poverty or inequality; as well as individuals who live in communities with environmental justice concerns. To inform this strategic framework, USTR strives to build relationships with underserved communities; in policy development, negotiations, and implementation and enforcement of agreements and legislation; and, ensure that these concerns and perspectives are also sought out, respected, and heard.

Advisory Committee Administration

Beginning with the October 2021 Trade and Environmental Policy Advisory Committee (TEPAC) *Federal Register* nomination notice, USTR began incorporating equity and diversity, inclusion, and accessibility principles into the public notices for those seeking nomination to USTR's trade advisory committees. USTR announced that it would be asking the TEPAC to provide "advice and recommendations on trade policies that eliminate social and economic structural barriers to equality and economic opportunity, and to better understand the projected impact of proposed trade policies on communities of color and underserved communities." USTR continues to apply similar principles in its notices seeking candidates to serve on advisory committees and continues to brief cleared advisors on equitable and inclusive trade and investment policy activities.

For a discussion of the TEPAC and other advisory committees, see Chapter V.B. Public Input and Transparency.

Inclusive and Intersectional Data and Analysis

On October 14, 2021, the U.S. Trade Representative requested that the U.S. International Trade Commission (USITC) conduct an investigation on the potential distributional effects of goods and services trade and trade policy on U.S. workers by skill, wage and salary level, gender, race/ethnicity, age, and income level, especially as they affect underrepresented and underserved communities. On November 14, 2022, the USITC released its report cataloging information on the distributional effects of trade and trade policy on underrepresented and underserved communities. In 2023, USTR used the USITC report findings to guide areas of expanded engagement. The report can be accessed on the [USITC website](#).

In January 2023, USTR requested that the U.S. International Trade Commission repeat the distributional effects investigation every three years for the next 15 years. Consequently, policymakers, researchers, and the public will be able to monitor and ensure progress in closing data and research gaps and gathering the necessary information to assess improvements of the distributional effects of trade and trade policy on U.S. workers, especially in underrepresented and underserved communities. Information gathering on [the first investigation](#) in this new series began in October 2023.

(For further discussion, see Chapter III.A.4 Strengthening Data to Consider and Improve the Distributional Effects of Trade.)

Expanded and Consistent Engagement

USTR strengthened relationships with underserved and marginalized stakeholders to make trade policy more accessible while also ensuring that diverse perspectives and innovative concepts are systematically incorporated into the design, advancement, and implementation of inclusive, worker-centered trade policy.

Between September 2023 and December 2023, USTR sought public engagement by soliciting feedback through a public *Federal Register Notice*, which was followed by six listening sessions, two academic

focused roundtables and two intragovernmental roundtables. The public *Federal Register* Notice (FRN) solicited over 50 unique responses, which USTR reviewed, analyzed, and categorized.

To supplement response areas with little feedback and to expand stakeholder feedback, engagement was expanded to include listening sessions. USTR officials hosted six internal listening sessions, each an hour in length. For consistency, external stakeholders were presented with three questions that were consistent with the FRN question themes for inclusive trade policy recommendations, detrimental trade policies and engagement recommendations. The two academic-focused roundtables included experts with research backgrounds specializing in trade policy and equity. The two inclusive intragovernmental roundtables covered the areas of underserved communities and persons with disabilities. This collective feedback is being used to inform the United States' inclusive trade objectives.

Expanded engagement also included domestic trips by USTR officials to complement the U.S. Trade Representative's domestic and international travel to inform inclusive, worker-centered, trade policy. The additional purpose of domestic travel is to meet public stakeholders where they are and experience how trade policy has affected their lives and working conditions.

2. Advancing Racial Equity and Support for Underserved Communities

In March 2022, USTR released its [Strategic Plan, Fiscal Years 2022–2026](#), which adopted an interconnected, intersectional, inclusive, worker-centered framework for trade and investment policy to improve economic outcomes for workers; micro-, small, or medium-sized entrepreneurs; farmers; ranchers; fishers; and service providers. In 2023, USTR strove to use “trade tools, data assessments, and innovative engagement strategies to advance racial and gender equity, consider the distributional effects of trade, and support underserved and marginalized communities.”

The United States applies an intersectional and interconnected framework that strives to identify and address barriers in order to achieve the consistent and systematic fair, just, and impartial treatment of all individuals, including: individuals who belong to underserved communities that have been denied such treatment, for instance women and girls; Black, Latino, Indigenous, and Native American persons; Asian Americans and Pacific Islanders, and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons; persons with disabilities; persons who live in rural areas; and, persons otherwise adversely affected by persistent poverty or inequality; as well as individuals who live in communities with environmental justice concerns.

To inform the development of inclusive, worker-centered trade policy through inclusive processes, USTR continued to expand its domestic engagement and consultations and Congressional engagements, stakeholders, and cleared advisors to ensure broad awareness and input.

USTR also relied upon and sought independent analysis. Upon reviewing the results and the data and research gaps of the distributional effects of goods and services trade and trade policy investigation findings, the U.S. Trade Representative requested that the U.S. International Trade Commission repeat the investigation five times, with the first report in that series to be delivered in January 2026 and each subsequent report to be delivered in three-year intervals thereafter. Information gathering on the first investigation in this [new series](#) began in October 2023.

For further discussion, see Chapter III.A.4 Strengthening Data to Consider and Improve the Distributional Effects of Trade.

In June 2023, USTR sought public comment through a *Federal Register* notice (FRN) on trade and investment policy actions, including responsible business conduct, to advance racial and gender equity and support for historically underserved communities. The FRN requested input on:

- U.S. trade and investment policy, actions, tools, resources, best practices, and agency structure and capacity needs to advance equity;
- Identifying policies, provisions, or actions that are detrimental to advancing equity in trade and investment policy; and
- The agency’s inclusive engagement and consultation processes.

USTR published all FRN responses and also met with domestic and international community-based, civil rights, and human rights organizations and advocates to develop inclusive objectives and positions in all trade and investment policy areas.

For further discussion of expanded and consistent inclusive engagement, see Chapter III.A 5 Expanded and Consistent Inclusive Engagement.

Action Plan on Advancing Racial Equity

In April 2022, USTR released its [*Action Plan for the Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government \(EO 13985\)*](#). The Racial Equity Action Plan includes: (1) a commitment for annual and periodic public reports to feature updates on trade policy goals and actions that advance racial and gender equity in worker-centered, inclusive trade and investment activities; (2) actions to strengthen data to consider and improve the distributional effects of goods and services trade and trade policy, and (3) a commitment that, in its advisory committee administration and guidance, USTR will request that cleared advisors provide input, guidance, and feedback on racial and gender equity in trade and investment policy, and expand consistent engagement and build trusted relationships with historically underserved and marginalized communities.

Examples of initiatives undertaken by USTR in 2023 to inform and advance inclusive and equitable trade policy included:

- In January 2023, the U.S. Trade Representative alongside India’s Minister of Commerce and Industry convened the 13th meeting of the United States–India Trade Policy Forum (TPF) to build on common ground achieved at the 12th TPF and to highlight the creation of the new United States–India TPF Working Group on Resilient Trade, which includes the importance of workers, sustainable, and inclusive growth.
- The first round of conceptual discussions for the United States–Kenya Strategic Trade and Investment Partnership (STIP) took place in February 2023, in Washington, D.C., followed by the first round of in-person negotiations in Kenya in April 2023 and the second round of in-person negotiations in Washington, D.C., in October 2023. The United States and Kenya previously launched the United States–Kenya STIP in July 2022, with the goal of increasing investment; promoting sustainable and inclusive economic growth; benefiting workers, consumers, and businesses (including micro-, small, and medium-sized enterprises); and supporting the economic empowerment and participation of women, youth, persons with disabilities, other vulnerable populations, and the African Diaspora in trade; and promoting equitable and inclusive development.”

- In March 2023, the U.S. Trade Representative traveled to Brasília, Brazil and met with Brazilian Government officials and social inclusion advocates, including persons with disabilities, and gender, Indigenous, and Afro-Brazilian advocates. The visit allowed for discussion of opportunities for the United States and Brazil to work together to support shared values between both countries and to expand bilateral trade and investment. Discussions with labor union representatives addressed the foundational role of workers in building and sustaining a strong economy along with the global challenge of combatting forced labor. Environmental stakeholder discussions centered around bioeconomy opportunities, as well as enforcement tools to combat deforestation.
- In March 2023, President Biden announced the appointment of additional members to the Advisory Committee for Trade Policy and Negotiations (ACTPN) to bring together a range of perspectives to design and implement an inclusive, worker-centered trade agenda. The President nominated new ACTPN members to guide USTR’s work and ensure that the benefits of trade are equitably distributed across the economy and to all people.
- In June 2023, USTR co-led an unprecedented interagency delegation to El Salvador and Honduras in support of the Biden-Harris Administration’s [Central America Forward](#) initiative, which incorporates a focus on good governance and labor rights, including gender equity, into a public-private partnership seeking to address the root causes of regional migration. The USTR delegation met with worker organizations; governments; the private sector; and civil society groups, including groups representing Garifuna, Indigenous, and LGBTQI+ communities.
- In November 2023, the U.S. Trade Representative and South Africa’s Minister of Trade, Industry, and Competition co-hosted the 2023 African Growth and Opportunity Act (AGOA) Forum in Johannesburg, South Africa. The AGOA Forum placed an unprecedented emphasis on empowering labor and civil society groups, emphasizing gender, and improving African Diaspora, and micro-, small, and medium-sized enterprise connectivity.
- During the 2022 U.S.-Africa Leaders Summit, the United States and the African Continental Free Trade Area (AfCFTA) signed a Memorandum of Understanding (MOU) on Cooperation for Trade and Investment. Under the MOU platform in 2023, the United States continued work that supports worker protections in the United States and Africa, empowers women-owned businesses, African Diaspora-owned businesses, and businesses owned by members of historically underserved communities, and advances investments in the AfCFTA markets.
- Throughout 2023, the United States and USTR advanced the United States’ APEC host year theme of “Building a Resilient and Sustainable Future for All” through several forum meetings. The U.S. Trade Representative hosted the first ever APEC Minister level Dialogue with Indigenous peoples as part of the APEC Ministerial Meeting in San Francisco. The ministerial dialogue on “Indigenous Peoples’ Perspective on Regional Trade” built off of the multiple workshops the United States organized over the host year on inclusive trade and multi-stakeholder engagement.
- Recognizing the importance of continuing the international dialogue on Indigenous peoples and trade, the United States also announced in November 2023 that it is actively pursuing observership to the Partnership Council of the Indigenous People Economic and Trade Cooperation Arrangement (IPETCA).
- In addition to seeking public comment through the FRN, USTR hosted internal listening sessions and engaged with Tribal Nations, American Indians, Alaska Native, Asian Americans, Native

Hawaiians, Pacific Islanders, the African Diaspora, LGBTQI+ and gender advocates, disability experts, and rural and remote communities.

- In August 2023, USTR co-led discussions for the U.S.-Taiwan Initiative on 21st-Century Trade on a first-of-its-kind trade provision on environmental justice. The provision, which focuses on environmental justice at the domestic level, outlines principal aspects of environmental justice. Additionally, it emphasizes the importance of improving access to government environmental programs and services for marginalized, underrepresented, and Indigenous groups and communities' and strengthening, as appropriate, capacity to assess distributional effects of environmental laws and policies.

Inclusive and Intersectional Data and Analysis

The results of the USTR-requested, independent investigation on the distributional effects of goods and services trade and trade policy on U.S. workers [was released](#) in November 2022. Among other findings, the investigation revealed the lack of disaggregated data and research on the impact of past trade policies on Native/Indigenous, Asian American, Native Hawaiian, and Pacific Islander workers within the United States. USTR is now partnering with colleagues across the government to close these data gaps and improve access for researchers.

In January 2023, USTR requested that the U.S. International Trade Commission repeat the distributional effects investigation every three years for the next 15 years. Consequently, policymakers, researchers, and the public will be able to monitor and ensure progress in closing data and research gaps and gathering the necessary information to assess-improvements of the distributional effects of trade and trade policy on U.S. workers. Information gathering on [the first investigation](#) in the new series began in October 2023.

Tribal Consultations and the White House Council on Native American Affairs

The United States recognizes the sovereign status of Tribal Nations and its citizens. On January 26, 2021, the President issued a Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships (“Memorandum”), which directed all Federal agencies to respect the trust of these relationships to the maximum extent possible through proactive, effective, and respectful engagement. Consistent with the Memorandum, the U.S. Trade Representative hosted USTR’s third annual Tribal Consultations for Tribal leaders and their designees in September 2023. Based on input from Tribal officials, the intent of these consultations was to provide input on the President’s Trade Policy Agenda and Annual Report, including as related to the United States–Mexico–Canada Agreement, the Asia Pacific Economic Cooperation (APEC) forum and the United States’ host year, the Indo-Pacific Economic Framework for Prosperity, the U.S.–Kenya Strategic Trade and Investment Partnership, the U.S.–Taiwan Initiative on 21st-Century Trade, the Americas Partnership for Economic Prosperity, and other trade matters of interest.

As a member of the White House Council on Native American Affairs (WHCNA), USTR serves on the Climate Change, Tribal Homelands Committee; the Economic Development, Energy, and Infrastructure Committee; the International Indigenous Issues Committee; and the International Economic Development Committee. USTR visited and sought expertise and guidance from Tribal Nations, Native enterprises, and Indigenous community-based organizations. USTR appointed Indigenous experts to serve as cleared advisors on trade advisory committees and sought public comment to inform inclusive, worker-centered trade objectives and positions in all trade and investment policy areas for both enhanced engagement and subsequent negotiations. In addition, USTR is working with colleagues across the U.S. Government to explore how trade tools and rules may better address issues like misappropriation of Indigenous goods and capacity building for Native entrepreneurs and workers. In December 2023, the U.S. Trade Representative

participated in the President’s Tribal Nations Summit and hosted an open house and roundtable discussion with Tribal Leaders and their guests. A summary of WHCNAA 2023 activities is available in the [*White House Tribal Nations Summit Progress Report*](#).

USTR also participated in American Indian and Alaska Native convenings and visited and sought expertise and guidance from Tribal Nations, Native enterprises, and Indigenous community-based organizations. USTR appointed Indigenous experts to serve as cleared advisors on trade advisory committees and sought public comment to inform inclusive, worker-centered trade objectives and positions in all trade and investment policy areas. In addition, USTR is working with colleagues across the U.S. Government to explore how trade tools and rules may better address issues like misappropriation of Indigenous goods and capacity building for Native entrepreneurs and workers.

White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders

On June 3, 2021, the President signed Executive Order 14031, which re-established the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI) and authorized the creation of the President’s Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders (AA and NHPI) within the U.S. Department of Health and Human Services. In December 2022, U.S. Trade Representative Tai was named as co-chair of both initiatives.

In January 2023, the WHIAANHPI convened Federal Government officials and community leaders to mark the release of the United States’ first-ever [*National Strategy to Advance Equity, Justice, and Opportunity for Asian American, Native Hawaiian, and Pacific Islander \(AA and NHPI\) Communities*](#). In 2023, to realize the goal of connecting AA and NHPI business leaders, workers, consumers, and entrepreneurs with Federal resources, the WHIAANHPI also hosted five economic summits in Philadelphia, Chicago, New York City, Seattle, and Honolulu.

Consistent with WHIAANHPI’s mission, USTR also supports efforts to disaggregate AA and NHPI data. In addition, U.S. Trade Representative Tai and USTR officials engage extensively with AA and NHPI communities across the country. These conversations focused on economic opportunity and empowerment, social inclusion, and the critical role that AA and NHPI communities play in developing policy solutions. During these engagements, the U.S. Trade Representative highlighted the strength and resilience of AA and NHPI communities and how the Biden-Harris Administration acknowledges the importance of community leaders in advancing justice and equity.

3. Advancing Gender Equity and Equality and Women’s Economic Empowerment in Trade Policy

Consistent with the President’s 2023 Trade Policy Agenda, the United States continues to review existing trade programs to evaluate their contribution to equitable economic development, including whether they reduce wage gaps, increase worker unionization, promote safe workplaces, tackle forced labor and exploitative labor conditions, and lead to the economic empowerment of women and underrepresented communities. The Office of the U.S. Trade Representative (USTR) is committed to engaging in robust technical assistance and trade capacity building with trading partners to ensure that workers and micro, small, and medium-sized enterprises (MSMEs) around the world, especially those owned by underrepresented groups, including women, benefit from U.S. trade policy.

USTR develops and implements trade policy to advance gender equity and equality, and women’s economic empowerment, through the USTR Gender Equity Team. This volunteer group was established in 2021 as part of USTR’s collaboration with the White House Gender Policy Council. The USTR Gender Equity

Team applies an intersectional, interconnected approach in supporting USTR's role in implementing the National Strategy for Gender Equity and Equality. The Gender Equity Team also supports USTR's proactive engagement (e.g., listening sessions, research, sharing materials) and policy development efforts on advancing gender and trade policy.

In her engagements in the United States and abroad, the U.S. Trade Representative has prioritized issues concerning trade and women. These engagements highlight USTR's commitment to a trade policy that promotes gender equity and equality and women's economic empowerment. Examples of gender activities USTR has undertaken during 2023 include:

i. Labor Standards and Rights

USTR considers gender-specific dimensions in advancing high labor standards and supporting workers' rights, particularly those of women workers, through trade policy, including by promoting gender equality in the workplace, addressing gender discrimination in employment and occupation, eliminating gender-based violence and harassment in the workplace, and combating forced labor.

Accomplishments in 2023 include:

- Engaging with interagency and non-U.S. Government colleagues through the Women Workers and Worker-Centered Trade pillar of the U.S. Department of Labor's Women and Worker Voice Initiative;
- Partnering to incorporate women worker voices and U.S.-based African Diaspora voices in the African Growth and Opportunity Act (AGOA) Forum that occurred in November 2023 in Johannesburg, South Africa;
- Participating and demonstrating high-level co-leadership in an unprecedented U.S. Government trip to northern Central America to explore the intersection of labor and gender with workers and civil society organizations (including those representing Garifuna, Indigenous, women, and LGBTQI+ communities), government officials, and businesses;
- Discussing labor rights and workforce development during the Asia-Pacific Economic Cooperation (APEC) Women and the Economy Forum, including addressing the gender pay gap and women's participation in leadership, increasing inclusive trade, and highlighting the importance of unions for fair compensation and benefits, including the importance of building technological and digital skills, and the need for an intersectional approach to change demand in the blue and green economies;
- Utilizing the United States-Mexico-Canada Agreement (USMCA) Rapid Response Mechanism to support nascent women-led unions;
- Engaging with Morocco through the Joint Committee under the United States-Morocco Free Trade Agreement on greater inclusion of women in the national economy and highlighting the successes of previous technical assistance on piloting gender audits and addressing barriers to labor force participation in the region;
- Collaborating with U.S. Government agencies to advance decent work, combat forced labor, and encourage protections for care workers and access to care; and

- Connecting U.S. Government officials across agencies to increase efforts to improve the collection of gender-specific, disaggregated job- and worker-related data to better inform policies and programs.

ii. Data Review and Future Analysis

In October 2021, the U.S. Trade Representative requested that the U.S. International Trade Commission (USITC) investigate the distributional effects of goods and services trade and trade policy on U.S. workers. USTR tracked the unprecedented, public, information-gathering aspects of the investigation that began in March 2022 by observing seven roundtables, including one on gender and orientation, a two-day academic symposium, and a public hearing. There were multiple sessions on data availability, scope, and specificity.

Following the release of the USITC report in November 2022, USTR accomplishments in 2023 include:

- Conducting briefings on the findings with, among others, APEC economies, the Indo-Pacific Economic Framework for Prosperity (IPEF) partners, the Government of Kenya, the Organization for Economic Cooperation and Development Members, and the Government of the United Kingdom;
- Sharing information on methodology and workstreams with economic units and chief economists from other governments, including Australia, Canada, the European Union, New Zealand, and the United Kingdom;
- Coordinating briefings with U.S. Government officials on the investigation’s findings and working with other U.S. Government agencies to improve the quality, granularity, scope, and access to disaggregated data to strengthen gender analysis;
- Working with many U.S. Government statistical agencies to gain access to data required to better examine the impact of trade policy on gender among other demographics; and
- Requesting that the independent investigation be repeated every three years, five times, to ensure there is a public record on the progress of assessing the distributional effects by gender on U.S. workers for the next 15 years.

(For further discussion, see Chapter III.A.4 Strengthening Data to Consider and Improve the Distributional Effects of Trade.)

World Trade Organization Informal Working Group on Gender

The United States actively participated in the Informal Working Group on Trade and Gender (IWGTG) at the World Trade Organization (WTO), which held five informal sessions in 2023. Within this Working Group, the United States focused on learning about actions by Members to remove barriers to women’s participation in global trade, reviewing gender-related WTO reports, and filling data gaps needed to advance gender-related trade policy. The United States also played an active role in developing and negotiating an IWGTG workplan.

In January 2023, the United States supported the WTO Secretariat’s promotion of the newly launched WTO Database on Gender Provisions in Regional Trade Agreements. In February, the United States made a presentation on women and intellectual property. In March, the United States participated in a Workshop on Gender in International Development Programming hosted by Australia. The United States also joined

a roundtable co-organized by the WTO, United Nations Population Fund, UN Women, and the World Bank, where the United States outlined policy priorities, as well as challenges and opportunities, pertaining to gender equality as a driver of trade and development.

iii. Policy Development and Inclusive Engagement

USTR developed and conducted outreach and engagement on policy proposals to advance gender and trade priorities and women's opportunities to benefit from trade, including trade and investment engagements in various fora, including the WTO, trade and investment agreements, and trade preference programs.

Accomplishments in 2023 include:

- Publishing an unprecedented *Federal Register* notice seeking public comment to inform USTR how trade and investment policy may be designed to expand the benefits of trade to include underserved and marginalized communities here in the United States and with trading partners who share concerns about rising inequality (comments available on Regulations.gov under docket [USTR-2023-0004](#));
- Conducting listening sessions to inform the development of the U.S. approach to gender and trade investment policy;
- Meeting with women-worker, entrepreneur, and community-based organizations, including Native Hawaiian and American Indian women representatives, Native Hawaiian incubator programs, Native women entrepreneurs, and women workers in sectors like steel, mining, and textiles;
- Analyzing and using the responses from the inclusive trade *Federal Register* notice and listening sessions to inform the development of negotiating positions and text that address economic issues of concern to women, youth, persons with disabilities, and other vulnerable communities as part of the United States-Kenya Strategic Trade and Investment Partnership (STIP);
- Holding meetings during U.S. Trade Representative Tai's July 2023 visit to Kenya with youth and women workers and with entrepreneurs to discuss how the two countries can promote inclusive trade and economic prosperity for all;
- Implementing projects and activities with other U.S. Government agencies, a broad range of stakeholders in Africa, and several organizations under the Memorandum of Understanding on Cooperation for Trade and Investment Between the African Continental Free Trade Area (AfCFTA) Secretariat and the Government of the United States of America, to provide training and capacity building for women and young traders;
- Serving as a constructive partner and leader with Australia and New Zealand in negotiations on an Inclusivity Chapter in the IPEF, which seeks to expand access to, and participation in, the regional economy for all segments of society, including women, Indigenous peoples, minorities, persons with disabilities, rural and remote populations, local communities, and MSMEs. USTR intends to include inclusivity-related consultations and considerations as part of all ongoing negotiations;
- Using bilateral engagement to highlight priorities for trade and women in South America. For example, during U.S. Trade Representative Tai's trip to Brazil in March 2023, she met with civil society representatives, including those focused on economic opportunities for women, especially Indigenous and Afro-Brazilian women;

- Engaging with entrepreneurs at an event featuring presentations by women in Paraguay working to establish new businesses with support from the U.S. Agency for International Development, including mentorship, training, and access to finance, on the margins of the United States-Paraguay Trade and Investment Council meeting;
- Convening a panel during the second USMCA SME Dialogue in Mexico City that focused on women-owned small business leaders sharing their experiences in North American trade, in addition to hosting a roundtable with women small business leaders in Mexico City;
- Hosting a Japanese Women Leaders Delegation, organized by the Japan Center for International Exchange (JCIE), to advance women’s empowerment issues in U.S.-Japan relations through high-level engagement on U.S.-Japan trade policy developments and APEC agenda priorities on women and the economy; and
- Participating in an APEC CEO Summit Roundtable on Women and the Economy, to exchange views on how business and government can work together to advance women’s economic participation in the APEC region.

(For further discussion of trade and gender in the context of small and medium-sized enterprises, see Chapter III.B Small and Medium-Sized Business Initiative.)

iv. Increasing Competitiveness and Reducing Economic Barriers

USTR promoted economic competitiveness and improved resilience by advancing policies that reduce barriers to gender equity and equality and create opportunities for women’s economic participation in trade in order to maximize the growth of well-paying jobs available to women. USTR advocated for gender equity, gender equality, and women’s entrepreneurship and economic participation by advancing trade policies that create opportunities and diminish barriers for women-owned businesses.

Accomplishments in 2023 include:

- Reinvigorating work under a 2014 Memorandum of Understanding with Pakistan on women’s economic empowerment, including issuing a [Joint Statement on U.S.-Pakistan Efforts in Promoting Women’s Economic Empowerment](#), with a focus on supplier diversity and inclusive supply chains, mentorship and peer learning, and access, equity, and inclusion;
- Convening a week-long meeting of the United States–Central Asia TIFA Council Working Group on Women’s Economic Empowerment that included women entrepreneurs, women business leaders and associations, and officials from the Central Asian region in order to foster experience-sharing related to trade, support transparency and the incorporation of women’s voices into policymaking, and shape policy recommendations for improving e-commerce ecosystems to the benefit of women and small businesses; and
- Organizing several events focused on expanding opportunities for women’s economic participation in trade during the 2023 AGOA Forum in South Africa, including a session during the Civil Society Forum highlighting the African Women’s Entrepreneurship Program (AWEP).

U.S. 2023 Asia-Pacific Economic Cooperation (APEC) Host Year

During the U.S. 2023 APEC host year, USTR prioritized fostering sustainability and inclusivity in trade and investment policy by:

- Leveraging minister and leader-level statements to center the role of trade in advancing economic inclusion for women and underrepresented groups, including the Leader-level San Francisco Principles on Integrating Inclusivity and Sustainability into Trade and Investment Policy, which will further guide APEC’s work going forward;
- Implementing multiple events and workstreams to advance inclusion and women’s economic empowerment through trade policy and agreements, including workshops on increasing the representation of women in customs, standards, and digital trade, and on shaping trade policy to be more inclusive for women;
- Leading discussions on the importance of expanding women’s participation in services trade as APEC economies recover from the COVID-19 pandemic; and
- Holding a workshop on women, inclusivity, and intellectual property that builds off of experiences and practices from the APEC economies.

iv. Environment and the Climate Crisis

USTR is responsible for implementing and enforcing the environmental chapters in U.S. trade agreements. In addition to setting strong environmental commitments, some environment chapters, including those in CAFTA-DR and the Colombia, Panama, and Peru FTAs, also establish secretariats for environmental enforcement matters. These secretariats support an important public participation mechanism for implementation of environment obligations that allow the filing of submissions alleging a Party’s failure to effectively enforce environmental laws. In 2023, the CAFTA-DR, Colombia FTA, Panama TPA, and Peru TPA secretariats conducted public outreach activities targeting marginalized or underserved communities, including women, and promoted public participation in environmental governance matters, which allows for a more robust involvement in the submission mechanisms.

Other USTR accomplishments on environment and gender priorities include:

- Continuing, in partnership with the U.S. Department of State, to support environmental cooperation activities with trade agreement partners and strengthen implementation of environment chapter obligations. Cooperation activities in 2023 included encouraging public participation and promoting environmental education among vulnerable, underserved populations and communities, and advancing environmental justice;
- Working to promote gender inclusivity throughout implementation of USMCA Environment Chapter commitments. This includes providing support to the U.S. Forest Service for training of Mexican park rangers on forestry management. One training course specifically targeted women and addressed issues such as risk management and personal safety for women in the field;
- Hosting a panel on inclusive trade and the environment featured during the September 2023 meeting of the USMCA Environment Committee. The Committee agreed to continue dialogue on gender issues as the Parties continue to implement their USMCA Environment Chapter commitments; and,

- Pursuing within the IPEF Trade Pillar, the United States–Kenya STIP, and the United States–Taiwan Initiative on 21st-Century Trade commitments to promote effective domestic coordination of environment policies and practices to ensure that the benefits of trade agreements are shared broadly and equitably among all persons, including women, and commitments to improve levels of environmental protections, including in the areas of natural resource conservation, and to combat illegally harvesting of, and trade in, wild fauna and flora.

4. Strengthening Data to Consider and Improve the Distributional Effects of Trade

Upon reviewing Executive Order (EO) 13985 on [Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), the Office of the United States Trade Representative (USTR) identified the Equitable Data Working Group as a forum from which new information could be gleaned in order to assist USTR in its assessment of the impact of past and future trade policies on underrepresented and underserved communities. USTR is also a member of the Office of Science and Technology Policy’s Subcommittee on Equitable Data, which is assessing how to improve Federal data collection and processes to remedy the lack of disaggregated data by race, ethnicity, gender, disability, income, veteran status, or other key demographic variables. During 2023, USTR communicated and collaborated with the Equitable Data Working Group; other Executive Branch departments, agencies, and councils; and outside stakeholders on ways to advance the potential for improved data access to inform U.S. policies related to equity and trade. USTR explored suggestions for expanding publicly available data, processes to expand access to restricted data for cleared researchers, and a restoration of helpful, previously available but now discontinued data. USTR’s goal was to seek to expand data analysis and reports to measure equity and analyze the effect of trade policy on underrepresented and underserved communities, including assessments of effects based on race, ethnicity, gender, disability, income, veteran status, or other key demographic variables.

In 2023, USTR continued to seek better understanding of the challenges, opportunities, and data and tools required to explore the potential for analyzing the distributional effects of trade flows, policies, and agreements on underrepresented and underserved communities in the United States. In November 2022, the U.S. International Trade Commission (USITC) produced a report as requested by the U.S. Trade Representative on the distributional effects of trade and trade policy on U.S. workers, especially in underrepresented and underserved communities. In January 2023, following up on the 2022 report, the U.S. Trade Representative requested that the USITC repeat the distributional effects investigation, with the first report in that series to be delivered in January 2026 and each subsequent report to be delivered in three-year intervals for the next 15 years. Consequently, policymakers, researchers, and the public will be able to monitor and ensure progress in closing data and research gaps and gathering the necessary information to assess improvements of the distributional effects of trade and trade policy on U.S. workers, especially in underrepresented and underserved communities. Information gathering on the first investigation in this [new series](#) began in October 2023.

Other Presidential initiatives also sought to achieve improved data access, including EO 14020, which established and named USTR as a member of the [Gender Policy Council](#); EO 13988, [Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation](#); EO 140310, [Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians and Pacific Islanders](#); EO 14036, [Promoting Competition in the American Economy](#); EO 14045, [White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Hispanics](#); EO 14096, [Revitalizing Our Nation’s Commitment to Environmental Justice for All](#), and the Presidential Memoranda on [Tribal Consultation and Strengthening the Nation-to-Nation Relationship](#) and on [Advancing the Human Rights of](#)

[*Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Persons around the World*](#). USTR continued to work with U.S. statistical agencies to achieve better access to restricted data for researchers.

5. Expanded and Consistent Inclusive Engagement

Trade policy can play a critical role in advancing equitable and resilient economic growth for underserved, marginalized, and disadvantaged communities, here in the United States and with trading partners who share concerns about rising inequality. The Administration is committed to thorough and thoughtful public participation and community engagement as the U.S. Government develops and implements the President's trade policy agenda. Sustained, inclusive, and meaningful engagement is a key component to ensuring that resulting trade policies are durable and equitable and account for previous common policy shortfalls of failing to engage with communities that will be affected by those decisions. In 2023, USTR continued to give all stakeholders a seat at the table to inform these decisions.

Promoting Equitable, Inclusive, and Durable Trade Policy

In order to strengthen the United States' economic competitiveness and resiliency, USTR continues to pursue an agenda to deliver sustained and inclusive economic prosperity for all. An intersectional, interconnected framework is particularly important in strategic and emerging sectors where the United States has the potential to be competitive and create well-paying U.S.-based jobs and to expand the benefits of trade. For these reasons, since 2021, many of the President's actions directed the U.S. Government to embed equity and inclusivity in its policy goals, objectives, and outcomes. These actions have included Executive Orders on [*Advancing Racial Equity and Support for Underserved Communities Through the Federal Government and Worker Organizing and Empowerment*](#) and [*Revitalizing Our Nation's Commitment to Environmental Justice for All*](#); the United States' historic, first [*National Strategy on Gender Equity and Equality*](#); and Presidential Memoranda on [*Tribal Consultation and Strengthening the Nation-to-Nation Relationship*](#), on [*Advancing the Human Rights of LGBTQI+ Persons around the World, and on Advancing Worker Empowerment, Rights, and High Labor Standards Globally*](#).

In addition, U.S. Trade Representative Tai continued to play a constructive, active role as the co-chair of the White House Initiative and President's Advisory Commission on Asian Americana, Native Hawaiians, and Pacific Islanders (WHIAANHPI), and through USTR's membership in the Gender Policy Council and the White House Council on Native American Affairs (WHCNAA).

Engagement and Consultation with Partners and Stakeholders

The Administration recognizes the important role stakeholders have in U.S. trade and investment policy. USTR is committed to expanded, consistent local and community-based outreach and engagement to hear stakeholders' views and priorities regarding trade policy. These stakeholders may include, for example, micro-, small, and medium-sized businesses, minority-owned businesses, business incubators, Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), Hispanic Service Institutions (HSIs), Asian American and Native American Pacific Islander-Serving Institutions (AANIPISIs), and other minority serving institutions (MSIs), and local and national labor, civil, environmental and environmental justice, and human rights organizations.

In 2023, USTR leadership and officials met with stakeholders across the country and hosted unprecedented virtual listening sessions to gain firsthand guidance of multiple and intersectional experiences and perspectives to inform trade policy. USTR also visited Tribal Nations and met with American Indian, Native Hawaiian, Alaska Native, and Indigenous workers, entrepreneurs, and community-based organization and enterprises.

This enhanced and sustained domestic engagement included trips to meet with workers, farmers, ranchers, producers, and community-based stakeholders in Alabama, Arizona, California, Colorado, Georgia, Hawaii, Idaho, Indiana, Maryland, Michigan, Minnesota, Montana, New Hampshire, New Mexico, New York, North Carolina, Pennsylvania, South Carolina, Texas, Virginia, and Wyoming. USTR will continue to connect with stakeholders with diverse perspectives and experiences throughout the country in order to listen, learn, and build trusted relationships and lines of communication to develop inclusive policy that delivers equitable results.

In 2023, the Administration also regularly consulted and briefed the 28 advisory committees that USTR manages and co-leads as USTR seeks to hear input from labor unions; environmental and environmental justice groups; consumer groups; nongovernmental and community-based organizations; Tribal, State, and local governments; industry; and academia. In addition to seeking cleared advisor feedback on how to improve the administration of advisory committees, USTR continued to invite and challenge cleared advisors to consider and advise on advancing innovative, equitable trade and investment policy. USTR also continued to encourage diverse and inclusive perspectives to apply to serve on trade advisory committees.

B. SMALL AND MEDIUM-SIZED ENTERPRISE INITIATIVE

U.S. small and medium-sized enterprises (SMEs) are key engines for U.S. economic growth, jobs, and innovation. The Office of the United States Trade Representative (USTR) is focused on enhancing the benefits of trade for U.S. SMEs, helping them take advantage of new markets abroad, access and participate in global supply chains, and support jobs at home. During 2023, USTR negotiated with foreign governments to open their markets and enforced existing U.S. trade agreements to ensure a level playing field for U.S. workers and businesses of all sizes. USTR worked to better integrate specific SME issues and priorities into trade policy development, increased outreach to SMEs around the country, and expanded interagency collaboration and coordination on SME trade issues.

USTR has implemented an SME Initiative to increase export opportunities for U.S. SMEs and has expanded efforts to address the specific export challenges and priorities of SMEs and their workers in U.S. trade policy and enforcement activities. In 2023, USTR continued to engage with its interagency partners and trading partners to develop and implement new and ongoing initiatives that support small business exports.

USTR supported efforts to help more SMEs reach overseas markets by improving information availability, leveraging new technology applications, and empowering local export efforts. USTR worked closely with the U.S. Small Business Administration (SBA), the U.S. Departments of Commerce and State, and other agencies that help provide U.S. SMEs with information, assistance, and counseling on specific export opportunities. In 2023, USTR undertook a range of actions in support of the SME Initiative.

Small and Medium-Sized Enterprise-Related Trade Policy Activities

Burdensome customs procedures, discriminatory or arbitrary standards, lack of transparency relating to relevant regulations, restrictions on digital trade, and insufficient intellectual property rights protection in foreign markets present particular challenges for U.S. SMEs exporting abroad. Under the SME Initiative, USTR's small business office, regional offices, and functional offices pursued initiatives and advanced efforts to address these issues.

U.S. trade agreements, as well as other trade dialogues and fora, provided a critical opportunity to address specific concerns of U.S. SMEs and facilitate their participation in export markets. For example:

- The United States–Mexico–Canada Agreement (USMCA) includes a dedicated chapter on SMEs, in recognition of the fundamental role of SMEs as engines of the North American economy. Mexico and Canada are the top two export destinations for U.S. SME goods. In 2021 (latest year available), over 88,000 U.S. SMEs exported over \$72.2 billion in goods to Canada and over 48,000 U.S. SMEs exported over \$99.6 billion in goods to Mexico.
- The SME Chapter created a trilateral USMCA SME Committee—composed of government officials from each country—that promotes ongoing SME cooperation among the Parties to increase SME trade and investment opportunities, develops information-sharing tools that help SMEs better understand the benefits of the Agreement, and provides other information useful for SMEs doing business in the region. The chapter also launched a new framework for an ongoing SME Dialogue, which is open to participation by SMEs, including those owned by women and diverse and underrepresented groups.

Outside of the SME Chapter, the USMCA contains numerous other provisions that benefit SMEs, including customs and trade facilitation provisions to cut red tape and reduce costs; digital trade provisions to support Internet-enabled small businesses; and other provisions to protect the intellectual property of innovators, support cross border trade in services for small businesses, and support small businesses through good regulatory practices to promote transparency and accountability when developing and implementing regulations.

The following activities occurred under the USMCA SME Chapter in 2023:

- In September, the United States, Canada, and Mexico convened the second USMCA SME Dialogue, which was hosted by Mexico’s Ministry of Economy in Mexico City. Approximately 160 participants attended in person, with simultaneous translation provided in English and Spanish. The Dialogue’s participants included government officials; women-, minority-, and Indigenous-owned small businesses; and business support organizations sharing perspectives, best practices, and business guidance. The SME Dialogue highlighted the experiences of women-owned businesses in North American trade, digitalization of SMEs and electronic commerce, SME financial inclusion in export financing, and processes and procedures for exporting within the USMCA region.
- USTR, the SBA, and the U.S. Department of Commerce convened a women’s small business roundtable in Mexico City to hear from SBA-supported Women’s Business Centers and learn about woman-led business perspectives and successes in export sales.
- The USMCA SME Committee expanded its network of Small Business Development Center (SBDC) SME counselors among the United States, Canada, and Mexico to share best practices and help SME clients prepare for new trade opportunities under the USMCA. Participants from the United States included SBDC SME counselors and representatives from Historically Black Colleges and Universities (HBCUs), Women’s Business Centers, Minority Business Development Agency offices, Veterans Business Outreach Centers, and Native American Technical Assistance Centers. The SME Committee convened the fourth USMCA SME Counselors network in June for a best-practices exchange on exporting by women-owned businesses in the United States, Canada, and Mexico. Counselors from each country discussed ways they encourage women-owned SMEs

to trade and export and programs that are most effective in getting women-owned SMEs involved in international trade within North America.

Other trade dialogues and fora also provided opportunities for engagement with SME stakeholders on trade opportunities and challenges they face exporting to foreign markets:

- USTR, the U.S. Department of Commerce, and the SBA, along with the European Commission’s Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, in collaboration with the Directorate General for Trade, convened the 12th U.S.–EU SME Workshop in September 2023 in Birmingham, Alabama, hosted by the U.S. Department of Commerce’s U.S. Export Assistance Center and the Alabama Department of Commerce. The Alabama Governor and the Alabama Secretary of Commerce opened the Workshop, which was an opportunity for small businesses to engage directly with government officials from the United States, the European Commission, and EU Member States, as well as SMEs and associations from both sides of the Atlantic. Topics for discussion at the 2023 SME Workshop included: advancing global trade leadership through the United States–European Union Trade and Technology Council; SME access to finance; developing successful international strategies to drive equitable growth in the United States and the EU; and Alabama-EU trade and investment opportunities.
- In 2023 USTR also participated in the United States–EU Trade and Technology Council SME Working Group on promoting SME access to and use of digital tools, an initiative led by the U.S. Department of Commerce, which included a webinar on standards and a commitment to explore joint recommendations on digital tools for SMEs.

For further information, see Chapter I.A.4 United States–European Union Trade and Technology Council.

- In October 2023, USTR, the U.S. Department of Commerce, and the SBA, with the United Kingdom Department for Business and Trade, jointly convened the Seventh United States–United Kingdom SME Dialogue. Hosted by the Cabazon Band of Cahuilla Indians on Tribal lands in Indio, California, the event marked the first-ever SME Dialogue hosted with Native American Tribal Nations and, in collaboration with the U.S. Department of Commerce’s Inland Empire Export Assistance Center, brought together Tribal, rural, and minority small business representatives and SME representatives from the UK. Participants at the SME Dialogue discussed the experiences of Tribal, rural, and minority-owned small businesses and opportunities and challenges in U.S.–UK trade; SMEs and clean technology solutions in U.S.–UK green technology trade; growth opportunities for SMEs in U.S.–UK services trade, including electronic commerce, logistics, and tourism; and SME finance. In addition to the Cabazon Band of Cahuilla Indians, Tribal SME speakers included representatives of the Navajo Nation, Jicarilla Apache Nation, and Soboba Band of Luiseno Indians.
- In 2023, USTR negotiated the first agreement under the United States–Taiwan Initiative on 21st-Century Trade, under the auspices of the American Institute in Taiwan (AIT) and the Taipei Economic and Cultural Representative in the United States (TECRO), covering the areas of customs administration and trade facilitation, good regulatory practices, services domestic regulation, anticorruption, and SMEs. Through these provisions, U.S. businesses will be able to bring more products to Taiwan-based customers, while creating more transparent and streamlined regulatory procedures that can facilitate investment and economic opportunities in both markets, particularly for SMEs. When implemented, the provisions on SMEs will encourage SME trade and

investment opportunities between the United States and Taiwan and will initiate SME Dialogues that include SMEs owned by diverse, underserved, and underrepresented groups.

For further information, see Chapter I.A.2 United States–Taiwan Initiative on 21st-Century Trade.

- Under the United States–Kenya Strategic Trade and Investment Partnership (STIP), the United States has proposed text for a chapter on micro-, small and medium-sized enterprises (MSMEs) to highlight the fundamental role of MSMEs in maintaining the dynamism and competitiveness of the economies of the United States and Kenya, as well as the role of the private sector in promoting MSME cooperation. Under the auspices of the STIP, the United States and Kenya held MSME Technical Exchanges in Washington, D.C., and Nairobi on the development of pilot Small Business Development Centers (SBDCs) in Kenya with U.S. Agency for International Development assistance, following the successful U.S. SBDC model administered by the SBA across the United States.

For further information, see Chapter I.A.3 United States–Kenya Strategic Trade and Investment Partnership.

- The Indo-Pacific Economic Framework for Prosperity emphasizes the importance of strengthening economic competitiveness and cooperation and securing critical supply chains, while stimulating job growth and improving economic opportunities, including for MSMEs.

For further information, see Chapter I.A.1 Indo-Pacific Economic Framework.

- In the Asia-Pacific Economic Cooperation (APEC) forum, APEC economies continued to advance initiatives to facilitate SME access to global markets, including by promoting approaches to build a more inclusive digital economy. In 2023, the United States used its APEC host year to organize multiple workshops and capacity-building activities in support of this agenda. This included activities through the APEC Alliance for Supply Chain Connectivity, in which the United States focused on implementation of Phase III of the Supply Chain Framework Action Plan, which specifically calls for more work in APEC to facilitate SMEs’ access and integration into global supply chains. The United States also implemented two APEC workshops that highlighted the role of intellectual property, including copyright protection and enforcement and the use of common names, for individuals and SMEs. The United States is working to gather data on how economies are incorporating inclusion into trade and policy and trade agreements, mitigating the persisting barriers to accessing the benefits of trade agreements for SMEs and other underserved groups. Economies also continued to update the [APEC Trade Repository](#) to help SMEs seeking information on tariff rates, customs procedures, and other information related to doing business in the APEC region.

For more information, see Chapter I.C.3 Japan, Republic of Korea, and the Asia-Pacific Economic Cooperation Forum.

- In the World Trade Organization, USTR pursued work with other Members on issues of interest to SME stakeholders, such as electronic commerce, transparency of regulatory processes, and implementation of trade facilitation measures.
- In the Group of 20, Ministers responsible for trade and investment highlighted the importance of MSMEs for inclusive growth and development, and they acknowledged the role and importance of digital technology and technology-based tools—along with appropriate policy and institutional

measures—in enhancing MSMEs’ access to information, finance, and markets. To help improve MSMEs’ access to trade-related information, the ministers called on the International Trade Centre to upgrade its Global Trade Helpdesk.

U.S. Government Small and Medium-Sized Enterprise Activities

USTR participated in the Trade Promotion Coordinating Committee’s (TPCC) Small Business Working Group, collaborating with agencies such as the SBA, the U.S. Departments of Commerce and State, and the U.S. Export-Import Bank to promote small business exports, including by connecting SMEs to trade information and resources to help them begin or expand their exports and take advantage of existing trade agreements. This work also involved improving U.S. Government digital outreach and engagement with potential small business exporters with online tools. USTR also participated in interagency efforts to assist small and underserved businesses through export promotion.

Small and Medium-Sized Enterprise Outreach and Consultations

In 2023, USTR regularly consulted with the Industry Trade Advisory Committee on Small, Minority, and Women-led Business (ITAC-9) to seek its advice and input on U.S. trade policy negotiations and initiatives and met frequently with individual SMEs and associations representing SME members on specific issues. ITAC-9 convened outside of Washington D.C., on the margins of the U.S.–EU SME Workshop in Birmingham, Alabama, to help facilitate ITAC 9 members’ participation at the SME Workshop. USTR briefed SMEs at several SME events in 2023 regarding U.S. trade priorities, including at the annual America’s Small Business Development Center Conference in Nashville, Tennessee; the National Association of District Export Councils Trade Policy Committee meetings; the National Small Business Exporter Summit of the National Association of Small Business International Trade Educators; and other events aimed at encouraging SMEs to begin or expand their exports, including through the use of digital tools and electronic commerce.

C. AGRICULTURE AND TRADE

The United States is committed to global agricultural trade, as both a major exporter and a major importer of agricultural goods. According to the U.S. Department of Agriculture (USDA) estimates, agricultural exports support more than one million American jobs, with roughly 70 percent of these jobs in the non-farm sector, such as in processing and agricultural manufacturing. In 2023, U.S. total agricultural exports reached \$181.4 billion¹.

Throughout 2023, supply chain challenges were exacerbated by the disruption in global markets caused by Russia’s continuing attacks on Ukraine’s grain infrastructure and attempted blockade of sea routes used to transport Ukrainian grain, following Russia’s full-scale invasion of Ukraine in February 2022. Widespread and growing concern over global food insecurity challenges was intensified by the continued uncertainty for agricultural producers, food manufacturers, and food distributors worldwide. Further, continued, unjustified retaliatory tariffs on U.S. farm goods affected market access opportunities for many U.S. agricultural producers in 2023. In response to these multiple, complex challenges, USTR and other U.S. Government agencies resolved specific trade concerns, advocated for elimination of unwarranted barriers to trade, and unlocked more economic opportunities for America’s agriculture industry, including our farmers, ranchers, and producers, through expanded market access.

¹ U.S. domestic exports were \$174.9 billion; and U.S. re-exports were \$6.6 billion.

1. Opening Export Markets for American Agriculture

Successful expansion of market opportunities abroad for U.S. food and agricultural products requires close coordination between the Office of the U.S. Trade Representative (USTR) and a number of U.S. Government agencies including the Food and Drug Administration within the U.S. Department of Health and Human Services; the U.S. Environmental Protection Agency; the National Oceanic and Atmospheric Administration within the U.S. Department of Commerce; the U.S. Department of Agriculture; and the Department of State.

Significant accomplishments of the United States in opening and maintaining export markets for U.S. agricultural goods from January 1, to December 31, 2023 include:

European Union Approved Thirteen Agricultural Biotechnology Products: As part of the agreement reached under the World Trade Organization (WTO) Dispute Settlement Process related to case DS291, USTR leads regular bilateral consultations to press the European Union (EU) to address delays in its biotechnology approval process. In the latest June 2023 consultation, USTR again pressed the EU to address the delays in its approval process and offered to cooperate on broader biotechnology policy issues in another venue, in order to discuss areas of mutual interest outside of the context of WTO dispute settlement. Following this sustained pressure from the United States, in 2023, the EU issued eight approvals and five renewals for agricultural biotechnology products.

United States Supported Science-based Regulatory Policy in Africa by Funding a Sanitary and Phytosanitary Advisor to the African Union: In 2023, a U.S.-funded sanitary and phytosanitary (SPS) advisor, jointly selected by the U.S. Government and the African Union, began work to share expertise with interested African partners to support collaboration on the development of science- and risk-based policies for the production and trade of food and agricultural products, and to promote agricultural trade between the United States and Africa.

United States–Japan Beef Safeguard Entered into Force: In January 2023, a new agreement revising the beef safeguard mechanism under the U.S.–Japan Trade Agreement entered into force. The new safeguard mechanism allows U.S. beef exporters to more reliably meet Japan’s growing demand for high-quality beef and reduces the probability that safeguard duties would be imposed on U.S. beef. Exports of U.S. beef to Japan totaled over \$1.8 billion in 2023, with Japan representing the United States’ second largest beef export market.

United States and European Union Signed and Implemented the Brexit Tariff Rate Quota Agreement: In January 2023, USTR signed an agreement with the EU that provided the United States with the revised allocations of EU tariff-rate quotas (TRQ) to account for the withdrawal of the United Kingdom from the EU. The modified TRQ allocations restore certainty and predictability for U.S. exporters and provide favorable EU market access for multiple U.S. agricultural products such as rice, wheat, and corn.

China Lifted Import Suspensions on Two U.S. Poultry Facilities Suspended for COVID-Related Concerns: In January 2023, as a result of engagement by the United States, the General Administration of Customs of China (GACC) relisted two U.S. poultry facilities as eligible to export to China after these facilities had been suspended following local media reports of COVID-19 infections among workers. GACC suspended these facilities in August and October 2020 amid unfounded concerns that COVID-19 may spread via food and food packaging.

China Approved Six U.S.-Developed Genetically Engineered Products for Import: In January 2023, following engagement by the United States, China’s Ministry of Agriculture and Rural Affairs (MARA)

announced the approval of six U.S.-developed genetically engineered (GE) products for import, including the first ever approval for GE alfalfa. These six products, which include three cotton products, two alfalfa products, and one canola product, had been awaiting final approval from MARA for over five years.

Ghana Opened Market Access for U.S. Meat Products: In January 2023, as a result of consistent engagement by the United States, Ghana’s Acting Chief Veterinary Officer (CVO) approved U.S. import certificates for pork and pork products. The CVO also confirmed that Ghana will recognize these certificates for U.S. beef, lamb, goat, and poultry. Following this announcement, the Ghanaian market is officially open to all U.S. meat products. In 2023, the United States exported over \$57 million of beef, pork, poultry, and other meat products to Ghana.

India Announced Tariff Reductions on Pecans: Following high-level discussions on agricultural market access issues at the January 2023 U.S.-India Trade Policy Forum, India reduced its pecan tariff by 70 percentage points, to 30 percent, effective February 2023. In 2023, the U.S. exported \$1 million of pecans to India.

China Registered All Outstanding U.S. Feed Additive Production Facilities as Eligible to Export: In February 2023, after engagement by the United States, GACC updated its lists of foreign feed additive facilities eligible to export to China to include all outstanding U.S. producers of these products. In 2023, the United States exported over \$380 million worth of products from feed additive facilities eligible to export to China.

Japan’s New Biofuels Policy Allowed for Increased Exports of U.S. Ethanol: In April 2023, following extensive engagement by USTR, USDA, and U.S. Embassy officials in Tokyo, Japan implemented a new biofuels policy that will allow the United States to capture up to 100 percent of Japan’s on-road ethanol market. In 2023, exports of U.S. ethanol to Japan totaled \$444 thousand.

Bangladesh Removed the Fumigation Requirements on Imports of U.S. Cotton: In May 2023, the Bangladesh Ministry of Agriculture published a regulatory order allowing the importation of U.S. cotton into Bangladesh without fumigation on-arrival, removing a long-standing bilateral trade irritant. The action was the result of persistent efforts by USTR and USDA to engage with the Bangladeshi Government to address trade barriers for U.S. cotton exports. In 2023, U.S. exports of cotton to Bangladesh were valued at \$339 million.

Jordan Agreed to Remove Tariffs on Fertilized Eggs: During the 9th United States-Jordan Free Trade Agreement Joint Committee meeting held in May 2023, Jordan committed to remedying its unjustified tariffs on fertilized eggs from the United States. In September 2023, Jordan modified its tariff schedule and removed Most-Favored-Nation tariffs of 20 percent on U.S. exports of fertilized eggs.

India Reduced Tariffs on Almonds, Apples, Chickpeas, Lentils, and Walnuts: In June 2023, India and the United States terminated six WTO disputes, and India agreed to remove retaliatory tariffs on U.S. chickpeas, lentils, almonds, walnuts, and apples. The agreement was the culmination of intensified bilateral engagement with India over the last two years, including through the United States–India Trade Policy Forum, to deepen trade ties between the United States and India. These tariff cuts went into effect in September 2023, and will restore and expand market opportunities for U.S. agricultural producers in India. In 2023, U.S. exports of chickpeas, lentils, almonds, walnuts and apples to India were valued at \$969 million.

United States Ensured Production Facilities Remained Registered in China: In July 2023, China implemented broad new requirements for international food production facilities, including U.S. facilities. Through direct outreach under the Phase One Agreement and multilateral efforts at the WTO, the United

States ensured that hundreds of U.S. food production facilities remained registered after implementation of these new requirements, while minimizing new resource burdens on U.S. food safety regulators. As a result of this outreach by USTR and other U.S. Government agencies, market access was maintained for \$2.2 billion of U.S. agricultural products subject to China’s new requirements.

South Africa Repealed Restrictive Alcohol Labeling Amendments: In July 2023, as a result of considerable engagement by USTR and USDA, including on the margins of the WTO Committee on Technical Barriers to Trade, South Africa repealed proposed amendments on the labeling and composition of wine and spirits that would have narrowed the scope of U.S. products that were eligible to enter the South African market. In 2023, U.S. exports of distilled spirits to South Africa were \$19 million.

World Trade Organization Members Completed the Twelfth Ministerial Conference SPS Work Program: Following the 2022 adoption by Ministers of the “Sanitary and Phytosanitary Declaration for the Twelfth WTO Ministerial Conference: Responding to Modern SPS Challenges,” in 2023, USTR and USDA were instrumental in supporting the successful execution of the related Declaration Work Program. The Work Program was intended to help WTO Members identify and meet critical SPS challenges and to advance opportunities to increase productivity, enhance sustainability, and facilitate trade.

European Union Agreed to Simplified Labeling Requirements for Wine: In September 2023, following extensive engagements by USTR, including bilateral discussions under the Agreement between the United States and the European Community on Trade in Wine, the EU agreed to the continued use of the simplified export certificate for U.S. wine exports to the EU. The EU had previously indicated that it planned to make changes to this export certificate under new EU ingredient labeling regulations for wine. The simplified export certificate streamlines the importation of U.S. wine into the EU. In 2023, U.S. exports of wine and related products to the EU were \$168 million.

India Commits to Tariff Reductions for Blueberries, Cranberries, Duck, and Turkey: In September 2023, India and the United States came to an agreement to terminate the WTO dispute, DS430, regarding imports of U.S. poultry. As a result of discussions related to the termination, India committed to reduce tariffs on certain U.S. agricultural goods, including frozen turkey, frozen duck, fresh blueberries and cranberries, frozen blueberries and cranberries, dried blueberries and cranberries, and processed blueberries and cranberries. India committed to reduce such tariffs by March 2024.

Nigeria Lifted Foreign Currency Purchase Restrictions on Certain Agricultural Products: In October 2023, as a result of pressure from USTR, the Central Bank of Nigeria lifted restrictions on the use of foreign currency to purchase 43 types of products including milk and dairy products, rice, meat and processed meat products, vegetables, poultry, and tomato paste. This policy change is a significant step toward more predictable market access. While the removal of these restrictions is a positive development, Nigeria continues to prohibit imports of many agricultural products including beef, poultry, and pork.

South Africa Removed Restrictions on U.S. Poultry: In October 2023, following extensive engagement by USTR, including interventions at the WTO SPS Committee, South Africa announced the lifting of restrictions on U.S. poultry and poultry product exports from 27 U.S. states that had been declared free from highly pathogenic avian influenza (HPAI). South Africa’s restrictions on U.S. poultry had been in place well after the 27 U.S. states had been declared HPAI-free. In 2023, U.S. exports of poultry and poultry products to South Africa were \$44 million.

Algeria Granted Access to U.S. Bovine Genetics: Following the June 2022 United States-Algeria Trade and Investment Framework Agreement (TIFA) during which Algeria agreed to consider U.S. technical

market access requests and following several USDA technical exchanges in 2022 and 2023, Algeria opened its market to U.S. bovine genetics in September 2023.

Engagement with Canada on Its Clean Fuel Regulation Prevented Unwarranted Burdens on U.S. Producers:

In November 2023, after considerable engagement by USTR and USDA, Canada acknowledged that U.S. feedstocks are in compliance with Land Use and Biodiversity criteria under Canada’s Clean Fuel Regulation. This ensures that U.S. biodiesel and ethanol exports to Canada—valued at \$3.2 billion in 2023—and U.S. biofuel feedstock exports to Canada will not be hindered under Canada’s regulation. In addition, in June 2023 Canada agreed on a practical solution to meet producer declaration requirements, avoiding onerous administrative burdens on U.S. exporters of feedstocks and biofuel.

2. Active Negotiations

Indo-Pacific Economic Framework for Prosperity

In 2023, USTR participated in six formal Indo-Pacific Economic Framework for Prosperity (IPEF) negotiating rounds with the goal of advancing resilience, sustainability, inclusiveness, economic growth, fairness, and competitiveness for the participating economies. Within the Agriculture Chapter negotiations, the United States sought to open or expand opportunities for agricultural producers to access markets throughout the IPEF region, advance food security, promote sustainable agricultural production, and address some of the persistent challenges that U.S. producers face in accessing markets in the region. The United States also sought to increase transparency and regulatory certainty for agricultural exporters and importers, and encourage collaboration and innovation in areas such as sustainability and food security.

For further discussion of the Indo-Pacific Economic Framework, see Chapter I.A.1 Indo-Pacific Economic Framework.

United States–Kenya Strategic Trade and Investment Partnership

In April and October 2023, USTR held two productive rounds of in-person discussions of the United States–Kenya Strategic Trade and Investment Partnership (STIP) to pursue enhanced engagement and high-standard commitments in a wide range of areas, including agriculture. The United States proposed agriculture text that includes a broad set of provisions designed to advance the use of science and risk-based measures, increase transparency, and facilitate trade. The two governments also shared an interest in fostering sustainable agricultural practices, creating an enabling environment for innovative agricultural technologies, and advancing food security goals, while addressing climate change concerns.

For further discussion of the United States–Kenya Strategic Trade and Investment Partnership, see Chapter I.A.3 United States–Kenya Strategic Trade and Investment Partnership.

United States–Taiwan Initiative on 21st-Century Trade

Through the U.S.-Taiwan Initiative on 21st-Century Trade, in 2023 USTR aimed to deepen the United States’ trade and investment relationship with Taiwan, advance mutual trade priorities based on shared values, and promote innovation and inclusive economic growth for U.S. workers and businesses. As part of the Initiative, the United States, under the auspices of American Institute in Taiwan, sought to establish disciplines to help ensure that SPS measures are science-based, and developed and implemented in a transparent, predictable, and non-discriminatory manner. The United States also sought to negotiate provisions to support cooperative mechanisms on the use of sustainable agricultural production practices, including new and innovative technologies. The two sides held an in-person negotiating round the week of

August 14, 2023, in Washington, D.C., during which there were productive discussions on proposed text covering agriculture.

For further discussion of the United States–Taiwan Initiative on 21st-Century Trade, see Chapter I.A.2 United States–Taiwan Initiative on 21st-Century Trade.

3. Monitoring and Enforcement Activities of Existing Agreements

U.S. enforcement and monitoring efforts cover a broad expanse of activities in support of American agriculture. In addition to participating in dispute settlement, either at the WTO or through available mechanisms under relevant trade agreements, the United States works to resolve specific trade concerns, reviews and comments on proposed regulations that could unnecessarily impede trade, and advocates for elimination of unwarranted barriers to trade.

United States–Australia Free Trade Agreement

In 2023, the United States and Australia confirmed that they would continue work under the United States–Australia Free Trade Agreement to make progress on U.S. market access requests for agricultural products. Following a series of meetings and written engagements in which USTR highlighted a lack of progress on certain longstanding market access requests, Australia agreed to host a high-level U.S. delegation in April 2023 and expressed Australia’s renewed dedication to addressing U.S. market access requests.

For further discussion of the United States–Australia Free Trade Agreement, see Chapter I.B.1 Australia.

United States–China Economic and Trade Agreement

Throughout 2023, the United States continued working to advance China’s implementation of the agriculture-related commitments contained in the United States–China Economic and Trade Agreement to maintain new and expanded market access for U.S. food and agricultural exports to China. Through sustained engagement, the United States minimized the negative impact of certain changes to China’s food and agricultural import regulations, including by securing the removal of unjustified and non-science-based measures related to COVID-19, and working to minimize the negative impact of China’s new requirements for overseas food manufacturing facility registration. In 2023 U.S. food and agricultural exports to China totaled \$29.1 billion.

For further discussion of the United States–China Economic and Trade Agreement, see Chapter II.B.1.i Section 301, China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation.

United States–Colombia Trade Promotion Agreement

The United States engages extensively with Colombia on a regular basis and in annual meetings of the United States–Colombia Trade Promotion Agreement (CTPA) SPS and Agriculture Committees. The two Committees convened in April 2023 to discuss several issues, including: U.S. market access for bovine meat-and-bone meal and lamb products; Colombia’s dairy lactic acid requirements; countervailing duties on imports of U.S. ethanol; cooperation on biotechnology; and other SPS-related market access issues.

For further discussion of the United States–Colombia Trade Promotion Agreement, see Chapter I.B.5 Colombia.

United States–Korea Free Trade Agreement

The United States hosted the United States–Korea Free Trade Agreement (KORUS) Committees on Agricultural Trade and SPS in August 2023, during which the United States raised issues including: establishing science-based residue limits for imports of U.S. meat and poultry into Korea; Korean labeling regulations affecting U.S. meat and dairy products; pesticide registration requirements; and Korea’s approval procedures for products of agricultural biotechnologies. U.S. exports of agricultural products to Korea in 2023 were valued at \$7.6 billion, making Korea the fifth largest export market for U.S. agricultural exports.

For further discussion of the United States–Korea Free Trade Agreement, see Chapter I.B.8 Korea.

United States–Panama Trade Promotion Agreement

The United States and Panama continued to engage on issues of concern throughout 2023, meeting bilaterally and convening the United States–Panama Trade Promotion Agreement Technical Capacity Building Committee to identify opportunities for collaboration to support agricultural production and trade.

For further discussion of the United States–Panama Trade Promotion Agreement, see Chapter I.B.12 Panama.

Dominican Republic–Central America–United States Free Trade Agreement

In 2023, the United States continued to press Dominican Republic–Central America–United States Free Trade Agreement (CAFTA-DR) Parties for progress to address specific trade concerns in order to facilitate U.S. market access in Central American countries and the Dominican Republic. In 2023, U.S. exports of agricultural products to the CAFTA–DR region were valued at approximately \$7.4 billion.

For further discussion of the Dominican Republic–Central America–United States Free Trade Agreement, see Chapter I.B.3 Central America and the Dominican Republic.

United States–Mexico–Canada Agreement

The Parties to the United States–Mexico–Canada Agreement (USMCA) held the second meeting of the USMCA Working Group for Cooperation on Agricultural Biotechnology on January 18, 2023, during which the United States raised concerns and requested information regarding Mexico’s policies concerning agricultural biotechnology. The Parties provided regulatory updates and discussed the role of agricultural biotechnology with regards to climate change, sustainability, and food security.

Mexico Biotechnology

On January 30, 2023, the United States sent a formal, written request to Mexico under the USMCA SPS Chapter (Article 9.6.14) for “an explanation of the reasons for” and “pertinent relevant information regarding” certain Mexican measures concerning products of agricultural biotechnology. In March 2023, the United States held technical consultations with Mexico under Article 9.19 of the USMCA SPS Chapter to address U.S. concerns regarding Mexican measures concerning genetically engineered (GE) corn and certain other GE products. On August 17, 2023, the United States established a dispute settlement panel under the USMCA, challenging measures set out in Mexico’s February 13, 2023 decree, specifically the ban on use of GE corn in tortillas or dough, and the instruction to Mexican government agencies to gradually substitute—*i.e.*, ban—the use of GE corn in all products for human consumption and for animal feed.

Canada Dairy

On January 31, 2023, the United States, for the second time, requested and established a dispute settlement panel under the USMCA on Canada’s dairy TRQ allocation measures. On November 24, 2023, the panel released its report. Two of the three panelists found that Canada’s measures do not breach of any of the USMCA commitments that the United States cited. One panelist, however, agreed with a principal U.S. claim challenging Canada’s narrow definition of eligible applicants, which excludes a substantial number of importers that would be eager to bring higher-value, retail-ready U.S. dairy products to Canadian consumers. USTR continued to work to address these issues with Canada and use all tools at the United States’ disposal to enforce U.S. trade agreements and ensure that U.S. farmers, processors, and exporters receive the full benefits of the USMCA.

For further discussion of the United States–Mexico–Canada Agreement, see Chapter I.B.9 Mexico and Canada.

4. Regional, Multilateral, and International Organizations Engagement

Asia-Pacific Economic Cooperation

In 2023, the United States negotiated the Principles for Achieving Food Security Through Sustainable Agri-Food Systems in the APEC Region (Principles Document), which was finalized and adopted at the 2023 APEC Ministerial Meeting on Food Security. The Principles Document articulates the importance to APEC economies of promoting place and scale (*i.e.*, “no-one-size-fits-all”) approaches to sustainable agriculture as well as dedication to promoting transparent, predictable, open, and fair markets in support of regional and global food security.

For further discussion of United States’ participation in Asia- Pacific Economic Cooperation, see Chapter I.C.3 Japan, Republic of Korea, and the Asia-Pacific Economic Cooperation Forum.

United States–Central Asia Trade and Investment Framework Agreement

In 2023, the United States engaged with Kazakhstan, Kyrgyzstan, Turkmenistan, Tajikistan, and Uzbekistan on regional SPS-related trade issues under the United States–Central Asia Trade and Investment Framework Agreement (TIFA) SPS Working Group. The Working Group convened in March and in September, providing a forum to share and exchange trade-related SPS best practices, including implementation of WTO-consistent requirements.

For further discussion of the United States–Central Asia Trade and Investment Framework Agreement, see Chapter I.C.7 South and Central Asia.

United States–European Union Consultations on Agricultural Biotechnology

The United States continued to engage with the EU in regular consultations to normalize trade in agricultural biotechnology products, in accordance with the 2008 decision by the United States and the European Union (EU) to suspend Article 22.6 arbitration proceedings associated with the WTO dispute settlement proceedings against the European Communities (the EU predecessor) regarding the approval and marketing of biotechnology products (DS291). Significant delays in the EU for agricultural biotechnology approvals continued to represent a major barrier to the commercialization and trade of safe biotechnology products. During the U.S.–EU consultation on June 22, 2023, the United States reiterated

concerns with the continued delays that applicants face while navigating the EU’s biotechnology approval procedures.

For further discussion of European Union – Measures affecting the approval and marketing of biotechnology products (DS291), see Chapter II.D WTO and FTA Enforcement.

Agriculture in the World Trade Organization

In 2023, meaningful progress was made on a number of WTO disputes brought by the United States. Pending WTO disputes involving agricultural products are:

- *Canada — Measures Governing the Sale of Wine in Grocery Stores (DS531);*
- *China — Domestic Support for Agricultural Producers (DS511);*
- *China — Tariff Rate Quotas for Certain Agricultural Products (DS517);*
- *European Union — Measures Concerning Meat and Meat Products (Hormones) (DS26, DS48);*
- *European Union — Measures Affecting the Approval and Marketing of Biotechnology Products (DS291);*
- *India — Measures Concerning the Importation of Certain Agricultural Products from the United States (DS430); and*
- *Indonesia — Import Restrictions on Horticultural Products, Animals, and Animal Products (DS455, DS465, and DS478).*

For further discussion of these disputes, see II.D WTO and FTA Enforcement. For further discussion on the WTO-related activities, see Chapter IV.D.I Committee on Agriculture; Chapter IV.D.8 Committee on Sanitary and Phytosanitary Measures; and, Chapter IV.B WTO Negotiations.

D. SERVICES

The United States is the largest two-way services trading country in the world. U.S. exports of services account for almost one-third of overall U.S. exports, although on a value-added basis—which accounts for the value of research, information and communication technology (ICT), logistics, and other services as inputs to the production of goods—services account for about half the value of U.S. exports.

For further information on services trade data, see Annex I U.S. Trade in 2023.

In 2023, the Office of the United States Trade Representative (USTR) and other U.S. Government agencies advanced U.S. services interests across a range of fora; worked to combat problematic barriers around the world and increase access to digital finance and digital payments for women, youth, small and medium-sized enterprises, and other underrepresented groups; and collaborated on how to protect workers in the face of rapid technological change. Consistent with its worker-centered trade approach, USTR also has engaged the Labor Advisory Committee in unprecedented consultations to ensure that services negotiations, including digital trade, reflect the interests of American workers.

For further discussion of inclusive engagement, see Chapters III.A Promoting Equitable, Inclusive, and Durable Trade Policy; Expanding Stakeholder Engagement; and V.B Transparency and Public Input.

At the World Trade Organization (WTO), the United States has participated actively in the Joint Initiative on Electronic Commerce. Throughout 2023, the United States and other participating countries—totaling 90 WTO Members—continued negotiations on the basis of Members’ proposals. The goal of the negotiations is to achieve a high-standard outcome that will bring meaningful benefits to workers,

businesses, governments, and the public, particularly micro-, small, and medium-sized enterprises and women-owned businesses. By the end of 2023, this work resulted in further progress in a number of areas and the production of a revised consolidated text. The United States also worked in 2023 toward the full implementation of the Joint Initiative on Services Domestic Regulation—agreed to by 67 Members in December 2021—aimed at increasing transparency, predictability, and efficiency of authorization procedures for service providers hoping to do business in foreign markets.

The United States remained actively engaged in the WTO Work Program on Electronic Commerce throughout 2023. The Work Program was reinvigorated at the Twelfth WTO Ministerial Conference in June 2022, and examined a number of development-related topics, including consumer protection, the digital divide, legal and regulatory frameworks, trade facilitation, digital industrialization, technology transfer, and the electronic commerce moratorium on the imposition of customs duties on electronic transmissions.

USTR raised services issues in many bilateral and multilateral engagements throughout 2023, including the Indo-Pacific Economic Framework, the United States–Taiwan Initiative on 21st-Century Trade, the United States–Kenya Strategic Trade and Investment Partnership, consultations with free trade agreement partners, trade and investment framework agreement meetings, the Asia-Pacific Economic Cooperation forum, the United States–European Union Trade and Technology Council, and the WTO. USTR also continued to advocate for U.S. services interests in international fora such as the Group of 20, the Group of 7, and the Organization for Economic Cooperation and Development.

In addition to efforts to address services issues affecting U.S. suppliers, including small and medium-sized enterprises, USTR in 2023 also continued to look at the way these issues affect people as both workers and consumers. USTR’s approach to digital trade also incorporates security concerns, recognizing the importance of confidence not only in digital infrastructure but in the underlying physical infrastructure as well.

E. INTELLECTUAL PROPERTY

During 2023, the Office of the U.S. Trade Representative (USTR) continued to urge other countries to open their markets to U.S. exports of goods and services and to provide adequate and effective protection and enforcement of U.S. intellectual property (IP) rights.² Toward this end, USTR worked to ensure that U.S. owners of IP have a full and fair opportunity to compete around the globe.

To protect U.S. innovation and employment, the U.S. Government identified laws, policies, and practices in foreign countries that fail to provide adequate and effective IP protection and enforcement for U.S. inventors, creators, brands, manufacturers, and service providers.³ Challenges included copyright piracy, which particularly threatens U.S. exports in media and other creative content. U.S. innovators face unbalanced patent systems and other unfair market access barriers. Counterfeit products undermine U.S. trademark rights and can also pose serious threats to consumer health and safety.

According to the Organization for Economic Cooperation and Development, 2017-2019 data on customs seizures indicates that the country whose goods are most counterfeited and pirated is the United States (almost 39% percent of total seizures around the world are of pirated and counterfeit goods whose right holders originate in the United States). Inappropriate protection of geographical indications (GIs), including the lack of transparency and due process in some systems, limits the scope of trademarks and

² Intellectual property rights include copyrights, patents, industrial designs, trademarks, and trade secrets.

³ In 2019 (latest data available), IP-intensive industries accounted for 63 million jobs in the United States, which constituted 44% of all U.S. employment at the time.

other IP rights held by U.S. producers and imposes barriers on market access for U.S.-made goods and services that rely on the use of common names, such as “feta” cheese. In addition, the theft of trade secrets, often among a company’s core business assets and key to a company’s competitiveness, hurts U.S. businesses, including small and medium-sized businesses. The reach of trade secret theft into critical commercial and defense technologies poses threats to U.S. national security interests as well.

The United States deployed a wide range of bilateral and multilateral trade tools to promote sound IP laws and effective enforcement worldwide, reflecting the relevance of IP to the future growth of the U.S. economy. The United States pressed trading partners on IP issues through bilateral engagement and other means, including with: Argentina, Australia, Bangladesh, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Ecuador, Egypt, India, Indonesia, Japan, Kazakhstan, Kenya, Kuwait, Kyrgyz Republic, Malaysia, Mexico, Nepal, New Zealand, Pakistan, Paraguay, Romania, Saudi Arabia, South Africa, Sri Lanka, Taiwan, Tajikistan, Thailand, Turkmenistan, Ukraine, Uzbekistan, and Vietnam. The United States also engaged bilaterally and regionally with other countries through the annual “Special 301” review and Notorious Markets report. *For further information, see Chapter II.E.2 Special 301.*

To elaborate on endemic concerns in just one of these countries, China is home to widespread infringing activity, including trade secret theft, rampant online piracy and counterfeiting, and high-volume manufacturing and export of pirated and counterfeit goods to markets around the globe. Combined, shipments and goods coming from or through China and Hong Kong, China in Fiscal Year 2021 (latest data available) accounted for the overwhelming majority (75 percent of the value measured by manufacturers’ suggested retail price) of all U.S. Customs and Border Protection (CBP) border seizures of IP rights infringing merchandise.⁴ In 2022, the Government of China continued implementation of amendments to the Patent Law, Copyright Law, and Criminal Law, as well as other previously issued measures, but the pace of reforms aimed at addressing IP protection and enforcement has slowed. While right holders have welcomed some positive developments, their concerns remain about the adequacy and effective implementation of IP measures, as well as about long-standing issues like forced or pressured technology transfer, trade secrets, counterfeiting, online piracy, copyright law, and patent and related policies. Also, statements by Government of China officials that tie IP rights to People’s Republic of China’s market dominance continue to raise strong concerns. USTR has been closely monitoring the Government of China’s progress in implementing its commitments under the United States–China Economic and Trade Agreement signed in January 2020. *(For further information, see Chapter II.B.1.i United States–China Economic and Trade Agreement.)*

USTR leads multilateral engagement on IP issues in the World Trade Organization (WTO) through the Council for Trade-Related Aspects of Intellectual Property Rights (TRIPS). In support of achieving balance between IP protection and access to medicines, the WTO adopted the Ministerial Decision on the TRIPS Agreement in June 2022, which sets forth clarifications and a waiver for eligible WTO Members to authorize the use of the subject matter of a patent required for the production and supply of COVID-19 vaccines. During 2023, the TRIPS Council discussed whether or not to extend the Ministerial Decision on the TRIPS Agreement to the production and supply of COVID-19 diagnostics and therapeutics. The United States and a number of other countries maintained common positions on the subject of GIs. These positions aim to help ensure that overseas markets remain open to a wide array of U.S. agricultural exports.

For further information, see Chapter IV.E Council for Trade-Related Aspects of Intellectual Property Rights.

⁴ U.S. Department of Homeland Security Customs and Border Protection, Intellectual Property Rights Seizure Statistics, Fiscal Year 2021, <https://www.cbp.gov/document/annual-report/fy-2021-ipr-seizure-statistics>.

F. MANUFACTURING AND TRADE

Manufacturing Is a Key Driver of the U.S. Economy and U.S. Exports

Manufacturing is a vital sector of the overall U.S. economy, with a gross domestic product (GDP) of \$2.5 trillion in 2022 (latest data available), comprising 10 percent of U.S. GDP. If the U.S. manufacturing sector were a country, it would be the seventh largest country in the world (excluding the United States). U.S. manufacturing sector employment was up 22,000 from December 2022 to December 2023, and the unemployment rate for manufacturing workers rose from 2.6 percent in January 2023 to 3.0 percent in December 2023. Average hourly earnings of manufacturing employees were \$32.43 in 2023, up from \$30.97 in 2022.

Manufacturing is a key driver of U.S. exports. U.S. manufacturing exports totaled \$1.6 trillion in 2023, and accounted for 79.2 percent of total U.S. goods exports to the world. The United States is the second largest country exporter of manufactured goods.

The Administration has relentlessly focused on an industrial strategy to revitalize the U.S. manufacturing base, strengthen critical supply chains, and position U.S. workers and businesses to compete and lead globally in the 21st century. This effort is leading to an historic recovery in domestic manufacturing, and USTR is committed to ensuring that trade policy supports U.S. domestic industrial policy. The strategic investments in U.S. manufacturing initiated in 2022, like the U.S. CHIPS Act (Pub. L. 117–167) and Inflation Reduction Act (Pub. L. 117–169), have been reinvigorating U.S. economic capabilities.

Supporting U.S. Manufacturing

The U.S. Government has used a broad range of available trade policy tools to level the playing field and expand markets for U.S. manufactured goods exports in countries around the globe, and USTR is using these trade policy tools to complement domestic policies supporting U.S. manufacturing. In 2023, USTR advanced American manufactured goods trade through active engagement in an array of trade policy initiatives and activities. Key activities to support U.S. manufacturing exports included actions in the following issue areas:

Supply Chains

The disruption of global supply chains due to the impacts of the COVID-19 pandemic and Russia’s full-scale invasion of Ukraine highlighted the complexity of global supply chains for inputs and products critical to the United States, straining U.S. manufacturing across many product sectors. More resilient supply chains can protect the United States from shortages of critical products and encourage investments to maintain America’s competitive edge, create good-paying jobs, and strengthen U.S. national security.

The issue of supply chain resilience is a key priority for the Administration, as evidenced by [*Executive Order \(EO\) 14017*](#) on “America’s Supply Chains” that the President issued on February 24, 2021, to launch a comprehensive review of U.S. supply chains and direct federal departments and agencies to identify ways to secure U.S. supply chains against a wide range of risks and vulnerabilities.

The EO identified four strategic sectors where vulnerabilities in supply chains need to be addressed: (1) pharmaceuticals and active pharmaceutical ingredients; (2) critical materials; (3) semiconductors; and (4) large capacity batteries. In addition, comprehensive reviews of six industrial base supply chains were conducted under EO 14017 and have been guiding the Administration’s initiatives to strengthen supply chains and reduce vulnerabilities, while strengthening U.S. manufacturing capabilities and competitiveness.

In 2023, USTR continued working with interagency partners to identify trade-related initiatives that can support the Administration’s principles for supply chain resilience: transparency; diversity, openness and predictability; security; and sustainability. USTR is a member of the White House Council on Supply Chain Resilience, launched by President Biden in November 2023. In addition, USTR and other agencies worked with trading partners to develop approaches to mutually strengthen critical supply chains, including through existing free trade agreements, the Indo-Pacific Economic Framework for Prosperity (IPEF), the United States–Japan Partnership on Trade, the U.S.–EU Trade and Technology Council, the Americas Partnership for Economic Prosperity, and other bilateral and regional trade initiatives, as well as the G7 and G20.

In February 2023, the United States, Canada, and Mexico established a trilateral Sub-Committee on Emergency Response under the United States–Mexico–Canada Agreement (USMCA) North American Competitiveness Committee, to coordinate North American efforts to maintain regional trade flows during emergency situations. *For additional discussion of the Competitiveness Committee, see Chapter I.B.9 Mexico and Canada.* In May 2023, the United States and the EU established an early warning system for semiconductor supply chain disruptions under the U.S.-EU Trade and Technology Council. In November 2023, the United States and its partners signed the IPEF Agreement Relating to Supply Chain Resilience. This agreement gives partners new tools to build diversified, competitive supply chains for critical sectors, to better prepare for and respond to supply chain disruptions through emergency communication channels and joint crisis simulations, as well as to promote worker rights across supply chains.

In addition, USTR continued to work with trading partners to address non-market policies and practices in trade that contribute to overcapacity and the development of single sources of key strategic products, distort global markets, and undermine supply chain diversity and security. For example, in 2023, the United States and the EU exchanged views and information about these policies and practices in the medical devices sector in China and their adverse impact on U.S. and EU workers and businesses, and coordinated joint actions in response to these policies and practices.

Critical Minerals Agreements

To support secure, transparent, sustainable, and equitable critical minerals supply chains, USTR worked with other agencies to negotiate critical minerals agreements with key trading partners to facilitate trade, promote fair competition and market-oriented conditions for trade in critical minerals, advance robust labor and environmental standards, and advance cooperation in this sector. The United States concluded a critical minerals agreement with Japan in March 2023 and has initiated negotiations for similar agreements with the EU and the United Kingdom.

For further discussion, see Section I.A.7 United States–Japan Critical Minerals Agreement, Section I.A.8 United States–United Kingdom Critical Minerals Agreement, and Section I.A.9 United States–European Union Critical Minerals Agreement.

Steel and Aluminum

Steel and aluminum are important strategic sectors where the industrial policies and subsidies of certain trading partners continue to distort global markets through overcapacity. These policies, which go beyond incentivizing domestic production and are anti-competitive in nature, have adversely affected U.S. industry and workers as well as global trade. China’s policies in particular are not market-oriented, contribute to excess capacity, and are especially distortive. In 2023, USTR continued to seek opportunities to work with like-minded trading partners to build international consensus on the challenges of excess capacity including in the Organization for Economic Cooperation and Development (OECD) Steel Committee, which brings

together government, industry, and labor representatives to discuss developments across the global steel sector and approaches to addressing challenges.

In addition, in 2023, USTR worked with like-minded partners to restructure the Global Forum on Steel Excess Capacity (GFSEC), previously convened under the G20, so that it serves as a forum under the OECD with new terms of reference aimed at addressing the broad range of issues resulting from continued growth in steel overcapacity, including the impact on decarbonization.

Finally, the United States continued its work with the EU to develop the Global Arrangement on Sustainable Steel and Aluminum with an ambitious framework of robust entry requirements and maintenance criteria that advance our shared goals of restoring market-oriented conditions and supporting decarbonization in the steel and aluminum sectors. As interest in this effort has grown, USTR consulted with interested trading partners and industry and labor representatives to lay the groundwork for an ambitious and comprehensive initiative.

Semiconductors

USTR engages on a wide range of trade-related issues that impact the semiconductor industry to help promote the resiliency and security of the industry's supply chain, support domestic manufacturing, and level the playing field for the U.S. semiconductor industry. USTR, in close collaboration with interagency partners, routinely engages with allies and partners to cooperate on semiconductor supply chains and work to address unfair trade practices. Under the U.S.-EU Trade and Technology Council (TTC), the United States and the EU shared concerns about the impact of non-market economic policies and practices on the global supply of semiconductors, particularly in legacy chips. To avoid negative spillover effects from excess global capacity, the United States and the EU, in cooperation with like-minded partners, continued to exchange information and market intelligence about non-market policies and practices that undermine the well-being of the global semiconductor industry, and explored cooperative measures to address the distortionary effects of these policies and practices.

United States–Mexico–Canada Agreement

The USMCA entered into force on July 1, 2020, updating the provisions of the North American Free Trade Agreement (NAFTA) to reflect 21st century standards. USMCA also included new provisions in Chapter 12 (Sectoral Annexes) that promote enhanced regulatory compatibility and best regulatory practices in key sectors. In 2023, USTR worked with Canada and Mexico to initiate a review of the implementation of Chapter 12, starting with medical devices. A key outcome was the Mexican regulator, COFEPRIS, joining the Medical Device Single Audit Program as an affiliate member, which will aid in standardizing the regulatory audit process among USMCA partners and promote greater alignment of regulatory approaches and technical requirements for medical devices based on international standards and best practices.

U.S.–Switzerland Pharmaceutical Good Manufacturing Practices Mutual Recognition Agreement

In January 2023, the United States signed a mutual recognition agreement (MRA) on pharmaceutical good manufacturing practices with Switzerland, which allows U.S. and Swiss regulators to share documents from their routine good manufacturing practice inspections of pharmaceutical manufacturing facilities, thereby reducing duplicative efforts. The MRA entered into force on July 27, 2023. As a result, the two regulators can better exercise their respective regulatory discretion to re-allocate resources to where they are most needed, thereby helping ensure that all drugs imported into each country are as safe as possible.

Remanufacturing

Remanufacturing is an important part of the manufacturing sector and allows manufacturers to service the equipment they sell and develop or expand their customer base through high-quality but lower priced remanufactured products. Remanufacturing extends the life and thus the reach of innovative products, making a wide range of goods more cost-effective and accessible to more consumers. Furthermore, remanufacturing is an essential element of the circular economy. It reuses resources, such as metals, with less energy and allows critical materials like rare earths to be recycled, reducing emissions and other environmental impacts throughout the production process.

USTR has been promoting remanufacturing with trading partners by demonstrating the differences between remanufactured goods—which are broken down to their basic components, cleaned, tested, rebuilt, and sold with a factory warranty—and used goods. In addition to commitments supporting trade in remanufactured goods in recent trade agreements, including the USMCA, USTR has advanced remanufacturing in a range of venues. In 2023, the United States worked to revive the APEC Pathfinder on Facilitating Trade in Remanufactured Goods, expanding its participation, and demonstrated the role of remanufacturing in the circular economy at the WTO Trade and Environmental Sustainability Structured Discussions (TESSD). In addition, USTR worked bilaterally with trading partners to develop capacity in supporting remanufacturing through trade policies.

Bilateral Market Access Barriers

Throughout 2023, USTR continued to address a broad range of manufactured goods market access barriers through extensive engagement with trading partners, including through formal trade and investment framework agreement meetings, free trade agreement meetings, and various bilateral trade policy initiatives and activities. Among such activities in 2023 were continued efforts to address barriers resulting from a range of China’s non-market policies and practices, such as “Made in China 2025,” which is designed to create or accelerate artificially China’s ability to dominate in several high technology, high value-added industries, including information technology, aviation, electric vehicles, and medical devices. Such policies and practices can potentially lead to excess capacity that has harmful impacts to foreign competitors, similar to what has already occurred in sectors such as steel and aluminum. Elsewhere, USTR worked to level the playing field for key manufactured exports, such as automotive goods and agricultural equipment, by seeking tariff reductions and addressing technical standards that put U.S. exports at a competitive disadvantage. In addition, USTR has used the WTO Committees such as the Committee on Market Access and the Committee on Technical Barriers to Trade to raise specific issues, often in collaboration with other trading partners.

Strong Enforcement

Throughout all of these policy activities relating to manufacturing and trade, the U.S. Government aggressively stood up for American interests and protecting American economic security for working people by taking tough enforcement action against countries that break the rules and applying the full range of tools, including WTO rules, negotiations, litigation, and other mechanisms under U.S. law. For example, USTR continues to work with the European Union and the United Kingdom to advance discussions under the important agreements on Large Civil Aircraft that were reached with each partner in 2021, which worked to level the playing field for a major U.S. manufacturing sector and laid the basis for the United States to work more effectively with key trading partners to address the challenges that Chinese industrial policies pose in this sector. *For further information, see Chapter II.A Trade Enforcement Activities.*

G. TRADE AND THE ENVIRONMENT

The United States continued to prioritize monitoring and enforcement of environmental obligations under existing free trade agreements (FTAs), as well as negotiating new commitments by trading partners in bilateral and multilateral fora. Throughout 2023, the United States held meetings of the environment committees and working groups established under U.S. trade agreements to monitor and enforce the environment chapter obligations, including the third Environment Committee meeting under the United States–Mexico–Canada Agreement (USMCA). The United States also held additional discussions with these and other FTA partners, including Central American countries, Chile, Colombia, the Dominican Republic, Jordan, Morocco, Oman, Panama, and Peru, on pressing environmental issues.

The United States continued to work with trading partners under respective trade and investment framework agreements (TIFAs) on a range of trade-related environmental issues such as combating climate change; illegal timber trade; wildlife trafficking; and illegal, unreported, and unregulated (IUU) fishing, in particular with Ecuador, India, Paraguay, the Philippines, Taiwan, Uruguay, and Vietnam.

At the World Trade Organization (WTO), the United States continued to exercise a leadership role through extensive engagement in the long-running multilateral negotiations on an agreement to prohibit harmful fisheries subsidies. As a result, at the Twelfth WTO Ministerial Conference (MC12) in June 2022, WTO Members were finally able to conclude the WTO Agreement on Fisheries Subsidies, which is the first multilateral trade agreement with environmental sustainability at its core. The Agreement marks an important step toward disciplining harmful fisheries subsidies. In April 2023, the United States deposited its instrument of acceptance of the Agreement and, over the course of the year, regularly encouraged other WTO Members, through various channels, to deposit an instrument of acceptance to the Agreement. Throughout 2023, the United States continued to engage in negotiations on comprehensive disciplines, including support for additional prohibitions on subsidies that contribute to overcapacity and overfishing, and to enhance transparency of forced labor on fishing vessels.

1. Active Negotiations

As discussed further below, during 2023, the United States was engaged in a number of active negotiations. These negotiations do not include traditional market access issues by way of tariff liberalization. Rather, binding and non-binding commitments are anticipated to enhance access to each other's markets and increase levels of environmental protection through a common set of rules and norms.

Indo-Pacific Economic Framework for Prosperity

In the Indo-Pacific Economic Framework for Prosperity (IPEF) Trade Pillar, the United States pursued provisions that will meaningfully contribute to environmental protection to respond to our common sustainability challenges, including climate change. In addition to pressing for fundamental commitments, such as effective enforcement of environmental laws and opportunities for public participation in environmental governance, the United States advocated for obligations on trade and environment issues that are particularly relevant to the Indo-Pacific Region. This includes the marine environment; forests, fisheries, and wildlife; fisheries subsidies; marine litter and plastics pollution; and biodiversity conservation. The United States also pursued new, ground-breaking commitments related to climate and trade, such as provisions promoting more resource efficient and circular economies and renewable energy and clean energy technologies.

For further discussion of the IPEF, see Chapter I.A.1 Indo-Pacific Economic Framework for Prosperity.

United States–Kenya Strategic Trade and Investment Partnership

In the United States–Kenya Strategic Trade and Investment Partnership negotiations, the United States pursued a robust environment chapter containing provisions to advance environmental protection and address global environmental issues, including climate change, marine litter and plastics pollution, fisheries and forest management, wildlife trade, and biodiversity conservation. The United States also pursued commitments related to circular economy approaches and clean energy and technologies.

For further discussion of the United States–Kenya Strategic Trade and Investment Partnership, see Chapter I.A.3 United States–Kenya Strategic Trade and Investment Partnership.

United States–Taiwan Initiative on 21st-Century Trade

The United States, under the auspices of the American Institute in Taiwan (AIT), began environment chapter negotiations pursuant to the United States–Taiwan Initiative on 21st-Century Trade. The United States advanced provisions that will meaningfully contribute to environmental protections and respond to our common sustainability challenges, including climate change.

For further discussion of the United States–Taiwan Initiative on 21st-Century Trade, see Chapter I.A.2 United States–Taiwan Initiative on 21st-Century Trade

Critical Minerals Agreements

The United States negotiated a critical minerals agreement with Japan that included environmental commitments such as encouraging measures that promote more resource-efficient and circular economy approaches to reduce the demand for, and environmental impact of, virgin material extraction and related processes. The United States began negotiations of critical minerals agreements with the United Kingdom and the European Union and tabled text that includes robust environmental protections relevant to critical minerals supply chains.

For further discussion of the Japan, United Kingdom, and European Union Critical Minerals Agreements, see Chapters I.A.7, I.A.8, and I.A.9, respectively.

WTO Agreement on Fisheries Subsidies

After more than two decades of negotiations, WTO Members achieved a groundbreaking agreement at MC12 in June 2022. The WTO Agreement on Fisheries Subsidies contains several important disciplines, including prohibitions on subsidies to vessels or operators engaged in IUU fishing, subsidies for fishing overfished stocks, and subsidies for fishing on the unregulated high seas. The Agreement also includes robust transparency provisions to strengthen WTO Members’ notification of fisheries subsidies and thereby enable effective monitoring of Members’ implementation of their obligations under the Agreement. In April 2023, the United States deposited its instrument of acceptance of the Agreement, making it the first major fishing nation to do so.

At MC12, WTO Members committed to continue the fisheries subsidies negotiations with a view to making recommendations to the Thirteenth WTO Ministerial Conference (MC13) for additional provisions that would achieve comprehensive disciplines on fisheries subsidies, including disciplines on certain forms of fisheries subsidies that contribute to overcapacity and overfishing. Throughout 2023, the United States continued to exert leadership at the WTO to advance the negotiations. The United States encouraged other WTO Members to deposit instruments of acceptance to the phase one Agreement and urged Members to support additional disciplines on subsidies that contribute to overcapacity and overfishing, as well as greater

transparency with respect to the use of forced labor on fishing vessels, under the second phase of negotiations. As of December 2023, negotiations were ongoing.

2. Monitoring and Enforcement Activities of Existing Agreements

Free Trade Agreements

The Office of the U.S. Trade Representative (USTR) secured concrete achievements supporting U.S. trade and environment objectives during 2023. USTR continued to engage with the Trade Policy Staff Committee (TPSC) agencies to monitor actions taken by U.S. FTA partners to implement FTA environment chapter obligations. This monitoring contributed to the U.S. Government's ongoing efforts to ensure that U.S. trading partners comply with their FTA environmental obligations.

For further discussion of free trade agreements, see Chapter I.B Comprehensive Free Trade Agreements in Force.

Dominican Republic–Central America–United States Free Trade Agreement

The Parties to the Dominican Republic–Central America–United States Free Trade Agreement (CAFTA–DR) continued efforts to strengthen environmental protection and implement the commitments of the CAFTA–DR Environment Chapter. In 2023, trade and environment officials from the United States and several other CAFTA–DR countries met virtually numerous times to continue to advance the work of monitoring and implementing CAFTA–DR's Environment Chapter obligations. Officials received presentations on implementation of cooperation activities and reviewed outcomes. In August 2023, the United States, Chile, Colombia, Panama, and five other Central American countries held a virtual technical exchange on IUU fishing. In October 2023, the United States and Central American countries held a high-level trade and environment meeting in Washington, D.C. During the meeting, senior trade and environmental officials shared experiences in implementing a more resource efficient and circular economy, improving solid waste management, pursuing sustainable critical minerals supply chains, and recycling electronic waste, with a view to identifying opportunities for further engagement. A roundtable was held with university students to share views on efforts to address climate change as it relates to water security and deforestation.

Regarding public engagement, the CAFTA–DR Secretariat for Environmental Matters (Secretariat) has received 48 submissions from the public on effective enforcement of environmental laws since its establishment in 2007. Throughout 2023, the Secretariat conducted outreach through workshops to inform the public about this monitoring mechanism, reaching hundreds of people, including through legal clinics, to promote participation in the Secretariat submissions mechanism.

The United States continued to support environmental cooperation activities in CAFTA–DR countries to strengthen their implementation of the FTA environment obligations. In 2023, the U.S. Department of State funded capacity-building activities to: (1) combat wildlife trafficking; (2) build technical capacity to implement and enforce the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); support the Central American and Dominican Republic Wildlife Enforcement Network (CAWEN); (3) promote sustainable forest practices; (4) improve local livelihoods through forest monitoring, planning, reforestation, and restoration efforts; (5) combat illegal logging and associated trade; (6) protect and enhance the genetic diversity of native timber species; (7) improve air quality and environmental impact assessment processes; and, (8) strengthen solid waste management.

For further discussion of the Dominican Republic–Central America–United States Free Trade Agreement, see Chapter I.B.3 Central America and the Dominican Republic.

United States–Mexico–Canada Agreement

The United States–Mexico–Canada Agreement (USMCA) modernizes the previous framework under the former North American Agreement on Environmental Cooperation by bringing environmental obligations into the core of the USMCA, rather than in a side agreement, and by making the obligations fully enforceable under the USMCA’s dispute resolution provisions. For purposes of dispute settlement, the USMCA directs a panel to presume that a Party’s failure to implement certain provisions is in a manner affecting trade or investment between the Parties, unless the Party demonstrates otherwise. The USMCA Environment Chapter includes the most comprehensive set of enforceable environmental obligations of any previous U.S. free trade agreement. The USMCA includes commitments to implement key multilateral environmental agreements, such as CITES and the Montreal Protocol on Substances that Deplete the Ozone Layer. The USMCA also addresses key environmental challenges such as IUU fishing and harmful fisheries subsidies. The USMCA commits the three Parties to take actions to combat and cooperate to prevent trafficking in timber and fish and other wildlife. For the first time in a U.S. free trade agreement, the USMCA addresses other pressing environmental issues such as air quality and marine litter.

Full implementation of the USMCA Environment Chapter continued to be a key USTR priority throughout 2023. USTR’s Senior Trade Representative at the U.S. Embassy in Mexico City, Mexico, worked closely with two Environment Attachés posted at the Embassy to support and monitor implementation of USMCA Environment Chapter commitments.

In February 2022, USTR requested environment consultations with the Government of Mexico under Article 24.29.2 of the USMCA Environment Chapter. These consultations concern Mexico’s USMCA Environment Chapter obligations relating to the protection of the critically endangered vaquita porpoise (*Phocoena sinus*), prevention of illegal fishing, and trafficking of the totoaba fish (*Totoaba macdonaldi*). As part of the consultations, numerous meetings were held in 2023 within the U.S. Government and with the Government of Mexico to work toward a cooperative solution to enhance Mexico’s implementation of its USMCA environment commitments, including with respect to the effective enforcement of its fisheries-related environmental laws.

In September 2023, USTR, with its Mexican and Canadian counterparts, held the third meeting of the Environment Committee under the USMCA, hosted in Washington, D.C. During the meeting, the United States highlighted efforts to monitor implementation and enforcement of the USMCA obligations, including the commitments on wildlife trafficking, illegal logging and fishing, marine litter, and illicit trade in ozone depleting substances. The United States stressed the importance of law enforcement collaboration across the Parties, the value of a “whole-of-government” approach to tackling environment and climate change challenges, and ongoing efforts to advance trade policies that support inclusive prosperity. A subsequent public session, hosted in November, provided the Parties an opportunity to share progress on USMCA Environment Chapter implementation as well as receive questions and comments from public stakeholders.

USTR also continued to advance implementation of the USMCA’s environment provisions by convening regular meetings of the Interagency Environment Committee for Monitoring and Enforcement (IECME) to discuss issues related to monitoring and enforcement of Mexico’s and Canada’s USMCA environmental obligations. As part of the IECME’s role, USTR, along with its interagency partners, reviewed and provided guidance on six Submissions on Enforcement Matters submitted to the Commission on Environmental Cooperation (CEC) in 2023. This submission process is established under Articles 24.27 and 24.28 of the USMCA and is a mechanism whereby any organization or person residing or established

in Canada, Mexico, or the United States may file a submission with the CEC Secretariat asserting that a Party is failing to effectively enforce its environmental laws.

Throughout 2023, USTR also leveraged its USMCA supplemental appropriations for environment monitoring and enforcement. Appropriations were used to strengthen relevant U.S. Government agencies' ability to deliver on their respective monitoring and enforcement mandates by providing additional resources to enhance U.S. enforcement capacity, promote sustainable forest management, combat illegal logging and associated trade, and improve sustainable fisheries management and conservation of marine species.

For further discussion of the United States–Mexico–Canada Agreement, see Chapter I.B.9 Mexico and Canada.

United States–Chile Free Trade Agreement

The United States continued to work closely with Chile in 2023 to monitor implementation of the United States–Chile Free Trade Agreement Environment Chapter and implement trade-related environmental cooperation activities under the 2021–2024 U.S. – Chile Work Program for Environmental Cooperation, including on fisheries management; combating wildlife trafficking and IUU fishing; improving forest, wetland, and marine conservation; and promoting environmental justice and education. In August 2023, the United States and Chile held a virtual technical exchange on IUU fishing with other South and Central American countries.

For further discussion of the United States–Chile Free Trade Agreement, see Chapter I.B.4 Chile.

United States–Colombia Trade Promotion Agreement

The United States continued to work closely with Colombia to monitor implementation of the United States–Colombia Trade Promotion Agreement (CTPA) Environment Chapter and oversee the operation of the independent Secretariat for Environmental Enforcement Matters (Secretariat). The Secretariat is located in Bogotá, Colombia, and receives and considers submissions from the public on matters regarding enforcement of environmental laws pursuant to the CTPA. In 2023, the United States and Colombia worked with the Secretariat Executive Director to continue to strengthen the Secretariat's outreach plan and public dissemination of information in support of the Secretariat's role. The Executive Director conducted virtual and in-person outreach to the public throughout Colombia to promote awareness of the Secretariat and the public submission mechanism in the CTPA. In 2023, the Secretariat received its first submission on environmental law enforcement related to a natural reserve. In August 2023, the United States and Colombia held a virtual technical exchange on IUU fishing with other South and Central American countries.

For further discussion of the United States–Colombia Trade Promotion Agreement, see Chapter I.B.5 Colombia.

United States–Panama Trade Promotion Agreement

The United States and Panama continued efforts to strengthen environmental protection and monitor implementation of the Trade Promotion Agreement (TPA) Environment Chapter, including through the Secretariat for Environmental Enforcement Matters (Secretariat), which promotes public participation in the identification of environmental enforcement issues by receiving and considering submissions from the public on matters regarding enforcement of environmental laws. Trade and environment officials from the United States and Panama reviewed outcomes of ongoing environmental cooperation activities, including

efforts to address concerns raised in past submissions on environmental enforcement matters filed with the Secretariat. In August 2023, the United States and Panama held a virtual technical exchange on IUU fishing with other South and Central American countries.

In support of the United States–Panama Environmental Cooperation Commission’s Work Program for 2023–2026, the United States provided capacity-building assistance to Panama to help implement environmental obligations under the TPA, including by supporting efforts to combat wildlife trafficking and illegal logging and associated trade; strengthen CITES implementation; improve air quality, environmental impact assessment processes, and solid waste management; combat climate change; and promote public participation.

For further discussion of the United States–Panama Trade Promotion Agreement, see Chapter I.B.12 Panama.

United States–Peru Trade Promotion Agreement

The United States continued to prioritize monitoring and enforcement of environmental commitments in the United States–Peru Trade Promotion Agreement (PTPA) and its landmark Forest Sector Governance Annex (Forest Annex), including by convening meetings of the Interagency Committee on Trade in Timber Products from Peru (Timber Committee) to discuss and monitor developments in Peru to combat illegal logging and associated trade. The United States also continued to engage closely with Peru to combat illegal logging and associated trade and work toward improving forest sector governance.

In October 2023, the United States took action to continue to block timber imports from Inversiones La Oroza SRL (Oroza), a Peruvian exporter, based on illegally harvested timber found in its supply chain. The PTPA Forest Annex includes a requirement for Peru to conduct audits of particular timber producers and exporters and, upon request from the United States, perform verifications of particular shipments of wood products. In 2016, the Timber Committee requested that the Government of Peru verify whether a 2015 timber shipment exported from Peru to the United States complied with Peruvian laws, regulations, and other measures governing the harvest of and trade in timber products. The timber verification process was conducted by the Government of Peru and revealed that timber products contained in the shipment from Oroza were not harvested and traded in compliance with applicable laws and regulations. As a result of the verification process, in October 2017, the United States took action to deny entry of timber products produced or exported by Oroza. The denial of entry order was renewed on October 19, 2020, and was scheduled to lapse in October 2023. As of that date, however, the Government of Peru had not demonstrated that Oroza is complying with all applicable laws, regulations, and other measures of Peru governing the harvest of and trade in timber products. Accordingly, the Timber Committee directed the U.S. Department of Homeland Security Customs and Border Protection to deny entry to any future shipments of timber products originating from Peru that were produced or exported by Oroza until the Government of Peru demonstrates that Oroza has complied with all applicable laws and regulations.

In 2023, the Secretariat for Submissions on Environmental Enforcement Matters received four new submissions. These relate to environmental management in the agriculture sector, forest concessions in indigenous reserves, and air quality and climate regulations. To date, the Secretariat has received eight submissions and published two factual records.

For further discussion of the United States–Peru Trade Promotion Agreement, see Chapter I.B.13 Peru.

Additional Environmental Cooperation Engagement Associated with Free Trade Agreements

During 2023, the United States continued to engage with interagency partners, foreign counterparts, and stakeholders to monitor compliance and enforcement of the environmental commitments under the Middle East and North Africa (MENA) FTAs. As part of these monitoring efforts, officials from USTR, the U.S. Departments of State and the Interior, and the National Oceanic and Atmospheric Administration (NOAA) of the U.S. Department of Commerce traveled to Muscat, Oman, in May 2023 to meet with government counterparts and civil society to discuss issues relating to biodiversity and nature conservation, fisheries subsidies, and CITES implementation efforts. Also, in May 2023, the United States–Jordan Subcommittee on Environmental Affairs under the United States–Jordan FTA was established to serve as the official forum for reviewing implementation of environment commitments. Throughout 2023, the United States provided capacity-building assistance to Jordan, Morocco, and Oman under relevant instruments on environmental cooperation negotiated in parallel to the corresponding FTAs, including by supporting efforts to combat wildlife trafficking; strengthen CITES implementation and enforcement; improve disaster management, reforestation and restoration efforts, and the conservation and sustainable management of natural resources; and tackle the climate crisis.

For further discussion of the Jordan, Morocco, and Oman Free Trade Agreements, see Chapters I.B.7, I.B.10, and I.B.11, respectively.

Bilateral Activities

United States–Vietnam Agreement on Illegal Logging and Timber Trade

In October 2021, USTR announced an agreement that addresses U.S. concerns in the investigation under Section 301 of the Trade Act of 1974, as amended, into Vietnam’s acts, policies, and practices related to the import and use of timber that is illegally harvested or traded. The Timber Agreement contains a number of commitments by Vietnam that will help keep illegally harvested or traded timber out of the supply chain, including commitments to improve its Timber Legality Assurance System, keep confiscated timber (*i.e.*, timber seized for violating domestic or international law) out of the commercial supply chain, verify the legality of domestically harvested timber regardless of export destination, and work with high-risk source countries to improve customs enforcement at the border and law enforcement collaboration. In August 2023, the United States and Vietnam convened the third meeting of the Timber Working Group, which was established under the agreement to facilitate coordination between the Parties and oversee implementation. The third meeting of the Timber Working Group provided an opportunity for the United States and Vietnam to review further implementation progress of the Timber Agreement, discuss technical assistance and capacity-building activities, and consider opportunities to engage third parties and high-risk source countries.

For further discussion of the investigation, see Chapter II.B.5 Section 301, Vietnam’s Acts, Policies, and Practices Related to the Import and Use of Illegal Timber.

3. Regional, Multilateral, and International Organizations Engagement

Regional Engagement

In the Asia-Pacific Economic Cooperation (APEC) forum, the United States continued to work with other Asia-Pacific economies through the Experts Group on Illegal Logging and Associated Trade to improve the capacity of APEC economies to combat illegal logging and associated trade and promote the trade in legally harvested forest products within the APEC region. Under the APEC Committee on Trade and

Investment's Market Access Group, APEC economies also continued work on a technical update for reference purposes of the Environmental Goods List in terms of Harmonized System (HS) classifications from HS2017 to HS2022. Within the Oceans and Fisheries Working Group, the United States supported implementation of the Port State Measures Agreement and worked to identify areas of convergence and best practices to combat IUU fishing, including through APEC's Roadmap on Combating IUU Fishing. In addition, work continued on the U.S.-led Recyclable Materials Policy Program (RMPP), which aims to develop the capacity of APEC economies to identify and frame domestic policies that promote solid waste management and recycling infrastructure. In February 2023, the United States hosted a workshop under the RMPP focused on compostable bioplastics and their potential as a solution to reduce plastics pollution. The APEC Group on Services compiled and endorsed the APEC Reference List of Environmental and Environmentally Related Services, a non-exhaustive, nonbinding reference list of such services. This voluntary and evolving reference list is intended to be used as a resource for future discussions on environmental services.

In October 2023, the United States held a United States-Association of Southeast Asian Nations Trade and Environment Dialogue in which officials from the United States and ASEAN discussed their respective approaches through trade initiatives to ensure the mutual supportiveness of trade and environmental policies and practices, as well as their efforts to support circular economy approaches.

International Organizations and Other Multilateral Engagement

World Trade Organization

The United States has continued to explore and advance innovative approaches to all aspects of the World Trade Organization's trade and environment work, beyond the WTO fisheries subsidies negotiations.

The United States strengthened its leadership at the WTO on broader trade and environment issues, including by identifying trade-related opportunities to contribute to addressing the threat of climate change. The United States continued to actively engage in deliberations on trade and environment through the Trade and Environmental Sustainability Structured Discussions (TESSD). The United States convened a panel during WTO Environment week to discuss the role that trade facilitation plays in supporting remanufactured goods and how these processes can contribute to a more circular economy and climate change solutions by reducing demand for virgin resources and materials, lowering overall greenhouse gas emissions, and extending the useful life of goods. As part of the TESSD, as well as through other WTO channels, the United States continued to actively engage in and lead discussion on issues such as trade-related climate measures, goods and services that contribute to climate mitigation, as well as circular economy and circularity, to deepen knowledge and dialogue among WTO Members on emerging issues in trade and environmental policy. Additionally, in March 2023, the United States joined the Dialogue on Plastic Pollution and Environmentally Sustainable Plastic Trade (DPP) as one of 75 cosponsors. The United States participated in various lines of effort under the DPP in 2023, including those focused on tackling plastics pollution through trade-related measures and strengthening relevant technical assistance for developing economies. The United States was also actively engaged in discussions led by the co-coordinators to develop a potential DPP MC13 statement.

For further discussion of the WTO Committee on Trade and Environment, see Chapter IV.G.1 Committee on Trade and Environment.

United Nations Environment Program

In 2023, USTR was also actively engaged in relevant discussions with trading partners as well as the interagency process led by the U.S. Department of State to develop a U.S. position in advance of the second

and third sessions of the Intergovernmental Negotiating Committee (INC-2 and INC-3) launched by the UN Environment Assembly (UNEA) in spring 2022 to develop an international agreement on plastics pollution.

Other Multilateral Engagement

In 2023, USTR participated in the implementation of a number of multilateral environmental agreements and multilateral initiatives to ensure consistency with international trade obligations, including CITES, the Strategic Approach to International Chemicals Management, the Convention on Biological Diversity, and relevant regional fisheries management organizations. For example, in November 2023, USTR participated in the 77th meeting of the CITES Standing Committee, where the United States encouraged equitable application of CITES compliance measures and improved CITES implementation on matters ranging from ending illegal trafficking in totoaba fish to monitoring trade in live African elephants and timber stockpiling.

Additionally, together with the U.S. Environmental Protection Agency, USTR co-led the U.S. delegation to the June 2023 meetings of the Organization for Economic Cooperation and Development's Joint Working Party on Trade and Environment (JWPTE). The JWPTE provides a forum for discussing the effects of environmental policies on trade and the effects of trade policies on the environment, as well as for promoting mutually supportive trade and environmental policies. The June 2023 meeting covered a range of topics, including climate change and trade, policies to promote environmental goods, and circular economy and trade. A USTR official also served on the JWPTE Bureau from January to December 2023.

H. TRADE AND LABOR

In 2023, the United States continued its inclusive, worker-centered trade policy, bringing labor issues and topics important to working people to the forefront of trade policy. The Office of the United States Trade Representative (USTR) engaged with governments around the world to recalibrate trade policy to seek to ensure that it serves the interests of working people. This included engaging with trade partners through trade agreement mechanisms, trade and investment framework agreements (TIFAs), and regional and multilateral fora, such as the International Labor Organization (ILO), the Asia-Pacific Economic Cooperation (APEC), the Association of Southeast Asian Nations (ASEAN), the Group of Seven (G7), the Organization for Economic Cooperation and Development (OECD), and the World Trade Organization (WTO).

In addition, the United States increased stakeholder consultation to ensure workers' voices are heard and considered throughout the policy-making process. Multistakeholder engagements also took place, bringing together governments, unions, and businesses to discuss shared values in protecting the human dignity of workers in supply chains who produce the goods we trade and consume.

Under this worker-centered policy approach, the United States promoted respect for labor rights in its engagement with trade partners in 2023 through active negotiations on new trade initiatives; formal mechanisms of trade agreements and trade preference programs; as well as through multilateral and plurilateral cooperation, country-specific initiatives, capacity building, and technical assistance. This included discussions with trade partners related to advancing high labor standards and supporting workers' rights, including the eradication of forced labor and gender-specific considerations. The United States' efforts related to gender and trade included the promotion of gender equality in the workplace, addressing gender discrimination in employment and occupation, and the elimination of gender-based violence and harassment in the workplace, among other efforts.

For further discussion of gender equity and equality and women’s economic empowerment in trade policy, see Chapter III.A.3 Advancing Gender Equity and Equality and Women’s Economic Empowerment in Trade Policy.

During 2023, the Trade Adjustment Assistance program, through budget allocations to state governments, continued to assist American workers adversely affected by global competition and helped to ensure that they were given the best opportunity to acquire skills and credentials to get good jobs.

1. Active Negotiations

Indo-Pacific Economic Framework for Prosperity

Throughout 2023, USTR negotiated labor provisions that will bolster resilience and inclusive, sustainable growth with the United States’ partners across the Indo-Pacific region. In March 2023, USTR tabled labor text on Pillar I (Trade). The proposed text includes provisions requiring Parties to adopt and maintain internationally recognized labor rights and to promote compliance with labor laws. Other provisions establish cooperative mechanisms Parties can use to collaborate on labor issues and keep the public engaged in the implementation of labor commitments. The proposed text also establishes mechanisms to address forced labor in supply chains and to encourage corporate accountability in cases where an entity violates local laws.

For further discussion of the Indo-Pacific Economic Framework for Prosperity (Pillar I), see Chapter I.A.1 Indo-Pacific Economic Framework for Prosperity.

United States–Kenya Strategic Trade and Investment Partnership

In 2023, the United States initiated discussions with Kenya under the United States–Kenya Strategic Trade and Investment Partnership (STIP), which was launched in July 2022. The United States and Kenya expressed a shared desire to work together to advance and protect labor rights through: enforcement of and compliance with labor laws, promotion of social dialogue, and cooperation in other areas of mutual interest on labor and employment priorities, including with respect to forced labor in global supply chains. Discussions on labor issues were included during meetings in Washington, D.C., in February and in Nairobi in April.

For further discussion of the United States–Kenya Strategic Trade and Investment Partnership, see Chapter I.A.3 United States–Kenya Strategic Trade and Investment Partnership.

United States–Taiwan Trade and Investment Framework Agreement

In 2023, the United States intensified engagement on labor issues with Taiwan through the United States–Taiwan Initiative on 21st-Century Trade, particularly regarding concerns about labor abuses on Taiwan’s deep water fishing vessels.

For further discussion of the United States–Taiwan Trade and Investment Framework Agreement, see Chapter I.A.2 United States–Taiwan Initiative on 21st-Century Trade.

Agreements on Strengthening Critical Minerals Supply Chains

On March 28, 2023, the United States and Japan signed a critical minerals agreement (Agreement Between the Government of the United States of America and the Government of Japan on Strengthening Critical

Minerals Supply Chains). With respect to equitable supply chains, the agreement establishes several new commitments and areas for joint cooperation regarding electric vehicle battery critical minerals supply chains, including, *inter alia*, coordination of engagement, information-sharing, and enforcement actions related to labor rights in critical minerals extraction and processing; promoting the remediation of labor rights violations at entities connected to critical minerals supply chains; and promoting employer neutrality in union organizing and operations.

For further discussion of the Agreement Between the Government of the United States and the Government of Japan on Strengthening Critical Minerals Supply Chains, see Chapter I.A.8.

The United States launched targeted critical mineral agreement negotiations with the European Union and the United Kingdom in March 2023 and June 2023, respectively. In negotiations with these U.S. allies, USTR is seeking to support more secure, resilient, and diverse critical mineral supply chains, including, *inter alia*, through robust labor commitments.

For further discussion of the targeted critical mineral agreement negotiations with the European Union and the United Kingdom, see Chapters I.A.9 and I.A.7, respectively.

2. Monitoring and Enforcement Activities of Existing Agreements

Free Trade Agreements

Since 2007, U.S. trade agreements have included obligations to ensure the consistency of each Party's labor laws with fundamental labor rights as stated in the 1998 [ILO Declaration on Fundamental Principles and Rights at Work](#). These agreements include obligations not to fail to effectively enforce each Party's labor laws and not to waive or derogate from those laws in a manner affecting trade or investment.

The agreements also provide for the receipt and consideration of submissions from the public on matters related to the labor chapters, which can be submitted through the U.S. Department of Labor's (DOL's) Bureau of International Labor Affairs (ILAB). For additional information on submissions and the process for filing, see the [DOL/ILAB website](#).

As part of the ongoing effort to monitor and implement existing U.S. trade agreements, the United States has worked with trading partners to advance respect for labor rights through technical cooperation and other efforts, including in Bahrain, Colombia, Honduras, Jordan, Korea, and Mexico.

For further discussion of free trade agreements, see Chapter I.B Free Trade Agreements in Force.

Examples of U.S. Government engagement in 2023 on labor issues under free trade agreements include:

- The United States maintained significant, continual engagement with Mexico related to labor issues covered under the United States–Mexico–Canada Agreement (USMCA), including through the USMCA Rapid Response Mechanism. The United States also participated in the second Labor Council meeting with Mexico and Canada, hosted by Mexico. In 2023, USTR's Senior Trade Representative at the U.S. Embassy in Mexico City, Mexico worked closely with the DOL Labor Attachés posted in Mexico to support and monitor implementation of the USMCA and engage on labor issues. (*For further information, see Chapter I.B.9 Mexico and Canada.*)
- U.S. Government officials met multiple times in 2023 with Colombian Government officials and stakeholders to follow up on the labor commitments under the United States–Colombia Trade

Promotion Agreement, including with respect to commitments by the Government of Colombia to improve labor law enforcement and protect the rights of freedom of association and collective bargaining for workers that are subcontracted or hired under temporary contracts. *(For further information, see Chapter I.B.5 Colombia.)*

- U.S. Government officials, including from USTR and the DOL, continued to engage with Korean Government officials on Korea's compliance with its labor rights obligations under the United States–Korea Free Trade Agreement (KORUS). Throughout 2023, officials from USTR and the DOL held a series of high-level, in-person and virtual meetings with Korean Government officials to discuss concerns raised during the April 2022 Labor Affairs Council meeting. *(For further information, see Chapter I.B.8 Korea.)*
- U.S. Government officials, including from USTR and the DOL continued to engage with Honduran Government officials and stakeholders to discuss outstanding commitments of Honduras under the United States–Honduras Labor Rights Monitoring and Action Plan, with a particular emphasis on fine collection and freedom of association. *(For further information, see Chapter I.B.3 Central America and the Dominican Republic.)*
- U.S. Government officials continued to engage with Jordanian Government officials to address labor issues in Jordan and monitor the Implementation Plan Related to Working and Living Conditions of Workers in Jordan under the auspices of the United States–Jordan Free Trade Agreement (FTA). In October 2022, the countries convened the fourth FTA Labor Subcommittee to review implementation of the FTA labor obligations and discussed areas of technical cooperation and capacity building including working together to develop a roadmap to increase respect for freedom of association and elevate worker voice in Jordan. *(For further information, see Chapter I.B.7 Jordan.)*
- U.S. Government officials discussed labor issues with Bahraini Government officials, including ongoing concerns related to freedom of association and employment discrimination throughout 2023. *(For further information, see Chapter I.B.2 Bahrain.)*

United States–Mexico–Canada Agreement

In 2023, USTR continued to work closely with Mexican trade and labor officials to ensure effective implementation of Mexican constitutional and legislative reforms, which mandate the creation of new labor courts and overhaul Mexico's system of labor justice administration. In 2023, the U.S. Government triggered actions under the USMCA Rapid Response Mechanism thirteen times and negotiated four courses of remediation. The United States also launched the first ever dispute settlement panel under the mechanism and worked collaboratively with Mexico to successfully resolve multiple cases. These actions demonstrate the U.S. commitment to enforcing the USMCA and show that the mechanism works, as intended, to bring rapid, significant wins for workers on the ground and promote a race to the top. For additional information on the Rapid Response Mechanism cases, [see USTR's website](#).

In order to ensure adequate monitoring and enforcement resources for the USMCA labor obligations, the United States–Mexico–Canada Agreement Implementation Act (19 U.S.C. § 4501-4732 (2020)) allocates \$30 million over four years to each of USTR and to the DOL for enforcement and provides that the DOL shall post up to five Labor Attachés to the U.S. Embassy and U.S. consulates in Mexico. The DOL posted the fifth Labor Attaché in 2023, and all work closely with USTR's Senior Trade Representative, as well as with U.S. Department of State officials at the U.S. Embassy in Mexico City.

The allocated resources also supported the creation and operation of an Interagency Labor Committee for Monitoring and Enforcement (the Committee) to coordinate monitoring and request enforcement of USMCA’s labor provisions, with a particular focus on Mexico’s historic labor reform process. The Committee, co-chaired by the U.S. Trade Representative and the U.S. Secretary of Labor, was established in 2020 and met regularly during 2023 to review labor rights issues in Mexico. Pursuant to the USMCA Implementation Act, the Committee prepared reports every 180 days and transmitted them to the Senate Finance Committee and the House Committee on Ways and Means. In addition, the USMCA Implementation Act allocated \$180 million to the DOL for technical assistance programs to support labor justice system reforms in Mexico, including grants to support worker-focused capacity building, combat forced labor and child labor, and reduce workplace discrimination in Mexico. By the end of 2023, the DOL had awarded all \$180 million.

In 2023, the United States continued to monitor Mexico’s labor law reform implementation, including issues related to budget resources for the reforms, to ensure that Mexico fulfills its USMCA commitments so that American workers and businesses fully benefit from the Agreement.

For further discussion of the United States–Mexico–Canada Agreement, see Chapter I.B.9 Mexico and Canada.

Dominican Republic–Central America–United States Free Trade Agreement

During 2023, the United States continued to monitor and assess progress toward addressing the labor concerns in the Dominican Republic and Honduras outlined in the [2013 DOL report](#) and [2015 DOL report](#), respectively, in response to submissions from the public under the CAFTA–DR.

The United States engaged in discussions with Dominican Republic officials and stakeholders on the recommendations in the [2013 DOL report](#), and, in 2022, published its [seventh periodic review](#) of implementation of the report’s recommendations regarding worker rights in the Dominican Republic sugar sector and the need for improving labor inspections. The United States continued to work with the Dominican Republic to make progress on these issues during 2023. On June 10, 2022, the United States and the Dominican Republic announced the formation of a technical working group to help improve labor law enforcement in the Dominican sugar sector. The technical working group continued to meet in 2023.

The United States and Honduras signed the United States–Honduras Labor Rights Monitoring and Action Plan (MAP) in December 2015. The MAP includes comprehensive commitments by Honduras to improve legal and regulatory systems that protect labor rights, intensify targeted enforcement efforts, and improve transparency. The Honduran Government took some additional steps to implement the MAP in 2023 and to resolve ongoing issues, including those related to fine collection and freedom of association in emblematic cases.

For further discussion of the Dominican Republic–Central America–United States Free Trade Agreement, see Chapter I.B.3 Central America and the Dominican Republic.

United States–Colombia Trade Promotion Agreement

In 2023, the United States continued to work closely with Colombia on the recommendations included in the [2017 DOL report](#) on a submission under the Labor Chapter of the United States–Colombia Trade Promotion Agreement and to continue implementation of the Colombian Action Plan Related to Labor Rights (Action Plan), which focuses on improving labor law enforcement. The DOL has posted a Labor Attaché to the U.S. Embassy in Bogota to support these efforts.

For further discussion of the United States–Colombia Trade Promotion Agreement, see Chapter I.B.5 Colombia.

United States–Peru Trade Promotion Agreement

The United States continued to engage with the Government of Peru in 2023 on the issues identified in the [2016 DOL report](#) in response to a submission under the United States–Peru Trade Promotion Agreement. The 2016 DOL report recommended that the Government of Peru take steps to address problems with temporary contracts in special government export-promotion regimes (with tax and other benefits for exporters), primarily textiles and agriculture, where concerns that employers use these arrangements to undermine the free exercise of labor rights were ongoing.

For further discussion of the United States–Peru Trade Promotion Agreement, see Chapter I.B.13 Peru.

Bilateral Activities

The United States engages with trade partners through various mechanisms, including bilateral discussions, and has sought to develop new tools to advance its worker-centered trade policy and to demonstrate that trade can be a force for good by advancing internationally recognized labor rights through trade and improving the livelihoods of people in the United States and around the world.

Trade and Investment Framework Agreement Meetings

The United States engaged with several countries in 2023 on labor issues in the context of TIFA meetings and other bilateral trade mechanisms, including with Bangladesh, Cambodia, Moldova, Pakistan, Paraguay, Ukraine, Uruguay, and Vietnam. The United States highlighted the importance of ensuring that labor laws fully protect internationally recognized labor rights and that government agencies have the capacity to enforce domestic labor laws. USTR officials also raised worker rights during bilateral meetings with officials from Indonesia, the Philippines, and Thailand.

For further information on U.S. engagement with Bangladesh, see Chapter I.C.7 South and Central Asia.

United States–European Union Tripartite Trade and Labor Dialogue

Under the United States–European Union Trade and Technology Council (TTC) Working Group 10 on Global Trade Challenges, the U.S. Government and European Commission announced the establishment of the tripartite U.S.–EU Trade and Labor Dialogue (TALD) on May 19, 2022. The TALD is co-chaired by USTR and the DOL and their European Commission counterparts from the Directorate General for Trade (DG TRADE) and the Directorate General for Employment (DG EMPLOYMENT). The TALD consists of representatives from governments, labor unions, and businesses and allows the United States and the EU to consult worker organizations and business representatives on transatlantic trade and labor issues, especially in relation to the work of the TTC.

On May 31, 2023, senior leadership from USTR and the European Commission’s DG TRADE led the principals’ meeting of the tripartite TALD. The meeting included key U.S. and EU labor and business representatives. Union and business leaders from across the Atlantic presented joint recommendations on forced labor and discussed how to ensure a successful green transition for workers and businesses.

For further discussion of the U.S.–EU Trade and Technology Council, see Chapter I.A.4 United States–European Union Trade and Technology Council.

United States–Japan Partnership on Trade

Under the United States–Japan Partnership on Trade, both countries worked together in 2023 to advance a common agenda, which includes joint cooperation to use trade policy in support of internationally recognized labor rights. On January 6, 2023, the United States and Japan launched a United States–Japan Task Force (Task Force) to Promote Human Rights and International Labor Standards in Supply Chains. Through the Task Force, the United States and Japan will exchange information on relevant laws, policies, and guidance; facilitate stakeholder dialogues with businesses and worker organizations; and, promote best practices for human rights and internationally recognized labor rights due diligence. These areas of cooperation are designed to protect workers and enhance predictability and clarity for businesses as they seek to contribute to resilient and sustainable supply chains. For the United States, Task Force membership comprises USTR, the U.S. Departments of State, Commerce, Health and Human Services, Labor, and Homeland Security—including its subcomponents U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement—and the U.S. Agency for International Development. For Japan, Task Force membership comprises the Ministry of Economy, Trade, and Industry and the Ministry of Foreign Affairs.

For further discussion of the U.S.–Japan Partnership on Trade, see Chapter I.C.3 Japan, Republic of Korea, and the Asia-Pacific Economic Cooperation Forum.

Trade Preference Programs

U.S. trade preference programs, including the Generalized System of Preferences (GSP), the African Growth and Opportunity Act (AGOA), the Caribbean Basin Initiative (CBI), and trade preferences for Haiti and Nepal, require beneficiaries to meet statutory eligibility criteria pertaining to internationally recognized worker rights, including freedom of association and elimination of child labor and forced labor. To monitor and address eligibility concerns, USTR engages with foreign governments, stakeholders, and international organizations and also looks to the variety of U.S. Government reports on worker rights, including on child labor and forced labor. This section describes labor engagement under these preference programs, as well as other bilateral trade mechanisms.

For further discussion of the Caribbean Basin Initiative, see Chapter I.D.5 Caribbean Basin Initiative.

For further discussion of the Nepal Trade Preference Program, see Chapter I.C.7 South and Central Asia and Chapter I.D.4 Nepal Trade Preference Program.

Generalized System of Preferences

Authorization for duty-free treatment under GSP lapsed on December 31, 2020. As of December 31, 2023, four country eligibility reviews were pending on countries' compliance with GSP worker rights eligibility criteria: Azerbaijan, Eritrea, Kazakhstan, and Zimbabwe.

The U.S. Government engaged with designated GSP beneficiary countries on labor issues during trade and investment framework agreement and other bilateral meetings, including with Argentina, Armenia, Azerbaijan, Brazil, Cambodia, Ecuador, Georgia, Kazakhstan, Pakistan, the Philippines, Thailand, Ukraine and Uzbekistan.

For further discussion of the Generalized System of Preferences program, see Chapter I.D.1 Generalized System of Preferences.

African Growth and Opportunity Act

The United States continued to engage with sub-Saharan African countries on AGOA worker rights criteria through the AGOA annual eligibility review and bilateral and multilateral fora. In November 2023, the U.S. Trade Representative co-hosted the 20th AGOA Forum with the Government of South Africa. The Forum underscored, among other matters, the importance of worker rights and inclusive, sustainable trade and trade policies.

For further discussion of the African Growth and Opportunity Act, see Chapter I.D.2 African Growth and Opportunity Act.

Haitian Hemispheric Opportunity through the Partnership Encouragement Act

Pursuant to requirements of the Haitian Hemispheric Opportunity through the Partnership Encouragement Act of 2008 (HOPE II), producers eligible for duty-free treatment under HOPE II must comply with internationally recognized worker rights. As part of HOPE II, the U.S. Government works closely with the Government of Haiti and the ILO on the Technical Assistance Improvement and Compliance Needs Assessment and Remediation (TAICNAR) program to monitor factories' compliance with internationally recognized worker rights.

For additional information, see the [2023 USTR Annual Report on the Implementation of the TAICNAR Program and Assessment of Producer Eligibility](#).

For further discussion of HOPE II, see Chapter I.D.3 Haitian Hemispheric Opportunity through Partnership Encouragement Act.

3. Regional, Multilateral, and International Organization Engagement

In 2023, the United States continued its efforts to broaden international consensus on the relationship between trade and labor and the benefit of ensuring that trade policy protects labor rights, including through regional and multilateral fora, as well as international organizations.

Asia-Pacific Economic Cooperation

The United States also continued to promote labor rights as one of the topics to strengthen economic integration and build high-quality trade agreements in the Asia-Pacific region. In the Asia-Pacific Economic Cooperation (APEC), the United States continued to support including labor issues in the next generation of trade agreements by the APEC economies. To support this goal, USTR established an APEC work program in the Committee on Trade and Investment examining the importance of multistakeholder engagement in trade policy and continued to support a project on labor-related technical assistance and capacity building provisions in regional trade arrangements and free trade agreements. In addition, the United States hosted an APEC Ministers Responsible for Trade Meeting in May 2023, in which, for the first time at the Trade Ministers-level, the United States led a conversation with prominent U.S. labor leaders about the vital link between trade and workers.

Group of Seven

The United States also worked through multilateral organizations to make clear that forced labor has no place in the global trading system. In October 2023, G7 Trade Ministers reaffirmed their commitment made

in 2021 to take measures to eradicate forced labor and the importance of promoting the respect for human rights and international labor standards in business activities and global supply chains.

International Labor Organization

In 2023, USTR met with ILO experts and participated in ILO-sponsored panels to discuss the implementation of labor standards in trade partner countries and to discuss broader labor themes such as labor inspection, gender, forced labor, global supply chains, and the ILO Better Work program.

4. Combating Forced Labor in Global Supply Chains

Forced labor includes the use of forced, convict, and indentured labor, including forced or indentured child labor. Through new and existing trade tools, the United States has continued its leadership role in 2023 by using trade policy to address forced labor worldwide, including in global supply chains. The actions to combat forced labor mentioned above, and in this section, advance the updated [*U.S. National Action Plan to Combat Human Trafficking*](#), which the President released in December 2021.

- On January 6, 2023, the United States and Japan signed a Memorandum of Cooperation to launch a Task Force on the Promotion of Human Rights and International Labor Standards in Supply Chains. Through the Task Force, the United States and Japan will exchange information on relevant laws, policies, and guidance; facilitate stakeholder dialogues with businesses and worker organizations; and promote best practices for human rights and internationally recognized labor rights due diligence. These areas of cooperation are designed to protect workers and enhance predictability and clarity for businesses that seek to contribute to resilient and sustainable supply chains.
- On January 25, 2022, USTR announced at the President’s Interagency Task Force to Monitor and Combat Trafficking in Persons that it would develop its first-ever focused trade strategy to combat forced labor. USTR has been undertaking an inclusive process to develop that strategy that maximizes input from stakeholders, including labor organizations, civil society, survivors, and the private sector. This process has included a request for public comment and a thorough review of information submitted. The strategy will bring attention to the U.S. Government toolkit to combat forced labor, which has been cultivated over the last 25 years to prevent this harmful practice, as well as to protect and provide appropriate remedies for those affected by forced labor, through trade policy and engagement. It will include a thorough interagency review of existing trade policies and tools to combat forced labor, to determine areas that may need strengthening, and to identify gaps that need to be filled.
- In April 2023, the United States deposited its instrument of acceptance of the WTO Agreement on Fisheries Subsidies, concluded at the Twelfth WTO Ministerial Conference in June 2022. Throughout 2023, WTO Members continued negotiations with a view to making recommendations to the Thirteenth WTO Ministerial Conference for additional provisions that would achieve a comprehensive agreement on fisheries subsidies. The United States urged Members to support greater transparency with respect to the use of forced labor on fishing vessels. *(For further discussion on fisheries subsidies see Chapter IV.B.1 WTO Fisheries Subsidies)*
- On June 29, 2023, at the meeting of the USMCA Free Trade Commission, the United States, Mexico, and Canada agreed to hold a trilateral dialogue on forced labor enforcement.

Forced Labor Enforcement Task Force

The United States continued to work through the U.S. Department of Homeland Security-led Forced Labor Enforcement Task Force (FLETF) in 2023 to coordinate, monitor, and prevent the importation of goods made wholly or in part with forced labor into the United States. The FLETF is composed of the following interagency member partners: the U.S. Department of Homeland Security (Chair), the Office of the U.S. Trade Representative, and the U.S. Departments of Labor, State, Treasury, Justice, and Commerce. Observer agencies invited to attend by the Chair include the U.S. Agency for International Development, the U.S. Departments of Agriculture and Energy, the National Security Council, the U.S. Customs and Border Protection (CBP), and the U.S. Immigration and Customs Enforcement’s Homeland Security Investigations.

Withhold Release Orders and Findings:

- By the end of 2023, CBP enforced 51 active Withhold Release Orders (WROs) and 8 Findings across the globe. CBP issues a WRO when the agency has reasonable evidence of the use of forced labor in the manufacturing or production of a good or goods entering the U.S. supply chain. A WRO allows CBP to detain the products in question at all U.S. ports of entry until or unless importers can prove the absence of forced labor in their product’s supply chain. CBP issues a finding when the agency has conclusive evidence of the use of forced labor in the manufacturing or production of a good or goods entering the U.S. supply chain. A finding allows CBP to seize the product(s) in question at all U.S. ports of entry.

Uyghur Forced Labor Prevention Act:

- The Uyghur Forced Labor Prevention Act (UFLPA) was enacted on December 23, 2021, to prevent the systematic use of forced labor in the Xinjiang Uyghur Autonomous Region (XUAR) by strengthening the existing prohibition against the importation of goods made wholly or in part with forced labor into the United States.
- The UFLPA, among other functions, establishes a rebuttable presumption that the importation of goods from the XUAR are prohibited under section 307 of the Tariff Act of 1930, and charges the FLETF to develop a strategy for supporting the enforcement of Section 307 of the Tariff Act of 1930, as amended (19 U.S.C. § 1307), to prevent the importation into the United States of goods mined, produced, or manufactured wholly or in part with forced labor in the People’s Republic of China (PRC), including in Xinjiang. The UFLPA also requires the FLETF to maintain a UFLPA Entity List comprised of entities determined by the FLETF to meet certain statutory criteria and that, as a result, are subject to a rebuttable presumption that the importation of goods from those entities is prohibited under section 307. The relevant statutory criteria include, among other things: (i) entities are located in the XUAR that mine, produce, or manufacture wholly or in part any goods, wares, articles and merchandise with forced labor; (ii) entities working with the Government of the XUAR to recruit, transport, transfer, harbor, or receive forced labor or Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups out of Xinjiang; (iii) entities that exported products mined, produced, or manufactured by entities included under either (i) or (ii) from the PRC into the United States; and iv) facilities and entities that source material from the XUAR or from persons working with the Government of Xinjiang or the Xinjiang Production and Construction Corps for purposes of the “poverty alleviation” program or the “pairing-assistance” program or any other government labor scheme that uses forced labor.

- Since the rebuttable presumption went into effect on June 21, 2022, CBP has reviewed more than 6,000 shipments valued at more than \$2 billion under the UFLPA.
- On August 1, 2023, the FLETF published [Updates to the Strategy to Prevent the Importation of Goods Mined, Produced, or Manufactured with Forced Labor in the People’s Republic of China](#). The updated strategy includes new chapters on additional resources necessary to ensure no goods made with forced labor enter at U.S. ports and coordination and on collaboration with appropriate nongovernmental organizations and private-sector entities pursuant to UFLPA. The 2022 [Strategy to Prevent the Importation of Goods Mined, Produced, or Manufactured with Forced Labor in the People’s Republic of China](#) includes a comprehensive assessment of the risk of importing goods mined, produced, or manufactured, wholly or in part, with forced labor in the China; an evaluation and description of forced-labor schemes, the UFLPA Entity List, UFLPA-required plans, and high priority sectors for enforcement; recommendations for efforts, initiatives, tools, and technologies to accurately identify and trace affected goods; a description of how CBP plans to enhance its use of legal authorities and tools to prevent entry of goods at U.S. ports in violation of 19 U.S.C. § 1307; a description of additional resources necessary to ensure no goods made with forced labor enter U.S. ports; guidance to importers; and, a plan to coordinate and collaborate with appropriate nongovernmental organizations and private-sector entities.

In 2023, the FLETF prioritized updating the UFLPA Entity List. To date, dozens of entities have been designated on the UFLPA Entity List.

5. Trade Adjustment Assistance

Overview and Assistance for Workers

The Trade Adjustment Assistance for Workers Program (TAA Program) was authorized under Chapter 2 of Title II of the Trade Act of 1974, as amended (19 U.S.C. § 2251 *et seq.*). On June 30, 2022, the authorization for the TAA program expired, and the program had not been reauthorized as of December 31, 2023. The program entered a phased termination, effective July 1, 2022. As a result, DOL cannot complete any additional investigations or render any new determinations. Additionally, a worker must have been separated or threatened with separation on or before June 30, 2022, to be eligible for any benefits and services under the TAA Program. More than 500 petitions have been submitted since July 1, 2022, covering an estimated 83,000 workers.

The TAA Program provides assistance to workers who have been adversely affected by foreign trade. The TAA Program offers trade-affected workers opportunities to obtain the skills, credentials, resources and support necessary for in-demand jobs.

The TAA Program offers the following benefits and services to eligible workers: employment and case management services, training, out-of-area job search and relocation allowances, weekly income support through Trade Readjustment Allowances (TRA), and Alternative or Reemployment Trade Adjustment Allowance (ATAA/RTAA) wage supplements for older workers.

In 2023, \$89.6 million was allocated to State Governments to fund aspects of the TAA Program. This included approximately \$40.3 million for “Training and Other Activities,” which includes funds for training, job search allowances, relocation allowances, employment and case management services, and related state administration; approximately \$45.6 million for TRA benefits; and approximately \$3.7 million for ATAA/RTAA benefits.

For a worker to be eligible to apply for TAA, the worker must be part of a group of workers that is the subject of a petition filed with the DOL. In response to the filing, the DOL conducts an investigation to determine whether foreign trade was an important cause of the workers' job loss or threat of job loss. If the DOL determines that the workers meet the statutory criteria for group certification of eligibility for the workers in the firm to apply for trade adjustment assistance, the DOL will issue a certification. In 2023, the DOL was prohibited from issuing any new certifications. States continue, however, to provide benefits and services to thousands of eligible workers.

The DOL administers the TAA Program through the Employment and Training Administration, with State Governments administering trade adjustment assistance benefits on behalf of the United States for members of trade-adjustment-assistance-certified worker groups. Once covered by a certification, individual workers apply for benefits and services through the American Job Center network. American Job Centers can be located at the [CareerOneStop website](#) or by calling 1-877-US2-JOBS (1-877-872-5627). Most benefits and services have specific individual eligibility criteria that must be met, such as prior work history, unemployment insurance eligibility, and individual skill levels.

Trade Adjustment Assistance for Farmers

The Trade Adjustment Assistance for Farmers Program was authorized under Chapter 6 of Title II of the Trade Act of 1974, as amended, and was reauthorized by the Trade Preferences Extension Act of 2015 for FY 2015 through FY 2021. The program lapsed in July 2022 and has not been reauthorized as of December 31, 2023.

Trade Adjustment Assistance for Firms

The U.S. Economic Development Administration (EDA) Trade Adjustment Assistance for Firms Program (TAAF Program), which provides trade adjustment assistance for firms and industries, was authorized by Chapters 3 and 5 of Title II of the Trade Act of 1974, as amended. The authorization for the TAAF Program expired on June 30, 2022, and had not been reauthorized as of December 31, 2023. Since June 30, 2022, trade adjustment assistance cannot be provided to new firms under the TAAF Program. Trade adjustment assistance, however, may continue to be provided to firms that submitted a petition under the TAAF Program prior to that date.

The TAAF Program provides technical assistance to help import-impacted U.S. firms develop and implement projects to regain global competitiveness, expand markets, strengthen operations, and increase profitability, thereby increasing U.S. jobs. The U.S. Secretary of Commerce is responsible for administering the TAAF Program and has delegated the statutory authority and responsibility to EDA. EDA's regulations implementing the TAAF Program are codified at 13 C.F.R. § 315.

In FY 2023, EDA awarded a total of \$13.5 million in TAAF Program funds to its national network of 11 Trade Adjustment Assistance Centers, each of which is assigned a different geographic service area. During FY 2023, EDA certified 4 petitions and approved 19 adjustment proposals, which are firms' plans to improve their competitiveness.

For additional information about the TAAF Program (including eligibility criteria and application process), see the [EDA's website](#).

I. TRADE CAPACITY BUILDING

The United States provides training and technical assistance to help developing countries reap the benefits of international trade. Trade capacity building (TCB) is intended to facilitate effective integration of developing countries into the international trading system and enable them to benefit further from global trade while promoting economic growth. This section reports on these efforts in 2023.

1. The Enhanced Integrated Framework

The Enhanced Integrated Framework (EIF) is a technical assistance, multi-donor trust fund that operates as a coordination mechanism for trade-related assistance exclusively to least-developed countries (LDCs), with the overall objective of integrating trade into national development plans and integrating LDCs into the multilateral trading system. Participating organizations include the World Trade Organization (WTO), the World Bank Group, the International Monetary Fund, the United Nations Conference on Trade Development (UNCTAD), the United Nations Development Program, the United Nations Industrial Development Organization, the United Nations Office for Project Services, the World Tourism Organization, and the International Trade Center as a joint agency of the WTO and UNCTAD. The EIF incorporates a country-specific diagnostic assessment, the Diagnostic Trade Integration Study (DTIS), which aims to identify constraints to competitiveness, supply chain weaknesses, and sectors of greatest growth or export potential. The DTIS includes an action plan, consisting of a list of identified priority reforms, which is offered to multilateral and bilateral donors. Project design and implementation can be accomplished through the resources of the EIF Trust Fund or through multilateral or bilateral donor programs in the field.

Phase Two of the EIF (2016–2022) covered 48 countries with the goal to produce results-driven outcomes that highlight how trade can be better integrated into developing country policy plans and strategies; assist micro-, small, and medium-sized enterprises (MSMEs) to integrate into global trade; and help countries leverage technology to enhance exports. The United States has supported the EIF primarily through complementary bilateral assistance to LDCs by the U.S. Agency for International Development (USAID). In 2023, an external evaluation of Phase Two of the EIF program, which ended in 2022, was carried out by an external consulting firm. Discussions were ongoing during 2023 among current donors about the future of the EIF program.

2. U.S. Trade-Related Assistance under the World Trade Organization Framework

The United States directly supports the WTO’s trade-related technical assistance.

Global Trust Fund

The United States has long supported the trade-related assistance activities of the WTO Secretariat through voluntary contributions to the Doha Development Agenda Global Trust Fund. Overall, the United States has contributed more than \$21 million since 2001.

Aid-for-Trade Initiative

The Sixth Ministerial Declaration in 2005 created a new WTO framework to discuss and prioritize Aid-for-Trade. In 2006, the Aid-for-Trade Task Force was created to operationalize Aid-for-Trade efforts and offer recommendations to improve the efficacy and efficiency of these efforts among WTO Members and other

international organizations. In 2023, the United States remained an active partner in Aid-for-Trade discussions.

The Standards and Trade Development Facility

The Standards and Trade Development Facility (STDF) is a global partnership to promote the increased capacity of developing countries to implement international sanitary and phytosanitary (SPS) standards, guidelines, and recommendations and hence improve their ability to gain and maintain access to markets. The STDF Working Group reviews and approves the STDF's work program and funding requests and oversees operation of the STDF Secretariat. The United States, along with other donor countries and international organizations, participates in the STDF Working Group. Other international organizations include the secretariats of the United Nations Food and Agriculture Organization, the World Organization for Animal Health, the World Bank Group, the World Health Organization (WHO), the WTO, and the Codex Alimentarius and the International Plant Protection Convention. The partnership convenes and connects SPS stakeholders and supports and implements innovative pilot projects in developing countries.

Since its launch in 2004, the STDF has supported more than 230 projects and project preparation grants across Africa, Asia-Pacific, and Latin America and the Caribbean, totaling more than \$100 million. During 2020 through 2023, 53 percent of STDF-funded activities benefited LDCs and other low-income countries. The STDF organized 57 events with participation from approximately 5,680 stakeholders. In 2023, donors' contributions are expected to surpass the \$7 million per year target level. The United States has supported the STDF primarily through the U.S. Department of Agriculture, the Food and Drug Administration of the Department of Health and Human Services, and USAID.

The STDF's SPS capacity building complements broader U.S. Government trade capacity building and SPS technical assistance spanning from training on electronic certification, use of evidence to prioritize SPS investments, and implementation of good regulatory practices. The United States regularly reports SPS capacity-building activities to the WTO through the WTO Committee on Sanitary and Phytosanitary Measures.

For further discussion on the WTO Sanitary and Phytosanitary Committee, see Chapter IV.D.8 Committee on the Application of Sanitary and Phytosanitary Measures.

World Trade Organization and Trade Facilitation

Since the conclusion of the WTO Trade Facilitation Agreement (TFA) negotiations in December 2013, the United States has provided substantial assistance in the areas of customs and trade facilitation. The United States remains committed to comprehensive implementation of the WTO TFA. During the period 2019 through 2023, USAID supported more than 20 countries in implementing recommendations from WTO Trade Facilitation Needs Assessments. Working with the Southern African Development Community, USAID assisted in creating a comprehensive trade facilitation plan for the regional economic community. USAID provided assistance to a number of the National Trade Facilitation Committees that are required under the WTO TFA, such as in Ghana, Guatemala, Honduras, and Vietnam. Direct assistance in support of simplifying customs procedures also was provided in countries such as Côte d'Ivoire, Mozambique, Senegal, Ukraine, Vietnam, and Zambia. Several governments also have received assistance with implementing single window customs procedures throughout the Association of Southeast Asian Nations and Southern Africa.

The Global Alliance for Trade Facilitation (the Alliance) was launched on December 17, 2015, during the Tenth WTO Ministerial Conference in Nairobi, Kenya, as a unique, multi-stakeholder platform that leverages business and development expertise for meaningful reforms. The Alliance is a public private

partnership that designs and delivers programs to cut trade costs and delays at borders, through risk management, customs streamlining and trade process modernization. The focus is on three areas: (1) food security—overcoming border blockages improves food security, cutting spoilage, and boosting export prospects for small farmers; (2) global health—the COVID-19 pandemic showed the need to move crucial medicines and medical supplies around the world as quickly as possible; and (3) transparency and anticorruption—supply chain transparency is essential to combat corruption, fraud, and illegal trade. In this way, trade facilitation can contribute to resilience, inclusive economic growth, and poverty reduction.

During 2023, the Alliance was implementing 16 projects, and completed an additional 20 projects covering a total of 25 countries across Africa, Asia, Latin America, and the Middle East. In 2023, the Alliance also received in-kind assistance from 44 multinational private sector companies, 400 local chambers, and over 700 local MSMEs. Geographically, 36 percent of these projects were in sub-Saharan Africa, 18 percent in East Asia Pacific, 12 percent in the Middle East and North Africa, 29 percent in Latin America and the Caribbean, and 5 percent in South Asia.

World Trade Organization Accessions

For a discussion on technical assistance during the WTO accession process, see Chapter IV.G.6 Accessions to the World Trade Organization.

3. Trade Capacity Building Initiatives for Africa

Through bilateral and multilateral channels, the United States has invested or obligated more than \$7 billion in trade-related projects in sub-Saharan Africa since 2001 to spur economic growth and alleviate poverty.

The African Continental Free Trade Area

Numerous U.S. Government agencies have provided targeted technical assistance in support of the African Continental Free Trade Area (AfCFTA). Through the Prosper Africa initiative, during 2023, USAID helped African SMEs to understand, operationalize, and benefit from the AfCFTA; established partnerships with trade and commerce ministries in African Union (AU) Member States and with the U.S. private sector to drive successful implementation of the AfCFTA; engaged women- and youth-owned and led businesses to help shape the agreement and its outcomes; and sponsored trade fairs and investment events to showcase the continental African marketplace to Diaspora communities and U.S. buyers and suppliers. In addition, USTR, USAID, and the U.S. Department of Commerce’s Commercial Law Development Program offered a U.S. Government-wide forum for community-based stakeholders, including members of African Diaspora communities, to discuss policies, laws, and regulations that enable or impede trade and investment within Africa and to develop recommendations for inclusion in the AfCFTA agreement Protocol on Women and Youth.

In 2023, USDA continued supporting an embedded SPS Advisor at the African Union Commission to guide the AU’s efforts to implement the SPS Policy Framework, a document intended to guide Member States on the SPS Annex of AfCFTA, reduce barriers to cross-border trade, and better coordinate capacity building and policy harmonization under the AfCFTA. In addition, USDA actively participated in the AU’s development and ratification of the African Union SPS Policy Framework. USDA’s efforts encourage the utilization of science and risk-based policies for the production and trade of food and agricultural products. This work will help improve agricultural trade between the United States and Africa to the benefit of both U.S. and African farmers and food producers.

4. Free Trade Agreements

Throughout 2023, the United States has helped U.S. free trade agreement (FTA) partners implement FTA commitments and reap the benefits of such agreements over the long term through TCB working groups and other FTA-related projects. USAID and USDA, along with a number of other U.S. Government agencies, actively participated in FTA working groups on TCB so that identified TCB needs could be quickly and efficiently incorporated into ongoing regional and country assistance programs. The FTA working groups on TCB also invited non-governmental organizations, representatives from the private sector, and international institutions to join in building the trade capacity of countries in each region. USTR worked closely with USAID, the U.S. Department of State, and other agencies to track and guide the delivery of TCB assistance related to FTA commitments.

For further discussion, see the individual country sections in Chapter I.B Comprehensive Free Trade Agreements in Force, Chapter III.G.1 Trade and the Environment Monitoring and Enforcement Activities of Existing Agreements, and Chapter III.H.2 Trade and Labor Monitoring and Enforcement Activities of Existing Agreements.

5. Standards Alliance

The Standards Alliance is a public-private partnership between USAID and the American National Standards Institute (ANSI), which is the official U.S. representative to the International Organization for Standardization. The goal of this partnership is to build capacity among developing countries to implement the WTO Agreement on Technical Barriers to Trade (TBT Agreement). Priority areas of intervention in developing countries are shaped through an interagency process guided by USTR and USAID and include efforts to improve practices related to notification of technical regulations and conformity assessment procedures to the WTO, strengthen domestic practices related to adopting relevant international standards, and clarify and streamline regulatory processes for products.

As the implementing partner of the Standards Alliance, ANSI coordinates private sector subject matter experts from its member organizations in the delivery of training and other technical exchange with eligible and interested Standards Alliance countries on international standards, best practices, and other subjects supporting implementation of the TBT Agreement. In consultation with the Trade Policy Staff Committee and private sector experts, ANSI requested and reviewed applications for assistance, considering bilateral trade opportunities, available private sector expertise that may be leveraged, demonstrated commitment and readiness for assistance, and potential development impact.

Phase 2 (2019-2024) of the Standards Alliance program commits funds to promote regulatory interoperability in the context of the COVID-19 pandemic, good regulatory practices, and the adoption of international standards for medical devices while enhancing the critical role of standards and conformity assessment in supporting public health and safety. Ultimately, the goal is to establish a medical device regulatory environment and framework that will facilitate the response to the COVID-19 pandemic and diminish technical barriers to trade, thus promoting the exportation of quality U.S. medical devices.

As of December 2023, under Phase 2, the Standards Alliance has reached nearly 4,600 participants from 27 countries to develop national standards regimes, support countries to implement international trade obligations, and enhance public-private dialogue on standards and technical regulations. To respond to the COVID-19 pandemic, the Standards Alliance has mobilized over \$6 million in technical assistance to support countries' and private sector partners' efforts to adopt international standards needed for emergency medical equipment.

J. ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

The Organization for Economic Cooperation and Development (OECD) is a grouping of economically significant countries that serves as a policy forum covering a broad spectrum of economic, social, environmental, and scientific areas from macroeconomic analysis to education, biotechnology, and trade. Thirty-eight democracies in Europe, the Americas, the Middle East, and the Pacific Rim comprise the OECD, established in 1961 and headquartered in Paris. The OECD provides a setting where both OECD Members and non-Members can compare experiences, seek answers to common challenges, identify good practices, promote economic growth, and develop high standards for economic policy. A committee of Member government officials, supported by Secretariat staff, covers committees, expert groups, and working groups in substantive areas. The emphasis is on discussion and peer review rather than negotiation. However, some OECD instruments, such as the [Convention on Combating Bribery of Foreign Public Officials in International Business Transactions](#), are legally binding. Most OECD decisions require consensus among Member governments. The like-mindedness of the OECD's members on the core values of democratic institutions, the rule of law, and open markets uniquely positions the OECD to serve as a valuable policy forum to address real world issues. In the past, analysis of issues in the OECD has often been instrumental in forging a consensus among OECD countries to pursue specific negotiating goals in other international fora, such as the World Trade Organization.

The United States has a longstanding interest in trade issues studied by the OECD. On trade and trade policy, the OECD engages in meaningful research and provides a forum in which OECD Members can discuss complex and sometimes difficult issues. The OECD is also active in studying the balance between domestic objectives and international trade.

1. Trade Committee Work Program

In 2023, the OECD Trade Committee, its subsidiary Working Party of the Trade Committee, the Joint Working Party on Trade and Environment, and the Joint Working Party on Trade and Agriculture continued to address a number of significant issues affecting trade. These included the impacts of the COVID-19 pandemic, Russia's premeditated and unjustified full-scale invasion of Ukraine, and supply chain interdependencies. The Trade Committee met in March and October 2023, and its Working Party met in March, June, October, and December 2023. The Trade Committee and its subsidiary groups paid special attention to digital trade, trade facilitation, services trade, and resilient supply chains. The [OECD website](#) contains up-to-date information on published analytical work and other trade-related activities.

The Trade Committee continued its analysis and work on barriers affecting trade in services, including an update to the OECD's Services Trade Restrictiveness Index (STRI). The STRI is a quantitative assessment of policy-based restrictions on services trade, based on OECD Member and [Key Partner](#) data on 22 services sectors across 48 countries. In 2023, the Trade Committee worked on the expansion of STRI sectors to include policy measures for the Green STRI. Among other activities in 2023, the Committee continued research on industrial subsidies, state enterprises, and the level playing field, including completing analysis on provisions specific to state enterprises in preferential trade agreements and highlighting the role that state enterprises play in market-distorting government support in industrial sectors. In addition, the Committee launched work aimed at enhancing understanding of the effects of services trade at the worker level and finalized analysis of impacts of the electronic commerce moratorium.

In 2023, the United Kingdom hosted the OECD Ministerial Council Meeting (MCM) under the theme of "Securing a resilient future: Shared values and global partnerships." USTR participated in the Trade Session of the MCM on Economic Resilience – Trade Policies for Resilient and Inclusive Growth.

2. Trade Committee Dialogue with Non-OECD Members

The OECD conducts wide-ranging activities to reach out to non-Member countries and economies, businesses, and civil society, in particular through its series of workshops and “Global Forum” events held around the world each year. Non-Member countries and economies may participate as committee observers when Members believe that participation will be mutually beneficial. Key Partners—Brazil, China, India, Indonesia, and South Africa—participate to varying degrees in OECD activities through the Enhanced Engagement program. The program seeks to establish a more structured and coherent partnership, based on mutual interest, between these five major economies and OECD Members. Argentina, Brazil, and Hong Kong, China (Hong Kong) are regular invitees to the Trade Committee and its Working Party.

The Russian Federation’s *ad hoc* participation was suspended in 2022 due to Russia’s unprovoked and unjustified full-scale war against Ukraine. The OECD also carries out a number of regional and bilateral cooperation programs with non-Members.

The OECD Trade Committee’s continued support of trade-related discussions in major intergovernmental economic groupings, through the timely use of its evidence-based analysis and policy insights, remained a priority. The intergovernmental economic groupings included Group of 20 (G20), Group of Seven (G7), Asia-Pacific Economic Cooperation (APEC), and Association of Southeast Asian Nations (ASEAN).

In 2022, Argentina, Brazil, Bulgaria, Croatia, Peru, and Romania were invited to begin discussions to accede to the OECD. Accession Roadmaps, which set out the terms, conditions, and process for accessions, were prepared by Brazil, Bulgaria, Croatia, Peru, and Romania and adopted at the MCM in June 2022. Brazil, Bulgaria, Croatia, and Romania submitted their Initial Memorandums (IM), *i.e.*, self-assessment documents that catalogue the alignment of existing legislation, policies, and practices against OECD legal instruments, in 2022, and Romania and Peru submitted IMs in 2023. Early in 2023, the Secretariat launched an intensive fact-finding and in-depth analysis process, Market Openness Review (MOR), for each country that submitted an IM. The MOR will be used by the Trade Committee to hold detailed discussions with each acceding candidate country.

The OECD Trade Committee also continued to discuss aspects of its work and issues of concern with representatives of the private sector and civil society, including Members of Business at OECD (formerly Business and Industry Advisory Council) and the Trade Union Advisory Council.

3. Other OECD Work Related to Trade

Representatives of the OECD Member countries meet in specialized committees to advance ideas and review progress in specific policy areas, such as economics, trade, regulatory policy, science, employment, education, countering illicit trade, and financial markets. There are about 300 committees, working groups, and expert groups at the OECD.

K. TEXTILES AND TRADE

In 2023, the Office of the United States Trade Representative’s (USTR’s) trade initiatives and activities focused on identifying and promoting the interests of U.S. textile workers, businesses, brands and retailers, and consumers by consulting with stakeholders; encouraging respect for labor rights and protections; advancing better and more environmentally sustainable practices in textile and apparel industries in the United States and abroad through trade initiatives; and monitoring, implementing, and enforcing U.S. trade agreements. USTR also convened the Trade Policy Staff Committee (TPSC) Subcommittee on Textiles to

coordinate ongoing interagency work to identify the economic and trade factors affecting U.S. textile manufacturers and to develop recommendations to address them, in response to letters from U.S. textile stakeholders and Congress to the Biden Administration.

From yarn spinning to fabric formation to apparel assembly, the production of textiles goods, such as yarns, fabrics, and apparel, holds an important role in the United States' manufacturing base. According to the [U.S. Bureau of Labor Statistics](#), as of the end of 2023, the industry supports 311,420 American manufacturing jobs, which accounts for 2.4 percent of all manufacturing jobs. U.S. total textiles and apparel exports reached \$26.5 billion in 2023, bolstered by U.S. Government action to re-shore the production of products, such as personal protective equipment to ensure an adequate domestic supply during national security and public health emergencies.

U.S. total textiles and apparel imports decreased to \$109.4 billion in 2022, with textiles and apparel trade accounting for a significant share of total trade under U.S. free trade agreements (FTAs) and U.S. trade preference programs. Overall, 17.6 percent of textiles and apparel imports entered the United States duty free under an FTA or trade preference program.

Stakeholder Consultations Related to Textiles and Apparel Trade

In 2023, USTR participated in conferences and meetings organized by industry associations, including the National Council of Textile Organizations (NCTO), the American Apparel and Footwear Association (AAFA), and the U.S. Fashion Industry Association (USFIA), to share information about the Administration's trade policy priorities and to obtain views on a range of topics raised by industry stakeholders. These topics included Section 321 *de minimis*, Section 301 tariffs, Uyghur Forced Labor Prevention Act (UFLPA) enforcement, the expiration of trade preference programs such as AGOA and GSP, and the Miscellaneous Tariff Bill (MTB).

In addition to receiving direct updates on the business interests of U.S. textile and apparel stakeholders, USTR met with government officials from Canada and Mexico, government officials and private sector delegations from Colombia and Haiti, and associations representing textile and apparel manufacturers in the Dominican Republic–Central America–United States Free Trade Agreement (CAFTA–DR) region. For U.S. FTA trading partners, these meetings included discussions related to FTA utilization and the importance of the Western Hemisphere supply chain. For Haiti, these meetings focused on preference programs under the Haiti Haitian Opportunity through Partnership Encouragement Acts (HOPE) and the Haiti Economic Lift Program Act (HELP), and the vital importance of the program to the apparel producers in Haiti, and the workers they employ. Apparel producers are the country's largest private sector provider of jobs, with total employment reaching approximately 40,000 workers in recent years.

For further discussion of the HOPE and HELP programs, see Chapter I.D.3 Haitian Hemispheric Opportunity through Partnership Encouragement Act.

The U.S. Trade Representative and senior USTR officials also visited several textile research and manufacturing facilities in the United States and met with experts regarding the challenges businesses and workers face in textiles and apparel trade, such as geopolitical risks and capacity and social compliance challenges that affect sourcing decisions, as well as overall supply chain and distribution challenges.

In March 2023, the U.S. Trade Representative delivered prerecorded remarks during the NCTO's 19th Annual Meeting in Washington, D.C., and recognized the U.S. textile industry's resilience and innovation as drivers of U.S. competitiveness. The USTR also underscored the Biden Administration's commitment to promote inclusive economic growth, especially for rural and disadvantaged communities across America.

Also in March 2023, USTR officials visited U.S. textile manufacturers in North Carolina and South Carolina to see firsthand the investments made in innovative technologies and sustainable production in response to the changing demands of the marketplace. The USTR officials heard about the challenges workers and businesses face when their foreign competitors are not held to the same standards as they are.

In June 2023, USTR officials participated in a three-day visit to U.S. textile manufacturing facilities in North Carolina and South Carolina, which included a tour of seven textile manufacturers and a roundtable discussion with U.S. textile executives covering all areas of the supply chain, including fiber, yarn, fabric, and finished products. The discussion covered topics important to the U.S. textile industry, including maintaining the yarn forward rule in the CAFTA–DR and other trade agreements; the Miscellaneous Tariff Bill; duty free shipments through Section 321 *de minimis*; government procurement policies, such as Buy American and the Berry Amendment; and systemic trade issues with China, such as forced labor.

Over the course of the year, the Deputy USTR and senior USTR officials met with various trade associations representing brands and retailers, including AAFA, USFIA, the Outdoor Industry Association (OIA), the Retail Industry Leaders Association (RILA), and the National Retail Federation (NRF).

In February 2023, USTR senior officials traveled to San Francisco to join USFIA’s West Coast Symposium, and in July 2023, USTR senior officials participated in the USFIA Washington Trade Symposium. USTR senior officials traveled to New York in November 2023 to speak at USFIA’s Annual Trade and Transportation Conference. Additionally, USTR senior officials joined USFIA Board of Directors meetings in March and November 2023.

In April and November 2023, USTR senior officials addressed meetings of AAFA’s Trade Policy Committee in Washington, DC. In May 2023, USTR senior officials participated in the AAFA Global Supply Chain & Trade Conference in Portland, Maine. In August 2023, USTR officials participated in a tour, organized by AAFA, of a U.S. textile facility in Duquesne, Pennsylvania. USTR officials also met with the company’s executives to learn more about the opportunities and challenges U.S. textiles manufacturers face in creating good jobs through trade.

Trade Initiatives to Strengthen Respect for Labor Rights and Advance Sustainability Practices in the Textile and Apparel Industry

The United States takes a keen interest in promoting human and labor rights at home and around the world. USTR worked in close coordination with other U.S. Government agencies, stakeholders, and trading partners to ensure trade agreement labor provisions were enforced in the textile and apparel industry, to provide best practices for protecting workers’ rights in textiles, and to implement the Uyghur Forced Labor Prevention Act.

In 2023, USTR officials engaged with U.S. Government agencies and textile and apparel brands, retailers, trade associations, and domestic and international labor stakeholders on strengthening labor rights protections in Bangladesh and setting a fair minimum wage in Bangladesh’s garment sector. Additionally, USTR engaged with textile and apparel brands, retailers, and trade associations on best practices for improving worker safety and promoting worker rights for Bangladeshi garment workers.

On December 11, 2023, USTR announced the successful resolution of the first USMCA facility-specific Rapid Response Mechanism matter in the apparel sector regarding the situation at the Industrias del Interior facility in the state of Aguascalientes, Mexico, where workers were previously denied their freedom of association and collective bargaining rights. In August 2023, the United States and Mexico announced a plan to address labor violations occurring at the facility. That plan has been implemented, and workers’ rights have been restored.

For further discussion of labor-related activities, see Chapter III.H Trade and Labor.

USTR is dedicated to advancing sustainable practices in textile and apparel industries in the United States and abroad through trade. Such practices include investments in industrial capacity to recycle used clothing and the recycling of plastics into staple fibers, the use of sustainably derived fibers and other textile precursors, and product design emphasizing durable textiles and apparel that can be easily reused or recycled. USTR also engaged with international partners through multilateral fora on circular economy approaches, including those related to the textile industry.

Promoting sustainable practices in the textile and apparel supply chain contributes to broader efforts by the U.S. Government to address adaptation to climate change and ensures that the U.S. textile and apparel industry remains on the cutting edge of design and manufacturing. Promoting investment in recycling and sustainable inputs also contributes to creating well-paying jobs in communities across the United States. USTR engaged with industry partners to better understand how bilateral and multilateral engagements with partners can support their investments in sustainable practices and a more resilient textile and apparel supply chain, which is critical for future competitiveness of U.S. textile manufacturers and U.S. apparel brands, retailers, and importers.

USTR engaged with other U.S. Government agencies, including the Council on Environmental Quality and the Environment Protection Agency, on trade policy initiatives to ensure that textile and apparel supply chains are environmentally sustainable, resilient to supply chain disruptions, and support good jobs in the United States and throughout the Western Hemisphere. USTR's work to advance resiliency and sustainability in the textile and apparel value chain also contributes to the Biden Administration's Worker-Centered Trade Policy, as well as U.S. priorities under the Call to Action/Central America Forward and other initiatives to strengthen critical supply chains and tackle the root causes of migration from Central America.

Bilateral and Regional Activities

In 2023, USTR led numerous U.S. Government consultations with international partners and domestic stakeholders to help them better understand how they could benefit from provisions in U.S. free trade agreements to improve utilization, qualify for duty-free treatment, and successfully harness the benefits of textile provisions in existing agreements.

USTR also held bilateral and regional meetings with partners related to the implementation of textile provisions in existing trade agreements.

United States–Bangladesh Trade and Investment Cooperation and Facilitation Agreement

In September 2023, the seventh United States–Bangladesh Trade and Investment Cooperation and Facilitation Agreement Council (TICFA) met in Dhaka, Bangladesh. USTR officials met with trade union leaders, non-governmental organizations, trade associations, and Bangladeshi apparel manufacturers to discuss labor rights reforms in Bangladesh's readymade garment sector on the margins of the TICFA meeting. USTR engaged with numerous U.S. apparel brands and U.S. trade associations representing the textile and apparel industry to advocate for a fair and transparent minimum wage review process for garment workers in Bangladesh and promote worker rights related to freedom of association and collective bargaining.

For further discussion of the United States–Bangladesh Trade and Investment Cooperation and Facilitation Agreement, see Chapter I.C.7 South and Central Asia.

Dominican Republic–Central America–United States Free Trade Agreement

USTR and other U.S. Government agencies engaged with U.S. textile and apparel stakeholders and associations representing manufacturers in the CAFTA–DR region to identify and develop initiatives to improve utilization of the CAFTA–DR and strengthen the regional supply chain. These efforts are aimed at increasing trade in textiles and apparel with the United States and within the region, and enhancing job creation, and in turn supporting the Biden Administration’s Worker-Centered Trade Policy, as well as U.S. priorities under the Call to Action/Central America Forward and other initiatives to address the root causes of migration from the Northern Triangle countries.

On October 31, 2023, the Committee for the Implementation of Textile Agreements (CITA) received a commercial availability request to modify the CAFTA–DR rules of origin for certain two-way stretch polyester/spandex woven fabric. As a member of CITA, during November and December 2023, USTR was actively involved in deliberations on whether to approve the addition of this fabric to the CAFTA–DR short supply list. CITA also received a commercial availability request for certain nylon dobby weave fabric on December 27, 2023. Determinations in both commercial availability proceedings will be issued in early 2024.

For further discussion of the Dominican Republic–Central America–United States Free Trade Agreement, see Chapter I.B.3 Central America and the Dominican Republic.

United States–Chile Free Trade Agreement

USTR continued longstanding consultations with Chile regarding modifying the rule of origin for certain woven fabrics under the U.S.–Chile FTA to permit the use of certain non-U.S. or Chilean filament yarn of viscose rayon.

Additionally, in August 2023, USTR, U.S. Customs and Border Protection of the U.S. Department of Homeland Security, and the Chilean Government conducted a webinar for the Chilean private sector on how to interpret the FTA’s rules of origin and improve utilization of the Tariff Preference Level (TPL) provisions.

For further discussion of the United States–Chile Free Trade Agreement, see Chapter I.B.4 Chile.

United States–Colombia Trade Promotion Agreement

In March 2023, the United States met with a Colombian Government and private sector delegation in Washington, D.C., to discuss the United States–Colombia Trade Promotion Agreement (CTPA). In April 2023, the CTPA Textile Committee met in Bogota, Colombia, to deliver trade capacity-building seminars for Colombian private sector stakeholders and government partners in Bogota and Medellin.

For further discussion of the United States–Colombia Trade Promotion Agreement, see Chapter I.B.5 Colombia.

United States–Korea Free Trade Agreement

In 2023, the United States continued to engage with Korea with respect to procedural steps for changes requested by Korea to amend the rule of origin for certain woven fabrics to permit the use of specified non-originating yarns. Discussions were not concluded for two pending rule of origin modifications under the KORUS FTA for certain woven fabrics, as of December 2023.

USTR participated in Textile Committee Meetings under the KORUS FTA in Washington, D.C., in November 2023.

For further discussion of the United States–Korea Free Trade Agreement, see Chapter I.B.8 Korea.

United States–Mexico–Canada Agreement

The United States engaged with Canada and Mexico to ensure proper implementation of the USMCA textile provisions, including administration of tariff preference levels. USTR also provided assistance to its Mexican counterparts to review and update Harmonized Tariff Schedule codes as necessary to facilitate programming for the issuance of Tariff Preference Level certificates.

For further discussion of the United States–Mexico–Canada Agreement, see Chapter I.B.9 Mexico and Canada.

United States–Morocco Free Trade Agreement

USTR officials met with Moroccan counterparts to discuss potential collaboration for trade capacity-building initiatives to promote increased textiles and apparel trade between the United States and Morocco.

For further discussion of the United States–Morocco Free Trade Agreement, see Chapter I.B.10 Morocco.

Qualifying Industrial Zones

A Qualifying Industrial Zone (QIZ) is defined by statute as an area that (1) encompasses portions of the territory of Israel and Jordan or Israel and Egypt, (2) has been designated by local authorities as an enclave where merchandise may enter without payment of duty or excise taxes, and (3) has been specified by the President as a qualifying industrial zone. Presidential Proclamation 6955 of November 1996 established duty-free treatment for such goods and delegated authority to designate zones to USTR.

In 2023, USTR successfully worked with the QIZ Joint Committee members (Egypt and Israel) to convene a meeting under challenging circumstances to address the renewal and issuance of expiring QIZ certificates for Egyptian factories. QIZs have been designated in Egypt and Jordan, and textile and apparel production is a major activity of QIZs in Egypt. Imports of textiles and apparel from Egyptian QIZs in 2023 were approximately \$1.1 billion, a decrease from \$1.4 billion in 2022.

Trade Preference Programs for Textiles and Apparel

African Growth and Opportunity Act

USTR met with U.S. brands and retailers who voiced their concerns about sourcing from the sub-Saharan Africa region given uncertainty about whether the African Growth and Opportunity Act (AGOA), which is currently set to expire on September 30, 2025, will be renewed. AGOA, an expansion of the Generalized System of Preferences program, provides duty-free benefits to sub-Saharan African beneficiary countries for qualifying apparel that meets specific rules of origin. AGOA imports of textiles and apparel goods were \$1.1 billion in 2023, a decline from \$1.4 billion in 2022. The largest exporters under AGOA in 2023 were Kenya, Madagascar, and Lesotho, accounting for 84.9 percent of the total AGOA textiles and apparel trade.

For further discussion, see Chapter I.D.2 African Growth and Opportunity Act.

Haitian Hemispheric Opportunity Through Partnership Encouragement Act

USTR met with stakeholders from Haiti to discuss the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 (HOPE), the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008 (HOPE II), and the Haitian Economic Lift Program of 2010 (HELP) preference program. HOPE amended the CBERA to establish rules of origin that make Haiti eligible for new trade benefits for apparel imports; HOPE II modified the existing trade preference programs under HOPE; and HELP provided duty-free treatment for additional textiles and apparel products from Haiti. In 2023, \$559 million of textiles and apparel were imported under HOPE/HELP, a decrease from \$740 million in 2022.

For further discussion, see Chapter I.D.3 Haitian Hemispheric Opportunity through Partnership Encouragement Act.

IV. THE WORLD TRADE ORGANIZATION

A. INTRODUCTION

This chapter describes activities in the World Trade Organization (WTO) in 2023, including in the WTO Standing Committees and their subsidiary bodies, WTO negotiating groups, plurilateral initiatives, engagement on implementation and enforcement of WTO Agreements, and progress with accessions of new Members.

At the Twelfth WTO Ministerial Conference (MC12) in June 2022, Members committed to work towards necessary reforms to improve all of the functions of the WTO. Since MC12, the United States has worked with other Members to achieve functional reforms in all WTO committees. These improvements should support more effective monitoring of the implementation of the various WTO agreements and deliver increased transparency to both WTO Members and their stakeholders in their interactions with the WTO.

On a day-to-day basis, the WTO operates through its more than 20 standing committees (not including additional working groups, working parties, and negotiating bodies). These groups meet regularly, enabling WTO Members to exchange views, monitor and resolve questions of Members' compliance with commitments, and develop initiatives aimed at systemic improvements. These groups also serve to promote basic transparency in Members' trade policies. Through discussions in these fora, Members can pursue detailed information on individual Members' trade policy actions in light of WTO rules, and collectively consider their impact on individual Members and the trading system as a whole. The discussions enable Members in their domestic policymaking to assess and potentially address concerns raised by other WTO Members. The United States also takes advantage of opportunities in standing committees to consider ways to improve implementation of existing WTO provisions and to discuss areas where future rules could be developed.

The remainder of this chapter contains highlights of work carried out in the WTO Committees, other bodies, and plurilateral configurations, including the:

- Committee on Agriculture, Special Session;
- Council for Trade in Services, Special Session;
- WTO Fisheries Subsidies
- Committee on Trade and Development, Special Session;
- Council for Trade in Goods;
- Committee on Agriculture;
- Committee on Antidumping Practices;
- Committee on Customs Valuation;
- Committee on Import Licensing;
- Committee on Market Access;
- Committee on Rules of Origin;
- Committee on Safeguards;
- Committee on Sanitary and Phytosanitary Measures;
- Committee on Subsidies and Countervailing Measures;
- Committee on Technical Barriers to Trade;
- Committee on Trade Facilitation;
- Committee on Trade-Related Investment Measures;

- Working Party on State Trading Enterprises;
- Council for Trade-Related Aspects of Intellectual Property Rights;
- Council for Trade in Services;
- Committee on Trade in Financial Services;
- Working Party on Domestic Regulation;
- Joint Statement Initiative on Services Domestic Regulation;
- Working Party on General Agreement on Trade in Services Rules;
- Committee on Specific Commitments;
- Committee on Trade and Environment;
- Committee on Trade and Development;
- Committee on Balance-of-Payments Restrictions;
- Committee on Budget, Finance and Administration;
- Committee on Regional Trade Agreements;
- WTO Accessions;
- Working Group on Trade, Debt and Finance;
- Working Group on Trade and Transfer of Technology;
- Work Program on Electronic Commerce;
- Trade Policy Review Body;
- Plurilateral Agreements Committees (Committee on Trade in Civil Aircraft, Committee on Government Procurement Agreement, and Information Technology Agreement Committee);
- Joint Statement Initiative on Electronic Commerce;
- Plurilateral work on Services Domestic Regulation;
- Informal Working Group on Micro, Small, and Medium-Sized Enterprises;
- Informal Working Group on Trade and Gender: and
- Trade and Environmental Sustainability Structured Discussions.

For more information on the work of these entities, see their annual reports, found on the [WTO website](#).

B. WTO NEGOTIATIONS

Committee on Agriculture Special Session

In 2023, the U.S. Government, led by USTR, engaged actively in the Committee on Agriculture Special Session (CoA-SS) to ensure that WTO negotiations take into account the priorities and sensitivities of U.S. agriculture stakeholders, as well as global food security considerations. During the year, the United States made three submissions to the WTO aimed at highlighting the important role of the WTO and trade in supporting global food security. In the leadup to the Thirteenth WTO Ministerial Conference in February 2024, the United States remains actively engaged with WTO Members on all aspects of agricultural trade negotiations in support of U.S. agricultural stakeholders' interests and the U.S. Government's priorities.

Special Session of the Council for Trade in Services

In 2023, the Special Session of the Council for Trade in Services (CTS-SS) held two informal meetings, in March and October. The CTS-SS was formed in 2000 pursuant to the Uruguay Round mandate of the GATS to undertake new multi-sectoral services negotiations.

WTO Fisheries Subsidies

After more than two decades of negotiations, WTO Members achieved a groundbreaking agreement at the Twelfth WTO Ministerial Conference (MC12) in June 2022. The Agreement is the first ever multilateral trade agreement at the WTO with environmental sustainability at its core. The WTO Agreement on Fisheries Subsidies (Agreement) contains several important disciplines, including prohibitions on subsidies to vessels or operators engaged in IUU fishing, subsidies for fishing overfished stocks, and subsidies for fishing on the unregulated high seas. The Agreement also includes robust transparency provisions to strengthen WTO Members' notification of fisheries subsidies and thereby enable effective monitoring of Members' implementation of their obligations. In April 2023, the United States submitted its instrument of acceptance of the Agreement, making it the first major fishing nation to do so.

At MC12, WTO Members committed to continue the fisheries subsidies negotiations with a view to making recommendations to the Thirteenth WTO Ministerial Conference for additional provisions that would achieve comprehensive disciplines on harmful fisheries subsidies, including disciplines on certain forms of fisheries subsidies that contribute to overcapacity and overfishing. Throughout 2023 the United States continued to urge Members to support greater transparency with respect to the use of forced labor on fishing vessels. As of December 2023, negotiations were ongoing.

Special Session of the Committee on Trade and Development

In 2023, the United States engaged in three formal meetings and a thematic discussion in the Special Session of the Committee on Trade and Development (CTD-SS) to exchange views on the way forward in addressing special and differential treatment (S&D) after the conclusion of MC12. The United States contributed to the thematic discussion by highlighting a collection of Members-led best practices on how to better operationalize the existing flexibilities in the SPS and TBT agreements. As stated in the MC12 Outcome Document, S&D provisions are intended to be applied narrowly, with the ultimate objective of helping the poorest and least integrated Members to implement WTO rules and fully integrate into the multilateral trading system. These discussions in the CTD-SS continue to underscore the importance of engaging on a broader, constructive conversation on trade and sustainable development predicated on a framework of rules and flexibilities that should be tailored to meet the specific development needs of individual Members.

C. GENERAL COUNCIL ACTIVITIES

The WTO General Council is the highest-level decision-making body in the WTO that meets on a regular basis each year. It exercises all of the authority of the Ministerial Conference, which is expected to meet no less than once every two years. Only the Ministerial Conference and the General Council have the authority to adopt authoritative interpretations of the WTO Agreement, submit amendments to the WTO Agreement for consideration by Members, and grant waivers of obligations. The General Council or the Ministerial Conference must approve the terms for all accessions to the WTO. The General Council uses both formal and informal processes to conduct the business of the WTO. Informal groupings, which generally include the United States, play an important role in consensus building.

In 2023, the United States participated in all General Council meetings and consultations to advance U.S. interests at the WTO. In the second half of the year, preparation for the Thirteenth WTO Ministerial Conference (MC13) comprised a significant portion of the agenda of each meeting. Since the Twelfth Ministerial Conference (MC12), Members have focused on various aspects of WTO reform but have also struggled to conduct General Council meetings efficiently, with Members often circulating new proposals for consideration just prior to the meetings.

D. COUNCIL FOR TRADE IN GOODS

The World Trade Organization (WTO) Council for Trade in Goods (CTG) is the central oversight body for all WTO agreements related to trade in goods. It oversees the activities of 12 WTO committees (Agriculture, Antidumping Practices, Customs Valuation, Import Licensing, Information Technology, Market Access, Rules of Origin, Safeguards, Sanitary and Phytosanitary Measures, Subsidies and Countervailing Measures, Technical Barriers to Trade, and Trade-Related Investment Measures) and the Working Party on State Trading Enterprises. The CTG is the forum for discussing issues and decisions that may ultimately require the attention of the WTO General Council for resolution or a higher-level discussion, and for putting issues in a broader context of the rules and disciplines that apply to trade in goods.

In 2023, the CTG held three formal meetings, in April, July, and November/December. The CTG also met informally six times, in January, February, March, May, June, and September.

1. Committee on Agriculture

The WTO Committee on Agriculture (CoA) oversees the implementation of the Agreement on Agriculture (AoA) and provides a forum for WTO Members to consult on matters related to provisions of the AoA. In many cases, the CoA resolves implementation problems, permitting Members to avoid invoking dispute settlement procedures. The CoA also has responsibility for monitoring the possible negative effects of agricultural reforms on least-developed countries and net food importing developing country Members.

Since its inception, the CoA has proven to be a vital instrument for the United States to monitor and seek compliance with the agricultural trade commitments undertaken by Members in the Uruguay Round. Under the AoA, Members agreed to provide notifications of progress in meeting their commitments in agriculture, and the CoA has met frequently to review the notifications and monitor activities of Members to ensure that trading partners honor their commitments.

In 2023, the CoA held four formal meetings, in March, June, September, and November, to review progress on the implementation of commitments of the AoA. In total, 417 notifications were subject to review during 2023, and the United States asked 210 questions (or sets of questions) to other Members, the most of any Member at the CoA in 2023. The United States participated actively in the review process and raised issues concerning the operation of Members' agricultural policies. Notably, the United States, along with Australia, Canada, Paraguay, Thailand, and Ukraine, jointly submitted a counter-notification reporting on India's use of domestic support under Article 18.7 of the AoA. The counter-notification raised concerns regarding the methodologies employed by India in its notifications concerning market price support measures for rice and wheat. U.S. questions to other Members included questions relating to Argentina's currency controls, Brazil's tariff increases on dairy products, Türkiye's and Pakistan's freight subsidies, Canada's and the United Kingdom's tariff-rate quota (TRQ) policies, various Members' export restrictions, China's export subsidies and cotton policies, and the Philippines' import clearance permits, among other topics. In addition, the United States answered 66 questions from other WTO Members on a range of subjects including funding for environmental action, domestic support measures, and U.S. TRQ fill rates for agricultural products. During 2023, the CoA addressed several other issues related to the implementation of the AoA, including implementing a work program to address food insecurity concerns of least-developed and net food-importing developing Members and successfully concluding the first triennial review of the Bali TRQ Decision.

2. Committee on Antidumping Practices

The Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (the Antidumping Agreement) sets forth detailed rules and disciplines prescribing the manner and basis on which Members may take action to offset the injurious dumping of products imported from another Member. Implementation of the Antidumping Agreement is overseen by the Committee on Antidumping Practices (the Antidumping Committee), which operates in conjunction with two subsidiary bodies: the Working Group on Implementation (the Working Group) and the Informal Group on Anticircumvention (the Informal Group).

In 2023, the Antidumping Committee held two formal meetings, in May and October, and two informal meetings, in June and October.

3. Committee on Customs Valuation

The Agreement on the Implementation of GATT Article VII, commonly referred to as the Customs Valuation Agreement (CVA), ensures that determinations of customs value for the calculation of duties on imported products are made in a fair, neutral, and uniform manner, precluding the use of arbitrary or fictitious values. The CVA prevents market access opportunities achieved through tariff reductions from being negated by unwarranted and unreasonable “uplifts” in the customs value of goods, which would otherwise increase total import duties.

In 2023, the Committee on Customs Valuation (CCV) held two formal meetings, in May and in November. The United States raised concerns on behalf of U.S. exporters across all sectors that have experienced difficulties with foreign customs agencies’ application of their customs valuation and preshipment inspection regimes. The United States also raised awareness about the growing use of preshipment inspection procedures for conformity assessment purposes and encouraged further monitoring of this development through a focus on notification. Finally, the United States highlighted the technical assistance it provides developing countries on implementing the CVA.

As of December 31, 2023, 139 Members had notified their national legislation on customs valuation, and 109 Members had provided responses to the “Implementation and Administration of the Agreement on Customs Valuation” checklist of issues. The United States continued to request that all Members fulfill these notification requirements for the proper functioning of the CVA.

4. Committee on Import Licensing

The Committee on Import Licensing (Import Licensing Committee) was established to administer the Agreement on Import Licensing Procedures (Import Licensing Agreement) and to monitor compliance with the mutually agreed rules on import licensing procedures. The Import Licensing Committee normally meets twice a year to review information on import licensing submitted by WTO Members in accordance with the obligations set out in the Import Licensing Agreement. The Committee also serves as a forum for Members to submit questions on the licensing regimes of other Members, whether or not those regimes have been notified to the Committee, and to address specific observations and complaints concerning Members’ licensing systems.

In 2023, the Import Licensing Committee held two formal committee meetings, in May and in October. In April, the United States raised concerns with licensing in Argentina, Angola, Egypt, India, Indonesia, and the Philippines. In October, the United States raised new concerns with licensing in the Dominican Republic and India, and continued to raise issues with licensing in Argentina, Egypt, India, Indonesia, and

the Philippines. Further, the United States continued to stress the importance of timely and complete notifications and Member transparency within the Committee. Additionally, the Import Licensing Committee held informal meetings in March and September to discuss updates and implementation of the eAgenda online tool for development of the Committee meeting agenda.

5. Committee on Market Access

The Committee on Market Access (MA Committee) is responsible for the implementation of concessions related to tariffs and non-tariff measures that are not explicitly covered by another WTO body. The MA Committee's work includes the verification of new concessions on market access in the goods area, the monitoring of quantitative restrictions on goods, and the operation of the WTO's Integrated Data Base (IDB) of tariff and trade data. The MA Committee also provides a forum for Members to address market access issues they find problematic, to exchange information and clarify issues, and to aim to resolve trade concerns.

In 2023, the MA Committee held two formal meetings, in April and November, in which the United States raised specific market access concerns with Angola, the members of the Gulf Cooperation Council, Indonesia, and Mexico. The United States also used the formal meetings to promote transparency by stressing the importance of timely and complete notifications of Members' quantitative restrictions. The MA Committee in addition initiated a thematic discussion for Members to share experiences on supply chain diversification.

The MA Committee also held several informal meetings to review technical transpositions of Members' tariff schedules to ensure tariff commitments are maintained as schedules are updated and modernized.

6. Committee on Rules of Origin

The Agreement on Rules of Origin (ROO Agreement) is administered by the Committee on Rules of Origin (ROO Committee), which in 2023 held three meetings, in June, October and November. The ROO Committee serves as a forum to exchange views on notifications by Members concerning their non-preferential rules of origin along with relevant judicial decisions and administrative rulings of general application.

In 2023, the ROO Committee continued its discussion of trade preferences by least-developed countries. In October 2023, the Secretariat staged an event on trade facilitating measures relating to rules of origin.

7. Committee on Safeguards

The Committee on Safeguards (the Safeguards Committee) was established to administer the WTO Agreement on Safeguards (the Safeguards Agreement). The Safeguards Agreement establishes rules for the application of safeguard measures as provided in Article XIX of the GATT 1994. The Safeguards Agreement requires Members to notify the Safeguards Committee of their laws, regulations, and administrative procedures relating to safeguard measures. That agreement also requires Members to notify the Safeguards Committee of various safeguards actions, such as: (1) the initiation of an investigatory process; (2) a finding by a Member's investigating authority of serious injury or threat thereof caused by increased imports; (3) the taking of a decision to apply or extend a safeguard measure; and (4) the proposed application of a provisional safeguard measure.

In 2023, the Safeguards Committee held two formal meetings, in May and October, and two informal meetings, in June and October.

8. Committee on Sanitary and Phytosanitary Measures

The Committee on Sanitary and Phytosanitary Measures (the SPS Committee) provides a forum for review of the implementation and operation of the Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement), consultation on Members' existing and proposed SPS measures, technical assistance, other informational exchanges, and the participation of the international standard setting bodies recognized in the SPS Agreement. These international standard setting bodies are: for food safety, the Codex Alimentarius Commission (Codex); for animal health, the World Organisation for Animal Health (WOAH); and, for plant health, the International Plant Protection Convention (IPPC).

The SPS Committee also discusses and provides guidelines on specific provisions of the SPS Agreement. These discussions provide an opportunity to assist Members in meeting specific SPS obligations. For example, the SPS Committee has issued procedures or guidelines regarding: notification of SPS measures; the “consistency” provision of Article 5.5 of the SPS Agreement; equivalence; transparency regarding the provisions for Special and Differential Treatment (S&D); and, regionalization. Representatives from a number of international organizations attend SPS Committee meetings as observers on an *ad hoc* basis, including: Codex; the United Nations Food and Agriculture Organization; the Inter-American Institute for Cooperation on Agriculture; the International Trade Center; the International Plant Protection Convention (IPPC); the World Organisation for Animal Health (WOAH); the World Bank; and, the World Health Organization.

In 2023, the SPS Committee held three meetings, in March, July, and November. The United States raised concerns in the SPS Committee regarding the adverse impact on U.S. food and agricultural exports resulting from SPS measures of other WTO Members. The United States continued to join a broad coalition of countries raising concerns with the EU's hazard-based pesticide policies, including the withdrawal of several pesticide maximum residue levels (MRLs) critical to international agricultural trade and new measures that appear to restrict the ability of regulators in third countries to regulate based on local conditions, instead imposing EU production requirements on trading partners. The United States also continued to raise concerns about China's administrative measures that require registration of most foreign food facilities, regardless of risk or whether the foods are already subject to import certification requirements.

Following adoption by Ministers of the Sanitary and Phytosanitary Declaration for the Twelfth WTO Ministerial Conference: Responding to Modern SPS Challenges, USTR was instrumental in supporting the successful execution of the Declaration Work Program in the SPS Committee. Over the course of 2023, Members of the Committee identified opportunities to increase productivity, enhance sustainability, and facilitate trade, and also identified concerns that could adversely affect the ability of the Members to meet critical SPS challenges.

9. Committee on Subsidies and Countervailing Measures

The Agreement on Subsidies and Countervailing Measures provides rules and disciplines for the use of government subsidies and the application of remedies, through either WTO dispute settlement or countervailing duty action taken by individual WTO Members, to address subsidized trade that causes harmful commercial effects. Subsidies contingent upon export performance or the use of domestic over imported goods are prohibited. All other subsidies are permitted but are actionable (through countervailing duty or WTO dispute settlement actions) if they are: (i) “specific”, *i.e.*, limited to a firm, industry, or group thereof within the territory of a WTO Member; and (ii) found to cause adverse trade effects, such as material injury to a domestic industry or serious prejudice to the trade interests of another Member.

In 2023, the Committee on Subsidies and Countervailing Measures held two regular and two special meetings, in April and October. Particularly noteworthy, at both of the two regular meetings, an agenda item was sponsored by the United States, the European Union, Japan, Canada, and others on the topic of how government subsidies have led to overcapacity and the need to develop stronger and more effective subsidy rules to confront this problem. Under this agenda item, Members discussed a synthesis of OECD research on subsidies and overcapacity in key industrial sectors and the impact of that subsidization on developing countries and least-developed countries. The United States also continued to advocate for several initiatives that would enhance the transparency of Members' subsidy regimes and reform the operations of the Committee.

10. Committee on Technical Barriers to Trade

The Agreement on Technical Barriers to Trade (the TBT Agreement) establishes rules and procedures regarding the development, adoption, and application of standards, technical regulations, and conformity assessment procedures for all products. One of the main objectives of the TBT Agreement is to prevent the use of standards, technical regulations, and conformity assessment procedures as unnecessary barriers to trade, while ensuring that Members retain the right to regulate for legitimate purposes including for the protection of health, safety, or the environment, at the levels they consider appropriate.

The Committee on Technical Barriers to Trade (the TBT Committee) serves as a forum for Members' consultation on issues associated with implementation and administration of the TBT Agreement. The TBT Committee provides an opportunity for Members to discuss specific trade concerns (STCs) regarding measures a Member proposes or maintains. The TBT Committee also allows Members to discuss systemic issues affecting implementation of the TBT Agreement (*e.g.*, transparency, use of good regulatory practices, regulatory cooperation), and to exchange information on Members' practices related to implementing the TBT Agreement and updates from observing international organizations.

In 2023, the TBT Committee held three formal meetings, in March, June, and November, and three informal meetings, in February, May, and October. The formal meetings focused on raising STCs and implementing the TBT Committee's work plan agreed to in the Ninth Triennial Review of the TBT Agreement. The meetings were held in person and via a virtual platform. In total, the United States formally raised 26 STCs and responded to 4 STCs; some of the same concerns were raised in more than one meeting. Informally and on a bilateral basis, the United States raised another 29 STCs and responded to 12 STCs. The TBT Committee's informal thematic discussion in March 2023 was on regulatory cooperation related to climate change and plastics regulation. The informal thematic discussion in June 2023 was on regulatory cooperation related to cybersecurity and intangible digital products. The informal thematic discussion in November 2023 was on good regulatory practices and conformity assessment and electronic commerce.

11. Committee on Trade Facilitation

The Trade Facilitation Agreement (TFA) entered into force on February 22, 2017, in accordance with Article X of the WTO Agreement, upon the ratification by two-thirds (118 Members) of the WTO. As of December 31, 2023, 156 of the 164 WTO Members had ratified the TFA. The TFA establishes transparent and predictable multilateral trade rules under the WTO to reduce opaque customs and border procedures and unwarranted delays at the border. Burdensome red tape and delays can add costs that are the equivalent of significant tariffs and are often cited by U.S. exporters as barriers to trade. The TFA is an important element of broader domestic strategies of many WTO Members to increase economic output and attract greater investment, and it provides new opportunities to address factors holding back increased regional integration and trade among developing countries. Implementation of the TFA is expected to bring

particular benefits to small and medium-sized businesses, enabling them to increase participation in the global trading system.

In 2023, the Committee on Trade Facilitation (CTF) held three formal meetings, in March, June, and October, that focused on matters relating to the implementation and administration of the TFA, and included thematic discussions, a dedicated session on transit issues, and a dedicated session on capacity building. The United States submitted to the CTF an updated Article 22 notification which sets out U.S. technical assistance and capacity building for calendar year 2021 (latest data available), and participated in the dedicated capacity building meeting, in cooperation with four trading partners, for whom the United States provides capacity building assistance. The United States also raised its first specific trade concern in the CTF with Indonesia in the June and October meetings.

12. Committee on Trade-Related Investment Measures

The Agreement on Trade-Related Investment Measures (TRIMS) prohibits investment measures that are inconsistent with national treatment obligations under Article III:4 of the General Agreement on Tariffs and Trade (GATT) 1994 and reinforces the prohibitions on quantitative restrictions set out in Article XI:1 of the GATT 1994. The TRIMS Agreement requires the elimination of certain measures imposing requirements on, or linking advantages to, certain actions of foreign investors, such as measures that require, or provide benefits for, the use of local inputs (local content requirements) or measures that restrict a firm's imports to an amount related to the quantity of its exports or foreign exchange earnings (trade balancing requirements). The TRIMS Committee has been a forum to address concerns, gather information, and raise questions about the maintenance, introduction, or modification of trade-related investment measures by Members.

In 2023 the TRIMS Committee held two formal meetings, in February and October, during which the United States and other Members continued to discuss particular Members' local content measures that are of concern to the United States. Key issues discussed included local content measures in Indonesia in a range of sectors including telecommunications, energy, and high-technology consumer goods, and local content measures in Kazakhstan pertaining to agricultural machinery.

13. Committee on Participants on the Expansion of Trade in Information Technology Products.

For information on the Committee on Participants on the Expansion of Trade in Information Technology Products, also known as the ITA Committee, please see Section IV.J Plurilateral Agreements.

14. Working Party on State Trading Enterprises

Article XVII of the GATT 1994 requires Members, *inter alia*, to ensure that state-trading enterprises (STEs), as defined in that Article, act in a manner consistent with the general principles of nondiscriminatory treatment, and make purchases or sales solely in accordance with commercial considerations. The Understanding on the Interpretation of Article XVII of the GATT 1994 defines an STE for the purposes of providing a notification. Members are required to submit new and full notifications to the Working Party on State Trading Enterprises (WP-STE) for review every two years.

The WP-STE was established in 1995 to review, *inter alia*, Member notifications of STEs and the coverage of STEs that are notified, and to develop an illustrative list of relationships between Members and their STEs and activities engaged in by these enterprises.

In 2023, the WP-STE held two formal meetings in April and October, and two informal meetings, in April and June.

E. COUNCIL FOR TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS

The WTO Council for Trade-Related Aspects of Intellectual Property Rights (TRIPS) monitors the implementation of the TRIPS Agreement, provides a forum in which WTO Members can consult on intellectual property matters, and carries out the specific responsibilities assigned to the Council in the TRIPS Agreement.

The TRIPS Agreement sets minimum standards of protection for copyrights and related rights, trademarks, geographical indications, industrial designs, patents, integrated circuit layout designs, and undisclosed information. The TRIPS Agreement also establishes minimum standards for the enforcement of intellectual property rights through civil actions for infringement, actions at the border, and, at least with respect to cases of willful trademark counterfeiting and copyright piracy on a commercial scale, criminal actions. The TRIPS Agreement also provides a transition period for least-developed country WTO Members to apply the provisions of the TRIPS Agreement, with the exception of provisions on national treatment and Most-Favored-Nation treatment. This transition period, originally slated to end January 1, 2006, has been extended by the TRIPS Council until July 1, 2034.

In 2023, the TRIPS Council held three formal meetings to consider its regular agenda, in March, June, and October. The TRIPS Council held additional meetings to consider whether to extend the Ministerial Decision on the TRIPS Agreement with respect to COVID-19 vaccines to the production and supply of COVID-19 diagnostics and therapeutics.

F. COUNCIL FOR TRADE IN SERVICES

The Council for Trade in Services (the Council or CTS) oversees implementation of the General Agreement on Trade in Services (GATS) and reports to the General Council. This includes a technical review of GATS Article XX:2 provisions; review of waivers from specific commitments pursuant to paragraphs 3 and 4 of Article IX of the Marrakesh Agreement Establishing the WTO; a periodic review of developments in the air transport sector; the transitional review mechanism under Section 18 of China's Protocol of Accession; implementation of GATS Article VII; a review of Article II exemptions (to Most-Favored Nation treatment); and, notifications made to the General Council pursuant to GATS Articles III:3, V:5, V:7, and VII:4. Four subsidiary bodies report to the CTS: (1) the Committee on Specific Commitments; (2) the Committee on Trade in Financial Services; (3) the Working Party on Domestic Regulation; and, (4) the Working Party on GATS Rules.

In 2023, the CTS held four formal meetings, in March, June, October, and December.

In addition to technical review of the implementation of various articles of the GATS, the CTS also examines issues under the Work Programme on Electronic Commerce. Members briefed the Council and shared their experiences on policy developments in this area. As in past years, at the request of the United States and Japan, the Council continued to discuss cybersecurity measures of China and Vietnam. Several Members joined the discussion to express concern about such measures and their potentially unreasonable impact on foreign service suppliers, which invite questions about compliance with national treatment obligations.

For more information on the work of the following entities, see their annual reports on the [WTO website](#).

1. Committee on Trade in Financial Services

The Committee on Trade in Financial Services (CTFS) provides a forum for Members to explore financial services market access issues, including implementation of existing trade commitments. In 2023, the CTFS held four formal meetings, in March, June, October, and December. The Committee began consideration of a possible dedicated discussion on Financial Technology and Financial Inclusion. It also considered a proposal by India, co-sponsored by South Africa and the Philippines, for a seminar on the cost of remittance services.

2. Working Party on Domestic Regulation, and Joint Statement Initiative on Services Domestic Regulation

GATS Article VI:4 on Domestic Regulation provides for Members to develop any necessary disciplines relating to qualification requirements and procedures, technical standards, and licensing requirements and procedures. In May 1999, the CTS established the Working Party on Domestic Regulation (WPDR), which took on the mandate of GATS VI:4. The WPDR did not meet in 2023.

The participants in the Joint Statement Initiative on Services Domestic Regulation followed up on the successful conclusion of negotiations of a text of disciplines on authorization requirements and procedures for service suppliers and technical standards, and its participants also continued to work to complete the certification process.

3. Working Party on General Agreement on Trade in Services Rules

The Working Party on GATS Rules (WPGR) provides a forum to discuss the possibility of new disciplines on emergency safeguard measures, government procurement, and subsidies under GATS Articles X, XIII and XV, respectively. The WPGR did not meet during 2023 and has not met since 2016.

4. Committee on Specific Commitments

The Committee on Specific Commitments (CSC) examines ways to improve the technical accuracy of scheduling commitments, primarily in preparation for the GATS negotiations, and oversees the application of the procedures for the modification of schedules under GATS Article XXI. The CSC also oversees implementation of commitments in Members' schedules in sectors for which there is no sectoral committee, which is currently the case for all sectors except financial services.

In 2023, the CSC held three formal meetings, in March, June, and October. Members continued to discuss a proposal by Türkiye to review Members' commitments on road transport services. The Committee also discussed the idea of inviting an Asia Pacific Economic Cooperation (APEC) Economy to present its Model Schedule of Commitments for Environmental and Environmentally Related Services.

G. OTHER GENERAL COUNCIL BODIES AND ACTIVITIES

1. Committee on Trade and Environment

The WTO General Council created the Committee on Trade and Environment (CTE) on January 31, 1995, pursuant to the Marrakesh Ministerial Decision on Trade and Environment. Since then, the CTE has discussed a broad range of important trade and environment issues.

In 2023, the CTE held three regular meetings, in March, June, and November. The United States worked to advance priorities related to trade and climate change, circular economy, and environmental goods and services. A key priority of the United States in 2023 was to continue to highlight for Members the role that a more circular economy can play in addressing climate change. The United States convened an event during the 2023 Environment Week as a follow up to the U.S.-led event held the prior year, during the 2022 Environment Week, to explore the role that remanufacturing can play in contributing to climate change solutions and more circular economies. The discussion focused on how WTO Members can benefit from facilitating trade to enable circular, remanufacturing processes. The overall aim of the event was to highlight the role that trade plays in facilitating remanufacturing processes globally, the benefits of which include lower demand for raw materials, producing fewer greenhouse gases than the original manufacture, supporting green growth and green jobs, enhancing economic development in communities, and generating like-new goods that meet the same high quality and standards as brand-new goods but have a lower price point.

The United States also actively encouraged deliberations in the CTE to promote a “reform by doing” approach to revitalizing the work of the Committee. This work included the first thematic discussions held on the margins of the November meeting to explore the “trade contributions to energy transition efforts concerning climate adaptation and mitigation.” The United States also continued to advocate for bringing informal thematic discussions back into the regular committee meetings to strengthen deliberations on trade and environment.

2. Committee on Trade and Development

The Committee on Trade and Development (CTD) serves as the development focal point in the WTO. The Committee has a mandate to review the participation of developing country Members in the multilateral trading system. The CTD-regular session (CTD-RS) focuses on technical cooperation and training, trade in commodities, market access in products of interest to developing countries, and the special concerns of least-developed countries (LDCs), landlocked developing countries, and small economies.

In 2023, the CTD held three regular meetings, in April, July, and November and held special workshops, in July, and October. The United States made presentations in each of the CTD meetings that highlighted the innovative and dynamic nature of U.S. development partnerships. As part of the discussions in each of the meetings on food security, the United States highlighted efforts to promote innovation and digitization in agriculture and an advanced services economy in sub-Saharan Africa.

The United States invited private sector representatives to the CTD meetings to share their experiences on how innovation and entrepreneurship can be matched with digital and analog tools to overcome critically important challenges such as food security; economic empowerment, including women’s economic empowerment; technology transfer; and access to financing. The private sector representatives explained how they invested in innovation in agricultural services, which in turn resulted in increased productivity and a path towards tractor ownership and entrepreneurship in sub-Saharan Africa.

The CTD workshops held on the margins of the CTD regular meetings illustrated that the most effective capacity building partnerships are based on domestic development priorities backed by strong political will, combined with a flexible, inclusive multi-stakeholder approach to policy development and implementation.

The United States discussed in regular meetings U.S. Agency for International Development (USAID)-led projects in El Salvador, Honduras, Guatemala, and Vietnam on simplification of customs procedures to minimize the need for multiple, specialized inspections and promote a more attractive trade and investment climate for enterprises, traders, and investors. The United States also discussed the work of Prosper Africa, a USAID-led initiative that leverages private capital to increase two-way trade and investment between Africa and the United States.

The United States also was actively engaged in a broader conversation in the CTD regular meetings on sharing knowledge and lessons with other Members on how to better integrate developing countries in core WTO agreements. On the margins of the November CTD meeting, the United States contributed to the first of a series of thematic discussions held across meetings of the CTD and the SPS and TBT Committees on how to operationalize the existing flexibilities in key WTO agreements that do not appear to be fully utilized, highlighting developing country-led best practices.

The United States circulated a paper to other Members entitled “Highlights of Activities on Better Integration of Developing Countries in the Agreement on the Application of Sanitary and Phytosanitary Measures and the Agreement on Technical Barriers to Trade.” This paper addressed: (i) some of the challenges and opportunities of using digital tools like the ePing SPS and TBT platform; (ii) the collaborative role that a worldwide network of national (SPS and TBT) Enquiry Point offices play in facilitating comments on notifications, and responses to Members on their inquiries; and, (iii) the progress developing countries are making in implementing and operating competent Enquiry Points that are responsive to stakeholders.

3. Committee on Balance-of-Payments Restrictions

The Uruguay Round Understanding on Balance-of-Payments (BOP) clarified General Agreement on Tariffs and Trade (GATT) disciplines on balance-of-payments-related trade measures. The Committee on Balance-of-Payments Restrictions works closely with the International Monetary Fund (IMF) in conducting consultations on balance of payments issues. Full consultations involve examining a Member’s trade restrictions and BOP situation, while simplified consultations provide for more general reviews. Full consultations are held when restrictive measures are introduced or modified or at the request of a Member in view of improvements in its BOP.

In 2023, the Committee held two regular meetings, in March and November, and an informal meeting in May. At the regular meetings, Members did not bring to the Committee’s attention any trade restrictive measures for which the Member that imposed the measure attempted to use balance of payments as a justification for the restriction. The Committee elected a Chairperson in March and adopted its annual report in November. At the May informal meeting, the Committee continued the discussion on reform of the Committee. The WTO Secretariat made a presentation at the informal meeting on the work of the Committee over the past 10 years and on transparency obligations under WTO rules. A representative of the International Monetary Fund made a brief presentation on balance of payments following the May informal meeting.

4. Committee on Budget, Finance and Administration

The Committee on Budget, Finance and Administration (the Budget Committee) is responsible for providing Member oversight of the utilization of the Director General’s budget for the WTO Secretariat and for making budget and administrative recommendations to the General Council for Members’ approval. The Budget Committee meets throughout the year to address the financial requirements of the WTO. In December 2023, the Budget Committee completed its review of the Director-General’s budget proposal for 2024-2025 and the budget proposal was approved by the General Council. As is the practice in the WTO, decisions on budgetary issues are taken by consensus. The United States is an active participant in the Budget Committee.

In the WTO, the assessed contribution of each Member is based on the share of that Member’s trade in goods, services, and intellectual property. The United States, as the Member with the largest share of world trade, makes the largest contribution to the WTO budget. For the 2024 budget, the U.S. assessed contribution was 11.426 percent of the total budget assessment, or CHF 23,206,206 (approximately \$26.8 million). The 2024 budget utilized a budget surplus from 2021 which credited CHF 457,040 (approximately \$527,790) to the amount that the United States was assessed.

For further discussion of the details required by Section 124 of the Uruguay Round Agreements Act on the WTO’s consolidated budget, see Annex III: Background on the WTO.

5. Committee on Regional Trade Agreements

The Committee on Regional Trade Agreements (CRTA), a subsidiary body of the General Council, was established in early 1996 as a central body to oversee all regional agreements to which Members are a party. The CRTA is charged with conducting reviews of individual agreements, seeking ways to facilitate and improve the review process, and considering the systemic implications of such agreements and regional initiatives for the multilateral trading system.

GATT Article XXIV is the principal provision governing free trade areas (FTAs), customs unions (CUs), and interim agreements leading to an FTA or CU concerning goods. Additionally, the 1979 Decision on Differential and More Favorable Treatment, Reciprocity and Fuller Participation of Developing Countries, commonly known as the “Enabling Clause,” provides a basis for certain agreements between or among developing country Members, also concerning trade in goods. The Uruguay Round added three more provisions: the Understanding on the Interpretation of Article XXIV, which clarifies and enhances the requirements of Article XXIV of GATT 1994; and Articles V and V *bis* of the GATS, which govern services and labor markets integration agreements. FTAs and CUs are authorized departures from the principle of Most-Favored-Nation (MFN) treatment, if relevant requirements are met.

In 2023, the CRTA held three meetings, in March, July, and November. At these meetings, the United States argued for Members to be more transparent than they have been regarding their regional and bilateral trade agreements.

6. Accessions to the World Trade Organization

There were 24 applicants for WTO Membership as of December 31, 2023. Of these 24 applicants⁵, five were engaged in the WTO accession process at some point during 2023. Notably, the Working Parties for the accessions of Timor-Leste, the Union of the Comoros, and Uzbekistan met twice during the year, and the Working Party for the accession of Azerbaijan met once. Furthermore, Bhutan submitted multilateral inputs and revised market access offers on goods and services needed for the next meeting of its Working Party. The Union of Comoros and Timor-Leste were positioned to accede in 2024. Both countries were in an advanced stage in the multilateral rules track of the accession process as of December 31, 2023. In addition, Timor-Leste finalized its bilateral market access negotiations with the United States in October 2023, and concluded bilateral market access negotiations with other Working Party members in November 2023.

Of the remaining 19 WTO accession applicants, four (Libya, Sao Tome and Principe, Turkmenistan, and Syria) had not submitted the initial documents describing their respective foreign trade regimes as of December 31, 2023. As a result, negotiations on their accessions had not commenced. Equatorial Guinea submitted its initial documents at the end of 2022 but had not responded to questions submitted by Working Party Members as of December 31, 2023. Accession negotiations with 13 applicants (Algeria, Andorra, the Bahamas, Bosnia and Herzegovina, Curaçao, Ethiopia, Iran, Iraq, Lebanese Republic, Serbia, Somalia, South Sudan, and Sudan) remained dormant in 2023. Regarding Belarus, the United States had joined 13 other Members in issuing a joint statement on March 24, 2022, that condemned Belarus for its complicity in Russia's invasion of Ukraine. Further, those Members jointly concluded that Belarus is unfit for WTO membership and stated that they will not further consider its application for accession. Therefore, no further consideration was undertaken during 2023.

U.S. Leadership and Technical Assistance

The United States has traditionally taken a leadership role in all aspects of the accession negotiations, including in the bilateral, plurilateral, and multilateral aspects of the negotiations. The U.S. objectives are to ensure that the applicant fully implements WTO provisions when it becomes a Member, to encourage trade liberalization and market-oriented policies in developing and transforming economies, and to use the opportunities provided in these negotiations to expand market access for U.S. exports. The United States also has provided technical assistance to countries seeking accession to the WTO to help them meet the requirements and challenges presented, both by the negotiations and the process of implementing WTO provisions in their trade regimes. The U.S. Agency for International Development, the U.S. Department of Agriculture, the Commercial Law Development Program of the U.S. Department of Commerce, and the U.S. Trade and Development Agency have provided this assistance on behalf of the United States.

U.S. assistance can include providing short-term technical expertise focused on specific issues (*e.g.*, customs procedures, intellectual property rights protection, or sanitary and phytosanitary matters and technical barriers to trade), or a WTO expert in residence in the acceding country or customs territory. A number of the WTO Members that have acceded since 1995 received technical assistance in their accession process from the United States at one time or another, including Afghanistan, Albania, Armenia, Bulgaria, Cabo Verde, Croatia, Estonia, Georgia, Jordan, Kazakhstan, Kyrgyz Republic, Latvia, Lao PDR, Liberia, Lithuania, North Macedonia, Republic of Moldova, Montenegro, Nepal, Russian Federation, Tajikistan,

⁵ Accession Working Parties have been established for Algeria, Andorra, Azerbaijan, the Bahamas, Belarus, Bhutan*, Bosnia and Herzegovina, Comoros*, Curaçao, Equatorial Guinea, Ethiopia*, Iran, Iraq, Lebanon, Libya, Sao Tome and Principe*, Serbia, Somalia*, South Sudan*, Sudan*, Syria, Timor-Leste*, Turkmenistan, and Uzbekistan. (The eight countries marked with an asterisk are LDCs.)

Ukraine, Vietnam, and Yemen. The United States provided resident advisors for most of these countries for some portion of the accession process.

Many current accession applicants, including Algeria, Azerbaijan, Bosnia and Herzegovina, Comoros, Ethiopia, Iraq, Lebanese Republic, Serbia, Timor-Leste, and Uzbekistan have received U.S. technical assistance in their accession processes. In 2023, Georgia, Kazakhstan, Republic of Moldova, Ukraine, and Vietnam continued to receive assistance that supports their implementation of their membership commitments.

7. Working Group on Trade, Debt and Finance

Ministers at the Fourth WTO Ministerial Conference in Doha, Qatar in 2001 established the mandate for the Working Group on Trade, Debt, and Finance (WGTDF). Ministers instructed the WGTDF to examine the relationship between trade, debt, and finance and to make recommendations on possible steps, within the mandate and competence of the WTO, to enhance the capacity of the multilateral trading system to contribute to a durable solution to the problem of external indebtedness of developing and least-developed country Members. Ministers further instructed the WGTDF to consider possible steps to strengthen the coherence of international trade and financial policies, with a view to safeguarding the multilateral trading system from the effects of financial and monetary instability.

The WGTDF did not meet in 2023. The United States continued to discuss informally with other Members how to improve Member-driven discussion in the Working Group, including exchanges of information and experiences related to trade finance. The United States shared the goal of enabling more substantive and relevant discussions among WTO Members within the competence and mandate of the WTO. The United States also continued to call for full transparency from the Secretariat, consistent with the Secretariat's role in a Member-led organization.

8. Working Group on Trade and Transfer of Technology

During the 2001 Doha Ministerial Conference, WTO Ministers agreed to an “examination ... of the relationship between trade and transfer of technology, and of any possible recommendations on steps that might be taken within the mandate of the WTO to increase flows of technology to developing countries.” To fulfill that mandate, the Trade Negotiations Committee established the Working Group on Trade and Transfer of Technology (WGTTT), under the auspices of the General Council, and tasked the WGTTT to report on its progress. The timeline for completing this work has been subject to several extensions by Ministers.

The WGTTT held three formal meetings in 2023, in May, July, and October. Members continued the analysis of the relationship between trade and transfer of technology, as well as considered any possible recommendations.

9. Work Program on Electronic Commerce

In June 2022, Members agreed to extend the longstanding Work Program on Electronic Commerce and to maintain a moratorium on duties on electronic transmissions. This decision remains effective until the Thirteenth WTO Ministerial Conference or March 31, 2024, unless extended. In 2023, Members engaged in dedicated discussions on electronic commerce issues, both in the context of the Work Program on Electronic Commerce and informal sessions involving outside experts.

For further discussion of this initiative, see Chapter III.D Services.

H. DISPUTE SETTLEMENT UNDERSTANDING

Status

The Understanding on Rules and Procedures Governing the Settlement of Disputes (Dispute Settlement Understanding or DSU), which is annexed to the World Trade Organization (WTO) Agreement, provides a mechanism to settle disputes under the Uruguay Round Agreements.

The DSU is administered by the Dispute Settlement Body (DSB), which consists of representatives of the entire membership of the WTO and is empowered to establish dispute settlement panels, adopt panel and appellate reports, oversee the implementation of panel recommendations adopted by the DSB, and authorize countermeasures. The DSB makes all of its decisions by consensus unless the DSU provides otherwise.

The DSB met 12 times in 2023 to oversee disputes, including through the establishment of new panels, the adoption of panel reports, and the surveillance of implementation and recommendations adopted by the DSB, and to consider proposed additions to the roster of governmental and nongovernmental panelists.

Dispute Settlement Reform

The United States is committed to working towards an improved system that meets the needs of all WTO Members. A functioning dispute settlement system should be transparent, accessible, timely, restrained in its interpretations, and focused on resolving a specific dispute between two parties. Furthermore, the dispute settlement system should preserve the negotiated space for WTO Members to take the necessary domestic measures and provide confidence that the system equitably serves the interests of all Members.

In 2023, the United States actively participated in informal discussions on dispute settlement reform open to all WTO Members. These facilitator-led discussions built upon the interest-based discussions initiated by the United States in 2022 and served as an innovative approach to discussions with WTO Members of all sizes—including developing country Members—to hear their concerns and solutions for a better system. As WTO Members continued working to better understand each other’s interests in WTO dispute settlement, the United States indicated it believes that any future, reformed system should meet the interests of all Members to the greatest extent possible.

In July 2023, the United States circulated a document titled “U.S. Objectives for a Reformed Dispute Settlement System” (JOB/DSB/4). In the document, the United States recognizes the value in continuing the interest-based discussions on dispute settlement reform and the importance for all Members to maintain an open mind to different ways of achieving the interests identified by Members. In that context, the document identifies certain U.S. objectives for a reform dispute settlement system, without prejudice to the specific manner in which the objectives may be achieved. The United States remains committed to working towards a fundamentally reformed and improved system.

Appellate Body

Prior to 2023, the United States made a series of statements at DSB meetings explaining that, for more than 18 years and across multiple U.S. Administrations, the United States has been raising serious concerns with the Appellate Body’s disregard for the rules set by WTO Members and adding to or diminishing rights or obligations under the WTO Agreement.⁶ Many WTO Members share these concerns, whether on the mandatory 90-day deadline for appeals, review of panel fact-finding, issuing advisory opinions on issues

⁶ See, e.g., Minutes of the DSB meeting held on Oct. 26, 2020 (WT/DSB/M/446).

not necessary to resolve a dispute, the treatment of Appellate Body reports as precedent, or persons serving on appeals after their term has ended. The United States has also explained that when the Appellate Body abused the authority it had been given within the dispute settlement system, it undermined the legitimacy of the system and damaged the interests of all WTO Members who cared about having the agreements respected as they had been negotiated and agreed. A rules-based trading system requires adjudicators to follow the rules as agreed by WTO Members.

For many years, the United States and other WTO Members have raised repeated concerns about appellate reports going far beyond the text setting out WTO rules in areas as varied as subsidies, antidumping and countervailing duties, regulatory measures and standards under the GATT 1994 and Agreement on Technical Barriers to Trade, and safeguards. Such overreach restricts the ability of the United States to regulate in the public interest or protect U.S. workers and businesses against unfair, non-market policies and practices.

As a result, the United States was not prepared to agree to launch the process to fill vacancies on the WTO Appellate Body, thereby allowing the Appellate Body to continue to hear appeals, without WTO Members engaging with and addressing these critical issues. Accordingly, there were no persons serving on the Appellate Body, as of December 2023.

Roster of Governmental and Non-Governmental Panelists

Article 8 of the DSU makes it clear that panelists may be drawn from either the public or private sector and must be “well-qualified,” such as persons who have served on or presented a case to a panel, represented a government in the WTO or the General Agreement on Tariffs and Trade (GATT), served with the Secretariat, taught or published in the international trade field, or served as a senior trade policy official. Since 1985, the Secretariat has maintained a roster of nongovernmental experts for GATT 1947 dispute settlement, which has been available for use by parties in selecting panelists. In 1995, the DSB agreed on procedures for renewing and maintaining the roster, and expanding it to include governmental experts. In response to a U.S. proposal, the DSB also adopted standards increasing and systematizing the information submitted by roster candidates. These modifications aid in evaluating candidates’ qualifications and encouraging the appointment of well-qualified candidates who have expertise in the subject matters of the Uruguay Round Agreements. In 2023, the DSB approved by consensus a number of additional names for the roster. The United States scrutinized the credentials of these candidates to assure the quality of the roster.

Pursuant to the requirements of the Uruguay Round Agreements Act (URAA), the WTO panel roster appears in the background information in Annex III. The list in the roster notes the areas of expertise of each roster member (goods, services, or Trade-Related Aspects of Intellectual Property Rights).

For further information, see Annex III: Background Information on the WTO.

Rules of Conduct for the Dispute Settlement Understanding

The DSB completed work on a code of ethical conduct for WTO dispute settlement and, on December 3, 1996, adopted the Rules of Conduct for the Understanding on Rules and Procedures Governing the Settlement of Disputes. A copy of the Rules of Conduct was printed in the Annual Report for 1996 and is available on the [WTO website](#). There were no changes to these Rules in 2023.

The Rules of Conduct elaborate on the ethical standards built into the DSU to maintain the integrity, impartiality, and confidentiality of proceedings conducted under the DSU. The Rules of Conduct require all individuals called upon to participate in dispute settlement proceedings to disclose direct or indirect

conflicts of interest prior to their involvement in the proceedings and to conduct themselves during their involvement in the proceedings so as to avoid such conflicts.

The Rules of Conduct also provide parties an opportunity to address potential material violations of these ethical standards. The coverage of the Rules of Conduct exceeds the goals established by the U.S. Congress in section 123(c) of the URAA, which directed USTR to seek conflict of interest rules applicable to persons serving on panels and members of the Appellate Body. The Rules of Conduct cover not only panelists and Appellate Body members, but also: (1) arbitrators; (2) experts participating in the dispute settlement mechanism (e.g., the Permanent Group of Experts under the Agreement on Subsidies and Countervailing Measures); (3) members of the WTO Secretariat assisting a panel or assisting in a formal arbitration proceeding; and, (4) members of the Secretariat supporting the Appellate Body.

As noted above, the Rules of Conduct established a disclosure-based system. Examples of the types of information that covered persons must disclose are set forth in Annex II to the Rules, and include: (1) financial interests, business interests, and property interests relevant to the dispute in question; (2) professional interests; (3) other active interests; (4) considered statements of personal opinion on issues relevant to the dispute in question; and, (5) employment or family interests.

Dispute Settlement Activity in 2023

During the DSB's 27 years in operation, WTO Members filed 614 requests for consultations (25 in 1995, 42 in 1996, 46 in 1997, 44 in 1998, 31 in 1999, 30 in 2000, 27 in 2001, 37 in 2002, 26 in 2003, 19 in 2004, 11 in 2005, 20 in 2006, 14 in 2007, 19 in 2008, 14 in 2009, 17 in 2010, 8 in 2011, 27 in 2012, 17 in 2013, 14 in 2014, 13 in 2015, 16 in 2016, 18 in 2017, 39 in 2018, 19 in 2019, 5 in 2020, 9 in 2021, 8 in 2022, and 7 in 2023). During that period, the United States filed 121 complaints against other Members' measures and received 155 complaints on U.S. measures. The number of complaints includes instances where complaints were filed with respect to the same issues. A number of disputes commenced in earlier years remained active in 2023.

For a discussion of those disputes in which the United States was a complainant or defendant during 2023, see Chapter II.D WTO and FTA Enforcement.

I. TRADE POLICY REVIEW BODY

The Trade Policy Review Body (TPRB) is a subsidiary body of the General Council created by the Marrakesh Agreement Establishing the WTO to administer the Trade Policy Review Mechanism (TPRM). The TPRM examines domestic trade policies of each Member on a frequency determined by trade volume. The express purpose of the review process is to strengthen Members' adherence to WTO provisions and to contribute to the smoother functioning of the WTO. Moreover, the review mechanism serves as a valuable resource for improving the transparency of Members' trade and investment regimes. Members continue to value the review process because it informs each government's own trade policy formulation and coordination.

The Member under review provides pertinent information to the WTO Secretariat, which produces an independent report on the trade policies and practices of the Member under review. Accompanying the Secretariat's report is the Member's own report. In a TPRB session, the WTO Membership discusses these reports together, and the Member under review addresses issues raised in the reports and answers questions about its trade policies and practices. Reports cover the range of WTO agreements including those relating to goods, services, and intellectual property, and are available to the public on the WTO's [Documents Online database](#) under the document symbol WT/TPR.

Trade Policy Reviews (TPRs) of least-developed-country (LDC) Members often perform a technical assistance function, helping them improve their understanding of their trade policy structures in relation to the WTO agreements. The reviews have also enhanced these countries' understanding of the WTO agreements, thereby better enabling them to comply and integrate into the multilateral trading system. In some cases, the reviews have spurred better interaction among government agencies. The wide coverage provided by Secretariat's and Members' reports of Members' policies also enables Members to identify any shortcomings in policy and specific areas where further technical assistance may be appropriate.

The TPRM requires Members, in between their reviews, to provide information on significant trade policy changes. The WTO Secretariat uses this and other information to prepare reports by the Director-General on a regular basis on the trade and trade-related developments of Members and Observer Governments. The reports are discussed at informal meetings of the TPRB. The Secretariat consolidates the information it collects and presents it in the Director-General's Annual Report on Developments in the International Trading Environment.

While each review highlights the specific issues and measures concerning the individual Member, common themes that typically emerge during the reviews include:

- transparency in policy making and implementation;
- economic environment and trade liberalization;
- implementation of the WTO agreements (including acceptance and implementation of the WTO Trade Facilitation Agreement);
- regional trade agreements and their relationship with the multilateral trading system;
- tariff issues, including the differences between applied and bound rates;
- customs valuation and customs clearance procedures;
- the use of trade remedy measures such as antidumping and countervailing duties;
- technical regulations and standards and their alignment with international standards;
- sanitary and phytosanitary measures;
- intellectual property rights legislation and enforcement;
- government procurement policies and practices;
- trade-related investment policy issues;
- sectoral trade policy issues, particularly liberalization in agriculture and certain services sectors; and
- technical assistance in implementing the WTO agreements and experience with Aid for Trade, and the Enhanced Integrated Framework.

During the 2023 cycle, the TPRB conducted reviews of 17 WTO Members: the Dominican Republic, Malaysia, El Salvador, Organization of Eastern Caribbean States (Antigua and Barbuda, Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia, and Saint Vincent and the Grenadines), Liberia, the European Union, Honduras, Fiji, Central African Economic and Monetary Community (Cameroon, Central African Republic, Chad, Congo and Gabon), Jordan, Southern African Customs Union (Botswana, Eswatini, Lesotho, Namibia and South Africa), Chinese Taipei, Türkiye, Albania, Hong Kong, and Chile. By the end of 2023, the TPRB had conducted 580 reviews since its inception in 1989 and covering 160 out of 164 WTO Members.

From September 2022 to July 2023, WTO Members conducted the 7th appraisal of the Trade Policy Review Mechanism. As a result of the appraisal, Members: made recommendations to improve the Secretariat TPRM Report; defined a timeline for upgrading the WTO's information technology system to facilitate the review process for all Members; agreed to exercise restraint in posing advance written questions (including

a suggested cap of 75 questions per Member per review); and, encouraged the Secretariat to continue offering, upon request, TPR follow-up workshops, in particular for LDCs, and to report on the outcome of those activities. The WTO Members agreed the 8th appraisal of the operation of the TPRM should take place no later than 2027.

J. PLURILATERAL AGREEMENTS

1. Committee on Trade in Civil Aircraft

The Agreement on Trade in Civil Aircraft (Aircraft Agreement) entered into force on January 1, 1980 and is one of four WTO plurilateral agreements that are in force only for those WTO Members who have accepted it.

The Aircraft Agreement requires Signatories to eliminate tariffs on civil aircraft, engines, flight simulators, and related parts and components. It also establishes various obligations aimed at fostering free market forces. For example, signatory governments pledge that they will base their purchasing decisions strictly on technical and commercial factors.

There are currently 33 Signatories to the Aircraft Agreement: Albania; Canada; Egypt; the European Union (the following 19 EU Member States are also signatories in their own right: Austria, Belgium, Bulgaria, Denmark, Estonia, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Romania, Spain, and Sweden); Georgia; Japan; Macau, China; Montenegro; North Macedonia; Norway; Switzerland; Chinese Taipei; the United Kingdom; and the United States. WTO Members with observer status in the Committee on Trade in Civil Aircraft are: Argentina; Australia; Bangladesh; Brazil; Cameroon; China; Colombia; Gabon; Ghana; India; Indonesia; Republic of Korea; Israel; Mauritius; Nigeria; Oman; the Russian Federation; Saudi Arabia; Singapore; Sri Lanka; Tajikistan; Trinidad and Tobago; Tunisia; Türkiye; and Ukraine. The International Monetary Fund and the United Nations Conference on Trade and Development are also observers.

In 2023, the Committee held one formal meeting in November, and two informal meetings, in March and June. At the formal meeting, Signatories discussed Brazil's application for accession, the work underway to update the Aircraft Agreement's product coverage to reflect the most recent version of the Harmonized System, and issues related to strengthening transparency. On November 17, 2023, the Committee on Trade in Civil Aircraft agreed to Brazil's terms of accession to the Agreement. As of December 31, 2023, Brazil had not yet submitted the Agreement together with Brazil's commitments to its National Congress for approval.

2. Committee on Government Procurement

The WTO Agreement on Government Procurement (GPA) is a plurilateral agreement included in Annex IV of the WTO Agreement. As such, it is not part of the WTO's single undertaking and its membership is limited to WTO Members that specifically signed the GPA in Marrakesh or that have subsequently acceded to it.

Forty-nine WTO Members are parties to the GPA: Armenia; Australia; Canada; the European Union and its 27 Member States; Hong Kong, China; Iceland; Israel; Japan; Republic of Korea; Liechtenstein; Moldova; Montenegro; the Netherlands with respect to Aruba; New Zealand; North Macedonia; Norway; Singapore; Switzerland; Chinese Taipei; Ukraine; the United Kingdom; and the United States (collectively the GPA Parties).

In 2023, the Committee held four formal meetings, in May, June, November, and December, and two informal meetings in June and November. At the formal meetings, Parties agreed to the selection of a new Committee Chair, adopted a Decision on Rules of Procedure for the Selection of the Chairperson of the Committee, adopted a Decision inviting North Macedonia to accede to the GPA, and adopted a Decision on the derestriction of an initial list of historical GPA documents.

The Committee held an information-sharing workshop on the implementation of labor standards in the context of government procurement in November 2023. Additional work was also done in the Committee's Work Programs on Sustainable Procurement, the Collection and Reporting of Statistical Data, and Small and Medium-sized Enterprises (SMEs).

3. Information Technology Agreement Committee

The Information Technology Agreement (ITA)⁷ is a plurilateral agreement to eliminate tariffs on certain information and communications technology (ICT) products. The ITA covers a wide range of ICT products, including computers and computer peripheral equipment, electronic components including semiconductors, computer software, telecommunications equipment, semiconductor manufacturing equipment, and computer-based analytical instruments. As of December 2023, 83 WTO Members were ITA participants. Among these 83 ITA participants, however, Morocco has yet to submit the formal documentation to implement its ITA commitments.

In 2023, the Committee of the Participants on the Expansion of Trade in Information Technology Products (ITA Committee) held two formal meetings, in March and October, as well as two informal meetings, in July and September. The formal meetings focused on the status of, and concerns with, implementation, as well as reducing divergences of certain product classifications.

In addition, the ITA Committee reviewed and approved Timor-Leste's participation in the ITA. Timor-Leste's ITA commitments, and its participation in the Declaration on the Expansion of Trade in Information Technology Products (ITA Expansion Agreement), which was separately approved by participants in the ITA Expansion Agreement, was incorporated into Timor-Leste's WTO accession package.

For further discussion of the details of Timor-Leste's WTO accession, see Chapter IV.G.6 Accessions to the World Trade Organization.

The ITA Committee does not cover the ITA Expansion Agreement⁸; however, participants in the ITA Expansion Agreement met periodically in 2023 and provided regular updates to the ITA Committee on the status of implementation. In 2023, the participants continued to implement the ITA Expansion Agreement, and, for a very limited number of sensitive products, tariffs continued to be phased out and were eliminated in 2023. In addition, the majority of participants have submitted, in accordance with the relevant WTO procedures⁹, modifications to their WTO tariff schedules of concessions, which will incorporate these duty-free tariff commitments into their overall WTO tariff commitments.

⁷ More formally known as the "WTO Ministerial Declaration on Trade in Information Technology Products" (WT/MIN(96)/16).

⁸ A subset of ITA participants concluded negotiations to expand significantly the product coverage of the ITA in 2015. Under the Declaration on the Expansion of Trade in Information Technology Products (ITA Expansion Agreement) (WT/MIN(15)/25), each participant agreed to implement its initial tariff reductions for covered products beginning on July 1, 2016, subject to completion of its domestic procedural requirements.

⁹ The relevant procedures are detailed in the "Decision on 26 March 1980 on Procedures for Modification and Rectification of Schedules of Tariff Concessions" (BISD 27S/25).

K. DIALOGUES

1. Joint Statement Initiatives

Joint Initiative on Electronic Commerce

Joint Initiative on Electronic Commerce co-conveners, Australia, Japan, and Singapore, led several negotiating sessions with Initiative Participants throughout 2023, resulting in further progress in a number of areas and the production of a revised consolidated text. Participants of the Initiative also discussed opportunities to build the capacity of developing countries to take on high-standard disciplines and discussed potential pathways for implementation of the eventual outcome.

For further discussion, see Chapter III.D Services.

Joint Initiative on Services Domestic Regulation

Following the 2021 adoption by the United States and 67 other WTO Members of the declaration announcing the successful conclusion of negotiations on services domestic regulation aimed at increasing transparency, predictability, and efficiency of authorization procedures for service providers hoping to do business in foreign markets, work paused while these Members conducted internal domestic procedures to undertake the new legal obligations. In 2023, the United States worked toward the full implementation of the Joint Initiative on Services Domestic Regulation.

Informal Working Group on Micro, Small, and Medium-Sized Enterprises

On December 16, 2022, the United States announced that it would participate in the Informal Working Group on Micro, Small, and Medium-Sized Enterprises (MSMEs IWG). As of December 2023, 98 WTO Members participate in the MSMEs IWG. The MSMEs IWG was created in December 2017 to explore ways Members could better support MSMEs' participation in global trade. In 2023, the MSMEs IWG held five meetings, in March, April, June, July, October, and December.

In 2023, the MSMEs IWG issued a draft compendium on Special Provisions for MSMEs in Authorized Economic Operator (AEO) Programs (INF/MSME/W/47), as well as and a joint compendium with the International Trade Centre (ITC) and the Informal Working Group on Trade and Gender on Access to Finance for Women-led Micro, Small and Medium-Sized Enterprises (MSMEs).

Informal Working Group on Trade and Gender

The United States actively participated in the Informal Working Group on Trade and Gender (IWGTG) during 2023. The IWGTG was established in 2020 to advance women's participation in global trade. The IWGTG held five informal sessions in 2023. During these informal IWGTG sessions, the United States focused on learning about actions by Members to remove barriers to women's participation in global trade, reviewing gender-related WTO reports, and filling data gaps needed to advance gender-related trade policy. During 2023, the United States also played an active role in developing and negotiating an IWGTG workplan.

In January 2023, the United States supported the WTO Secretariat's promotion of the newly launched WTO Database on Gender Provisions in Regional Trade Agreements. In February, the United States gave a presentation on women and intellectual property. In March, the United States participated in a Workshop on Gender in International Development Programming hosted by Australia. The United States also joined

a roundtable organized by the WTO, the United Nations Population Fund, UN Women, and the World Bank, where the United States outlined policy priorities, as well as challenges and opportunities, pertaining to gender equality as a driver of trade and development.

For further discussion, see Chapter III.A.3 Advancing Gender Equity and Equality and Women’s Economic Empowerment in Trade Policy.

Trade and Environmental Sustainability Structured Discussions

In 2023, the United States engaged in the Trade and Environmental Sustainability Structured Discussions (TESSD) by participating actively in the four substantive informal working group meetings over the course of the year, and a plenary stocktaking in July. The United States proactively advanced policy priorities on trade-related climate measures and a trade-facilitative approach to the circular economy. The United States also engaged actively in discussions on climate-related goods and services to identify where barriers to trade and supply chain bottlenecks exist in certain goods and services. The United States presented, in the Subsidies informal working group meeting in November, on clean hydrogen. The United States continued to advocate for the TESSD discussions to focus on technical aspects of policy developments in the trade and environment space and continued to look for opportunities to use these discussions to reinvigorate the Committee on Trade and Environment (CTE) as the standing body dedicated to trade and environment at the WTO.

For further discussion, see Chapter IV.G.1 Committee on Trade and Environment

V. TRADE POLICY DEVELOPMENT

A. POLICY COORDINATION

The Office of the United States Trade Representative (USTR) has primary responsibility, with the advice of the interagency trade policy organization, for developing and coordinating the implementation of U.S. trade policy, including on commodity matters (*e.g.*, coffee and rubber) and, to the extent they are related to trade, direct investment matters.

Under the Trade Expansion Act of 1962, the U.S. Congress established an interagency trade policy mechanism to assist with the implementation of trade policy. This organization, as it has evolved, consists of tiers of interagency committees that constitute the principal mechanism for advising USTR as it develops and coordinates U.S. Government positions on international trade and trade-related investment issues.

USTR chairs and administers both the Trade Policy Review Group (TPRG) and the Trade Policy Staff Committee (TPSC). The TPRG's membership is at the Deputy/Under Secretary level. The TPSC's membership is at the senior civil servant level. The 21 voting member agencies of the TPRG and TPSC are: USTR, the U.S. Departments of Commerce, Agriculture, State, Treasury, Labor, Justice, Defense, Interior, Transportation, Energy, Health and Human Services, and Homeland Security; the Environmental Protection Agency; the Office of Management and Budget; the Council of Economic Advisers; the Council on Environmental Quality; the U.S. Agency for International Development; the Small Business Administration; the National Economic Council; and the National Security Council. The U.S. International Trade Commission is a nonvoting member of the TPSC and an observer at TPRG meetings. USTR may invite representatives of other agencies to attend meetings depending on the specific issues discussed.

Supporting the TPSC are over 100 subcommittees responsible for specialized issues. Through the TPSC process, USTR requests input and analysis from the subject matter experts of the appropriate TPSC subcommittee or task force. The conclusions and recommendations of the subcommittee or task force are presented to the TPSC and serve as the basis for reaching interagency consensus. In cases where the TPSC does not reach consensus on a topic, or if the issue under consideration involves particularly significant policy questions, the issue may be referred to the TPRG or to Cabinet Principals.

The TPSC regularly seeks advice from the public on policy decisions and negotiations through *Federal Register* notices and public hearings.

In 2023, the TPSC invited written comment from the public on a number of matters, including: COVID-Related Product Exclusions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation (February); Product Exclusion Extensions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation (May); Annual Review of Country Eligibility for Benefits under the African Growth and Opportunity Act for Calendar Year 2024 (May); Request for Comments: Advancing Inclusive, Worker-Centered Trade Policy (June); Request for Comments: North American Competitiveness Committee (June); North American Competitiveness Committee (July); Post-Hearing Comments: Annual Review of Country Eligibility for Benefits under the African Growth and Opportunity Act for Calendar Year 2024 (July); Russia's Implementation of Its World Trade Organization Commitments (August); China's Compliance With World Trade Organization Commitments (August); 2023 Review of Notorious Markets for Counterfeiting and Piracy (August); Significant Foreign Trade Barriers for the 2024 National Trade Estimate Report (September); Exclusion: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation (September); and the 2024 Special 301 Review (December). All

written comments (not containing Business Confidential Information) are posted on Regulations.gov to ensure transparency.

B. TRANSPARENCY AND PUBLIC INPUT

The Office of the United States Trade Representative (USTR) drew on congressional direction and advice from the widest array of diverse stakeholders including business, labor, agriculture, civil society, and the general public and has broadened opportunities for public input and worked to ensure the transparency of trade policy through various initiatives carried out by USTR's Office of Intergovernmental Affairs and Public Engagement (IAPE).

The Office of IAPE works with USTR's Offices of Public and Media Affairs and Congressional Affairs to coordinate with USTR's 13 regional and functional offices, the Office of WTO and Multilateral Affairs, the Office of General Counsel, the Office of Trade Policy Coordination, and the Office of Economic Affairs to ensure that timely trade information is available to the public and disseminated widely to stakeholders. This is accomplished in part via USTR's interactive website, online postings of *Federal Register* notices soliciting public comment and input, participation in public hearings held by the Trade Policy Staff Committee (TPSC), and offering opportunities for public comment and interaction with negotiators during trade negotiations. The Office of the IAPE manages the agency's outreach and engagement to a diverse set of stakeholder sectors, including: Tribal, State, and local governments; labor unions; environmental organizations; agriculture groups; small and medium-sized businesses; other business and trade associations; consumer advocacy groups; non-governmental organizations; academia; think tanks; and, others. The Office of IAPE also provides regular data updates to help the public understand and evaluate the role of trade; and, participates in discussions of trade policy at major domestic trade events and academic conferences. In addition to public outreach, the Office of IAPE is responsible for administering USTR's statutory advisory committee system, created by the U.S. Congress under the Trade Act of 1974, as amended, as well as facilitating consultations with Tribal, State, and local governments regarding the President's trade priorities and the status of trade negotiations that may affect them or touch upon Tribal, State, and local government policies. Each of these elements is discussed below.

1. Transparency

The Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (2015 TPA) set a goal of improving congressional oversight of negotiations and enforcement, encouraging public participation in policymaking, broadening stakeholder access and input, and ensuring senior-level institutional attention to transparency across the range of USTR's work. USTR continues to make strides in accomplishing these goals:

- During 2023, USTR continued to follow the Transparency Principles released in May 2021 by the U.S. Trade Representative to establish the foundation for a high transparency standard for the day-to-day operations of USTR. These Transparency Principles reflect the Administration's commitment to comprehensive public engagement, including outreach to underserved communities, as it develops and implements a trade policy that advances the interests of all Americans. In the Transparency Principles, USTR commits to adhere to the Guidelines for Consultation and Engagement adopted in October 2015, among other things.
- The USTR General Counsel serves as the Chief Transparency Officer (CTO) in charge of leading the agency's efforts to put the Transparency Principles into action and identifying further opportunities for improving transparency in the development of U.S. trade policy. The position of the CTO was created by 2015 TPA and charges the official with taking concrete steps to increase

transparency in trade negotiations, engage with the public, and consult with Congress on transparency policy.

- To broaden access to negotiating texts and further encourage congressional participation, USTR in 2023 made negotiating texts available to Members of Congress and their appropriately cleared staff, including professional staff with an appropriate security clearance of the Committees on Finance and Ways and Means, professional staff with an appropriate security clearance from other Committees interested in reviewing text relevant to that Committee’s jurisdiction, personal office staffers with an appropriate security clearance of any Member of the Committees on Finance and Ways and Means, and personal office staff with an appropriate security clearance accompanying his or her Member of Congress. Any Member of the House or Senate Advisory Group on Negotiations, or any Member designated a congressional advisor on trade policy and negotiations by the Speaker of the House or the President *pro tempore* of the Senate (in both cases after consultation with the Chairman and Ranking Member of the appropriate committees of jurisdiction), and up to three professional staff with an appropriate security clearance from each of the Committees on Finance and Ways and Means were accredited to negotiating rounds. In response to the COVID-19 pandemic, and at the request of Congress, USTR improved access to classified text using a secure website. USTR also worked with the Senate to allow relevant Senate staff to review negotiating text after receiving interim security clearance.
- USTR also provided information to the public and interested stakeholders during 2023 regarding significant trade agreement negotiations and other trade developments by releasing summaries of negotiating text, releasing information on the schedules of negotiating rounds; publishing *Federal Register* notices for significant negotiations; holding public hearings on negotiations and other trade priorities; holding regular public events during negotiations, in which stakeholders and the public met with USTR negotiators directly involved in particular agreements; and, other means.

2. Public Outreach

Federal Register Notices Seeking Public Input/Comments and Public Hearings

In 2022, USTR published approximately 40 *Federal Register* notices to solicit public comment on negotiations and policy decisions on a wide range of issues, including the annual Special 301 review, the Out-of-Cycle Review of Notorious Markets, the China 301 Investigation, digital services taxation, the Section 201 proceeding involving solar products, market opportunities for U.S. producers in overseas airport construction, Indo-Pacific Economic Framework, the U.S.–Kenya Strategic Trade and Investment Partnership, the U.S.–Taiwan Initiative on 21st-Century Trade, and other topics. Public comments received in response to *Federal Register* notices are available for inspection [online](#).

USTR also held public hearings or invited written comment from the public, as appropriate, regarding a variety of trade policy initiatives, including the Trade Pillar of an Indo-Pacific Economic Framework, the U.S.–Taiwan Initiative on 21st-Century Trade, and the U.S.–Kenya Strategic Trade and Investment Partnership. Submissions of all parties in all hearings are posted online.

For a discussion of TPSC public hearings and advice, see Chapter V.A Policy Coordination.

Open Door Policy

USTR officials, including the U.S. Trade Representative and staff in the Office of IAPE, conducted outreach with a broad array of stakeholders, including agricultural commodity groups and farm

associations, labor unions, environmental organizations, consumer groups, large and small businesses, trade associations, consumer advocacy groups, faith groups, development and poverty relief organizations, other public interest groups, civil and human rights groups, Tribal Nations, State and local governments, non-governmental organizations, think tanks, and academics to discuss specific trade policy issues, subject to negotiator availability and scheduling.

3. The Trade Advisory Committee System

Congress established the trade advisory committee system to ensure that U.S. trade policy and trade negotiating objectives adequately reflect U.S. public and private sector interests. The system is a central means of ensuring that USTR's senior officials and line negotiators receive ideas, input, and critiques from a wide range of public interests. The system now consists of 26 advisory committees, with a total membership of up to approximately 700 advisors. Advisory committee members represent a wide range of interests, including manufacturing; agriculture; digital trade; intellectual property; services; small businesses; labor; environment, consumer, and public health organizations; and, State and local governments.

USTR manages the Advisory Committee on Trade Policy Negotiations (ACTPN); the Intergovernmental Policy Advisory Committee (IGPAC); the Trade Advisory Committee on Africa; and, the Trade and Environment Policy Advisory Committee (TEPAC). USTR co-manages the Agricultural Policy Advisory Committee (APAC) with the U.S. Department of Agriculture and the Labor Advisory Committee (LAC) with the U.S. Department of Labor. USTR also co-manages 20 technical and sectoral advisory committees organized by industry and agriculture in conjunction with the U.S. Department of Commerce and the U.S. Department of Agriculture, respectively.

The trade advisory committees provide information and advice on U.S. negotiating objectives, the operation of trade agreements, and other matters arising in connection with the development, implementation, and administration of U.S. trade policy.

In cooperation with the other agencies served by the advisory committees, USTR continues to look for ways to broaden the participation on committees to include a more diverse group of stakeholders and to represent new interests and fresh perspectives. USTR continues exploring ways to expand representation while ensuring the committees remain effective.

Recommendations for candidates for committee membership are collected from a number of sources, including associations and organizations, publications, other Federal agencies, responses to *Federal Register* notices, and self-nominated individuals who have demonstrated an interest in, and knowledge of, U.S. trade policy. Membership selection is based on qualifications, diversity of sectors and geography represented, and the needs of the specific committee to maintain a balance of the perspectives represented. Committee members are required to have a security clearance in order to serve and have access to confidential trade documents on a secure encrypted website. Committees meet regularly in Washington, D.C., as well as in conference call meetings, to provide input and advice to USTR and other agencies. Members pay for their own travel and related expenses.

For additional information on the advisory committees, see the [USTR website](#).

Tier I: President's Advisory Committee on Trade Policy and Negotiations

As the highest-level committee in the system, the President's Advisory Committee on Trade Policy and Negotiations (ACTPN) examines U.S. trade policy and agreements from the broad context of the overall

national interest. The ACTPN consists of no more than 45 members, who are broadly representative of the key economic sectors of the economy affected by trade, including non-Federal governments, labor, industry, agriculture, small business, service industries, retailers, and consumer interests. The President appoints ACTPN members to four-year terms not to exceed the duration of the charter.

A list of all the ACTPN members and the diverse interests they represent is available on the [USTR website](#).

Tier II: Policy Advisory Committees

Members of the five policy advisory committees are appointed by the U.S. Trade Representative or in conjunction with other Cabinet officers. The Agricultural Policy Advisory Committee (APAC) and the Labor Advisory Committee for Trade Negotiations and Trade Policy (LAC) are managed jointly with the U.S. Departments of Agriculture and Labor, respectively. The Intergovernmental Policy Advisory Committee on Trade (IGPAC), the Trade and Environment Policy Advisory Committee (TEPAC), and the Trade Advisory Committee on Africa (TACA) are appointed and managed solely by USTR. Each committee provides advice based upon the perspective of its specific area, and its members are chosen to represent the diversity of interests in those areas.

When re-chartering USTR-managed advisory committees, USTR is furthering the objectives of Executive Order (EO) 13985, [Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), and EO 14035, [Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce](#) by encouraging membership applications from a broader group of stakeholders and committing to a trade agenda that advances racial and economic equity and supports underserved communities.

A list of all the members of the Committees and the diverse interests they represent is available on the [USTR website](#).

Agricultural Policy Advisory Committee

The Agricultural Policy Advisory Committee (APAC) is designed to represent a broad spectrum of agricultural interests, including the interests of farmers, ranchers, processors, renderers, and public advocates, for the range of food and agricultural products grown and produced in the United States. Members serve at the discretion of the U.S. Secretary of Agriculture and the U.S. Trade Representative. The Secretary of Agriculture and the U.S. Trade Representative jointly appoint a maximum of 40 members to four-year terms.

Labor Advisory Committee

The Labor Advisory Committee (LAC) consists of not more than 30 members from the U.S. labor community appointed by the U.S. Trade Representative and the U.S. Secretary of Labor, acting jointly. Members represent unions from all sectors of the economy including steel, automotive, aerospace, farmworkers, teachers, pilots, artists, machinists, service workers, and food and commercial workers. Members are appointed by, and serve at the discretion of, the U.S. Secretary of Labor and the U.S. Trade Representative.

Intergovernmental Policy Advisory Committee on Trade

The Intergovernmental Policy Advisory Committee on Trade (IGPAC) consists of not more than 35 members appointed from, and representative of, the various States and other non-Federal Governmental entities within the jurisdiction of the United States. These entities include, but are not limited to, the executive and legislative branches of Tribal, State, county, and municipal governments. Members may

hold elective or appointive office. Members are appointed by, and serve at the discretion of, the U.S. Trade Representative.

Trade and Environment Policy Advisory Committee

The Trade and Environment Policy Advisory Committee (TEPAC) consists of not more than 35 members, including, but not limited to, representatives from environmental interest groups, industry, services, academia, and non-Federal governments. The Committee is designed to be broadly representative of key sectors and groups of the economy with an interest in trade and environmental policy issues. Members of the Committee are appointed by, and serve at the discretion of, the U.S. Trade Representative.

Trade Advisory Committee on Africa

The Trade Advisory Committee on Africa (TACA) consists of not more than 30 members, including, but not limited to, representatives from industry, labor, investment, agriculture, services, academia, and nonprofit development organizations. The members of the Committee are appointed to be broadly representative of key sectors and groups with an interest in trade and development in sub-Saharan Africa, including non-profit organizations, producers, and retailers. Members of the committee are appointed by, and serve at the discretion of, the U.S. Trade Representative.

Tier III: Technical and Sectoral Committees

The 20 technical and sectoral advisory committees are organized into the two areas of agriculture and industry. Representatives are appointed jointly by the U.S. Trade Representative and the U.S. Secretaries of Agriculture or Commerce, respectively. Each sectoral or technical committee represents a specific sector, commodity group, or functional area and provides specific technical advice concerning the effect that trade policy decisions may have on its sector or issue.

Agricultural Technical Advisory Committees

There are six Agricultural Technical Advisory Committees (ATACs) focusing on the following products: (1) Animals and Animal Products; (2) Fruits and Vegetables; (3) Grains, Feed, Oilseeds, and Planting Seeds; (4) Processed Foods; (5) Sweeteners and Sweetener Products; and, (6) Tobacco, Cotton, and Peanuts. Members of each committee are appointed by, and serve at the discretion of, the U.S. Secretary of Agriculture and the U.S. Trade Representative. Members must represent a U.S. entity with an interest in agricultural trade and should have expertise and knowledge of agricultural trade as it relates to policy and commodity-specific products. In appointing members to the committees, balance is achieved and maintained by assuring that the members appointed represent entities across the range of agricultural interests that will be directly affected by the trade policies of concern to the committee (e.g., farm producers, farm and commodity organizations, processors, traders, and consumers). Geographical balance on each committee is also sought.

A list of all the members of the committees and the diverse interests they represent is available on the [U.S. Department of Agriculture](#) website.

Industry Trade Advisory Committees

There are 15 industry trade advisory committees (ITACs). As of December 31, 2022, those committees are: Aerospace Equipment (ITAC 1); Automotive Equipment and Capital Goods (ITAC 2); Chemicals, Pharmaceuticals, Health/Science Products and Services (ITAC 3); Consumer Goods (ITAC 4); Critical minerals and Nonferrous Metals (ITAC 5); Digital Economy (ITAC 6); Energy and Energy Services (ITAC

7); Forest Products and Building Materials (ITAC 8); Small, Minority, and Woman-led Business (ITAC 9); Services (ITAC 10); Steel (ITAC 11); Textiles and Clothing (ITAC 12); Customs Matters and Trade Facilitation (ITAC 13); Intellectual Property Rights (ITAC 14); and, Standards and Technical Trade Barriers (ITAC 15). Additionally, there is a Committee of Chairs of the Industry Trade Advisory Committees which is comprised of the Chairs of the 15 ITACs.

Members of the ITACs are appointed jointly by the U.S. Secretary of Commerce and the U.S. Trade Representative and serve at their discretion. Membership on the Committee of Chairs is automatically conferred by virtue of being elected Chair of an ITAC. Each of the committees consists of not more than 50 members representing diverse interests and perspectives, which may include, but are not limited to, labor unions, manufacturers, exporters, importers, service suppliers, producers, and representatives of small and large business. Committee members should have knowledge and experience in their industry or interest area and represent a U.S. entity that has an interest in trade matters related to the sectors or subject matters of concern to the individual committees. In appointing members to the committees, balance is ensured in terms of points of view, demographics, geography, and entity or organization size.

A list of all the members of the committees and the diverse interests the committees and their respective memberships represent is available on the [U.S. Department of Commerce website](#).

4. Tribal, State and Local Government Relations

USTR maintains consultative procedures between Federal trade officials and Tribal, State and local governments. USTR informs the states, on an ongoing basis, of trade-related matters that directly relate to, or that may have a direct effect on, them. U.S. territories may also participate in this process. USTR also serves as a liaison point in the Executive Branch for State and local government and Federal agencies to transmit information to interested State and local governments, and relay advice and information from the states on trade-related matters. This is accomplished through a number of mechanisms, detailed below.

State Single Point of Contact System and IGPAC

State Single Point of Contact System

For day-to-day communications, USTR operates a State Single Point of Contact (SPOC) system. The Governor's office in each state designates a single contact point to disseminate information received from USTR to relevant State and local offices and assist in relaying specific information and advice from the states to USTR on trade-related matters. Through the SPOC network, State governments are promptly informed of Administration trade initiatives so that they can provide companies and workers with information in order to take full advantage of increased foreign market access and reduced trade barriers. It also enables USTR to consult with states and localities directly on trade matters that may affect them.

Intergovernmental Policy Advisory Committee on Trade

Additionally, USTR works closely with the Intergovernmental Policy Advisory Committee on Trade (IGPAC) made up of various State and local officials. The IGPAC makes recommendations to USTR and the Administration on trade policy matters from the perspective of Tribal, State and local governments. IGPAC members are also invited to participate in periodic teleconference briefings, similar to teleconference calls held for SPOC and chairs of the advisory committees.

Meetings of Tribal, State and Local Associations, and Business and Trade Associations

USTR officials participate frequently in meetings of State and local government associations and local business and trade associations to apprise them of relevant trade policy issues and solicit their views. USTR senior officials have met with the National Governors' Association, the U.S. Conference of Mayors, and other Tribal, State and local commissions and organizations.

Consultations Regarding Specific Trade Issues

USTR consults with Tribal leaders, states and localities on issues arising under the WTO and other U.S. trade agreements and frequently responds to requests for information from State and local governments. The U.S. Trade Representative also hosts Tribal consultation meetings with Tribal leaders and their designees.

5. Freedom of Information Act

USTR is subject to the Freedom of Information Act (FOIA), a law that provides the public with a right of access to federal agency records except to the extent those records are protected from disclosure under particular FOIA exemptions or exceptions. Detailed information about the USTR FOIA program is available on the [USTR website](#). USTR had three requests pending at the start of fiscal year 2023, and over the course of the fiscal year received 66 new FOIA requests and processed 62 FOIA requests. The USTR FOIA Office demonstrated its ongoing commitment to transparency by, among other things, reducing its backlog of FOIA requests to one, which was closed during the first quarter of fiscal year 2023, while also improving the timeliness of responses. In addition, the USTR FOIA Office proactively added links to certain materials in anticipation of high public interest, such as the confidentiality arrangements with trade negotiating partners. The USTR FOIA Office also updated frequently requested records including USTR's FOIA logs on a quarterly basis. Proactively disclosed information is available in the [USTR FOIA Library](#).

C. CONGRESSIONAL CONSULTATIONS

The Office of the United States Trade Representative (USTR) continued robust consultations with the U.S. Congress in 2023. USTR consulted with congressional committees and the leadership of both parties in the U.S. Senate and U.S. House of Representatives, held numerous meetings and calls with Members of Congress and their staff, participated in congressional hearings, and supported congressional delegations overseas to meet with trading partners and multilateral organizations. The U.S. Trade Representative also engaged with Members of Congress in their districts and States, traveling to Alabama, Arizona, California, Georgia, Indiana, Maryland, Michigan, Minnesota, New Hampshire, New York, North Carolina, Pennsylvania, South Carolina, Texas, and Virginia and meeting with constituents, including workers, farmers, businesses, and community-based organizations.

To ensure access to negotiating texts and further encourage congressional participation, USTR holds consultations with Members of Congress and their staff and also makes negotiating text available to Members of Congress and appropriately cleared staff, including professional staff with an appropriate security clearance of the Committees on Finance and Ways and Means, professional staff with an appropriate security clearance from other committees interested in reviewing text relevant to that committee's jurisdiction, personal office staff with an appropriate security clearance of a Member of the Committees on Finance and Ways and Means, and personal office staff with an appropriate security clearance accompanying his or her Member of Congress. In 2023, USTR held 243 consultations with Congressional offices.

In addition, bipartisan congressional staff delegations attended USTR trade negotiations, including the Indo-Pacific Economic Framework for Prosperity (IPEF), the U.S.–Kenya Strategic Trade and Investment Partnership (STIP) in Kenya, and the U.S.–Taiwan Initiative on 21st-Century Trade in Taiwan. During these engagements, congressional staff received daily updates and provided input on the negotiations. Congressional staff also travelled to South Africa for the annual African Growth and Opportunity Act (AGOA) Forum where they participated in trade discussions with trade delegations from African nations.

These engagements and consultations kept Congress abreast of USTR activities and ensured Congress had ample opportunities to inform U.S. trade policy.

ANNEX I: U.S. TRADE IN 2023

U.S. TRADE IN 2023

I. 2023 OVERVIEW

During 2023 the global economy expanded at an estimated 3.1 percent in real terms, while trade of goods and services grew more slowly at 0.4 percent. This modest growth in world output and total trade during 2023 represented a continued slowdown from sharp increases in both measures in 2021, when recovery from the worst of the pandemic was beginning, and during 2022, when output and trade began to moderate at 3.5 percent and 5.2, respectively. Normalization of output and trade growth during 2023 coincided with moderation in consumer prices, especially in advanced economies.¹⁰ Lingering effects from the pandemic in certain economies and ongoing impacts from Russia's full-scale illegal invasion of Ukraine nonetheless continue to generate headwinds to achieving a complete recovery from shocks experienced at the start of this decade.

U.S. trade in 2023 stabilized after volatility starting in 2020. Total U.S. trade (exports and imports of goods and services) decreased 1.5 percent (\$107.7 billion) to \$6.9 trillion in 2023,¹¹ following an increase of 16.9 percent in 2022 (a record \$7.0 trillion in total trade in 2022 as the post-pandemic recovery peaked). (*Figure 1*). U.S. exports of goods and services increased 1.2 percent (\$35.0 billion) in 2023, making for a marked slowdown from the 18.8 percent and 17.6 percent respective increases in 2021 and 2022. Goods exports decreased 1.9% (\$39.2 billion) in 2023, such that services drove the overall improvement in exports, increasing 8.0 percent (\$74.2 billion). U.S. imports of goods and services declined 3.6 percent (\$142.7 billion) in 2023. The decline in U.S. goods imports decreased 4.9 percent (\$160.5 billion) overwhelming the slight increase in U.S. imports of services of 2.6 percent (\$17.8 billion). The decline in imports from China (\$109.1 billion) accounted for 67.9 percent of the overall decline in U.S. goods imports.

Though down overall from 2022, total trade values in 2023 were nonetheless markedly higher than during pre-pandemic 2019. Total trade increased 21.7 percent (\$1.2 trillion) between 2019 and 2023, with goods and services exports increasing 19.9 percent (\$507.2 billion) and imports increasing 23.2 percent (\$721.2 billion).

Total U.S. trade as a share of GDP decreased in 2023, representing 25.2 percent of GDP, down from 27.1 percent in 2022 and 27.4 percent in 2018, and well below the 30-percent levels reached during the 2011-2013 period (*Figure 2*). In 2023, U.S. exports represented 11.2 percent of U.S. GDP, down from 11.7 percent in 2022. U.S. Imports represented 14.0 percent of U.S. GDP in 2023, up from 15.4 percent in 2022.¹²

In real terms, U.S. trade was up 0.1 percent in 2023, compared to the 7.9 percent increase in 2022.¹³ Real U.S. exports of goods and services were up 2.7 percent in 2023, compared to an increase of 7.0 percent in 2022, while real U.S. imports of goods and services were down 1.7 percent, compared to an increase of 8.6 percent in 2022. U.S. exports of goods and services contributed 0.58 percentage points to U.S. GDP growth of 2.5 percent in 2023.

¹⁰ IMF, World Economic Outlook Update, January 2024.

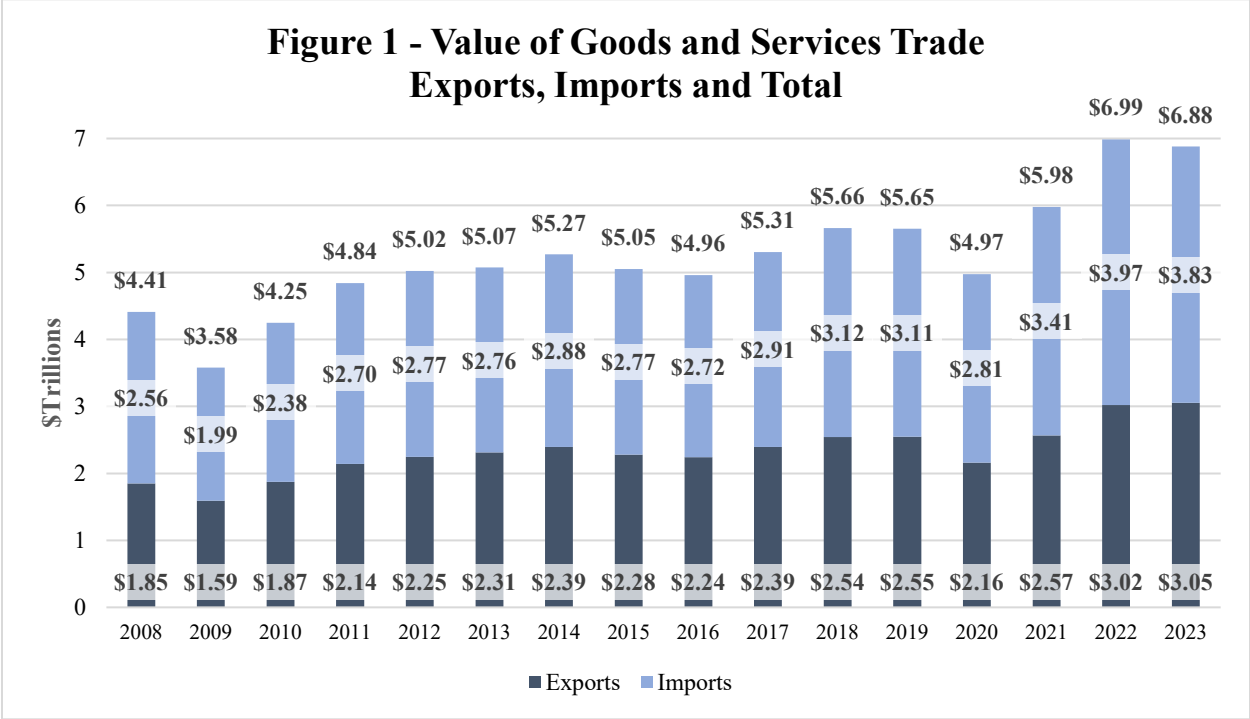
¹¹ On a balance of payments (BOP) basis.

¹² The broadest measure of commercial trade is from the Current Account and includes goods and services as well as earnings/payments on foreign investment and current transfers. Earnings are considered trade because they are the payment made/received to foreign/U.S. residents for the service rendered by the use of foreign/U.S. capital. Based on the Current Account, trade increased by 3.4 percent in the first three quarters of 2023 (latest data available) and represented an annualized estimate of 37.1 percent of GDP (based on the first 3 quarters of 2023), down from 38.1 percent in full year 2022.

¹³ On a National Income Products Account basis.

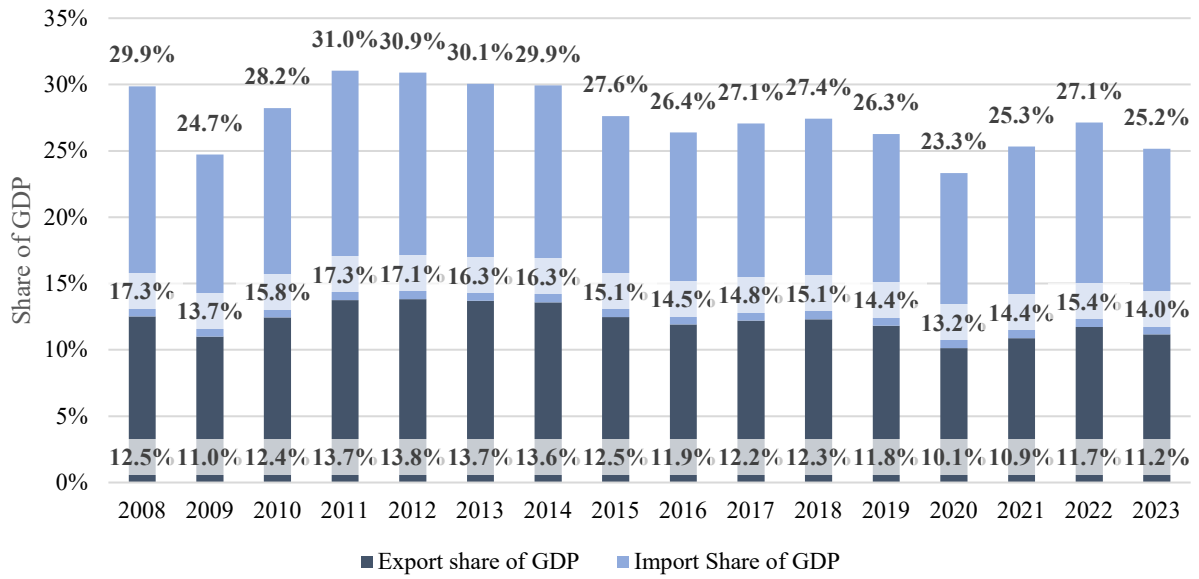
The U.S. deficit in goods and services trade decreased by \$177.8 billion (18.7 percent) in 2023 to \$773.4 billion. As a share of GDP, the U.S. deficit decreased from 3.7 percent in 2022 to 2.8 percent in 2023, and is down from its high of 5.5 percent in 2006.

The U.S. deficit in goods trade alone decreased 10.3 percent (\$121.3 billion) to \$1.1 trillion in 2023. The U.S. services trade surplus increased following four consecutive years of declines, and was up 24.3 percent (\$56.4 billion) to \$288.2 billion in 2023. As a share of GDP, the U.S. goods deficit fell from 4.6 percent in 2022 to 3.9 percent in 2023, and the U.S. services surplus increased from 0.9 percent in 2022 to 1.1 percent in 2023.



Source: U.S. Department of Commerce

**Figure 2 - Goods and Services Trade as a Share of GDP,
Exports, Imports and Total Trade**



Source: U.S. Department of Commerce

II. EXPORTS

U.S. exports of goods and services increased 1.2 percent (\$35.0 billion) in 2023 to a record \$3.1 trillion, and were up 20.1 percent since 2018 (*Table 1*). U.S. goods exports were down 1.9 percent (\$39.2 billion) to \$2.1 trillion, while U.S. services exports were up 8.0 percent (\$74.2 billion) to a record \$1.0 trillion.

Table 1 - U.S. Exports					
	Value (\$Billions)			% Change	
	2018	2022	2023	18-23	22-23
Total Goods and Services	2,542.5	3,018.5	3,053.5	20.1%	1.2%
Goods on a BOP Basis	1,676.9	2,089.9	2,050.7	22.3%	-1.9%
Foods, Feeds, Beverages	133.1	179.9	162.5	22.0%	-9.7%
Industrial Supplies	541.2	830.8	728.0	34.5%	-12.4%
Capital Goods	563.2	572.7	601.2	6.8%	5.0%
Autos and Auto Parts	158.8	159.7	179.0	12.7%	12.1%
Consumer Goods	206.0	245.7	260.4	26.4%	6.0%
Other Goods	63.4	76.4	88.4	39.6%	15.8%
Petroleum	174.8	306.9	273.1	56.2%	-11.0%
Manufacturing	1,399.8	1,599.3	1,599.6	14.3%	0.0%
Agriculture	151.1	202.3	181.4	20.1%	-10.3%
Services	865.5	928.5	1,002.8	15.9%	8.0%
Maintenance and repair services	28.0	14.5	17.0	-39.3%	17.6%
Transport	93.1	91.0	98.2	5.5%	8.0%
Travel	200.7	136.9	175.1	-12.7%	28.0%
Construction	2.8	1.7	0.9	-68.5%	-45.9%
Insurance services	19.1	22.7	24.8	29.7%	9.3%
Financial services	136.3	167.7	175.1	28.5%	4.4%
Charges for the use of intellectual property	114.8	127.4	125.6	9.4%	-1.4%
Telecom, computer, and information services	49.2	66.2	73.3	48.9%	10.8%
Other business services	176.5	245.2	251.1	42.2%	2.4%
Personal, cultural, and recreational services	22.7	26.8	27.1	19.5%	1.2%
Government goods and services	22.1	28.5	34.4	55.4%	20.6%

Source: U.S. Department of Commerce, Balance of Payments basis for total and services, Census basis for goods sectors

A. U.S. Goods Exports

U.S. goods exports decreased 1.9 percent (\$39.2 billion) in 2023 to \$2.1 trillion (*Table 1*). Goods exports accounted for 67.2 percent of total goods and services exports in 2023. U.S. manufacturing exports, which accounted for 79.2 percent of total goods exports, increased 0.02 percent (\$309 million) in 2023 to \$1.6 trillion, while agricultural exports, which accounted for 9.0 percent of total goods exports, decreased 10.3 percent (\$20.8 billion) to \$181.4 billion.

Of the major end-use goods sectors, U.S. export growth in 2023 ranged between a 5.0 percent increase for capital goods and 15.8 percent increase for “Other Goods.” Four categories, capital goods, automotive vehicles, consumer goods, and other goods, showed record exports.

Over the last five years (2018 to 2023), U.S. goods exports have increased 22.3 percent (\$373.8 billion). Over the same time period, U.S. agricultural exports increased 20.1 percent (\$30.3 billion), while U.S. manufacturing exports increased 14.3 percent (\$199.8 billion). Of the major end-use categories, industrial supplies had the largest increase in value, up 34.5 percent (\$186.8 billion) while consumer goods increased by 11.9 percent (\$54.4 billion). Goods sectors with the lowest export growth value included capital goods, up just 6.8 percent (\$38.0 billion), and autos and auto parts, up 12.7 percent (\$20.1 billion).

In 2023, U.S. goods exports decreased to four of the top five export markets: Canada (down 0.9 percent), Mexico (down 0.3 percent), China (down 4.0 percent), and Japan (down 5.0 percent), while the European Union (27) increased (up 5.1 percent) (*Table 2*). U.S. goods exports to the 20 U.S. FTA partners¹⁴ decreased 2.4 percent.¹⁵ U.S. goods exports to advanced economies, accounting for 55.3 percent of U.S. total goods exports, decreased 0.9 percent, while U.S. goods exports to emerging markets and developing economies decreased 3.8 percent and accounted for 44.7 percent of U.S. total goods exports.

	Value (\$Billions)			% Change	
	2018	2022	2023	18-23	22-23
Canada	299.7	356.5	353.2	17.9%	-0.9%
Mexico	266.0	324.3	323.2	21.5%	-0.3%
China	120.3	154.0	147.8	22.9%	-4.0%
Japan	75.2	80.2	76.2	1.3%	-5.0%
European Union (27)	252.0	350.8	368.8	46.3%	5.1%
Latin America (excluding Mexico)	163.7	224.7	200.3	22.3%	-10.9%
Pacific Rim (excluding Japan and China)	217.2	260.9	252.3	16.2%	-3.3%
FTA Countries	782.5	968.5	945.2	20.8%	-2.4%
Advanced Economies	913.2	1,125.5	1,115.8	22.2%	-0.9%
Emerging Markets and Developing Economies	752.6	939.6	903.7	20.1%	-3.8%

Source: U.S. Department of Commerce, Census basis
Advanced Economies and Emerging Markets as defined by the IMF

¹⁴ The United States has FTAs entered into force with 20 countries: Australia, Bahrain, Canada, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Israel, Jordan, Korea, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, and Singapore.

¹⁵ The 20 countries with which the United States currently has FTAs entered into force accounted for a 46.8 percent of total U.S. goods exports in 2023.

B. U.S. Services Exports

U.S. exports of services increased 8.0 percent (\$74.2 billion) to a record \$1.0 trillion in 2023 (*Table 1*). U.S. services exports accounted for 32.8 percent of the level of U.S. goods and services exports in 2023, up from 30.8 percent in 2022.

Of the eleven major services sectors, nine showed export gains in 2023 ranging from 1.2 percent (\$315 million) for personal, cultural, and recreational services to 28.0 percent (\$38.3 billion) for travel. The two services sectors that showed export declines were construction, down 45.9 percent (\$759 million) and charges for the use of intellectual property, down 1.4 percent (\$1.8 billion).

Over the last five years (2018 to 2023), U.S. services exports increased 15.9 percent (\$137.2 billion). U.S. service sectors with the largest export gains (by percent) included government goods and services, up 55.4 percent (\$12.3 billion); telecom, computer, and information services, up 48.9 percent (\$24.1 billion); other business services, up 42.2 percent (\$74.5 billion), and insurance services, up 29.7 percent (\$5.7 billion). Partially offsetting these export gains, were declines in construction services, down 68.5 percent (\$1.9 billion); maintenance and repair services travel, down 39.3 percent (\$11.0 billion); and travel services, down 12.7 percent (\$25.6 billion), which has recovered only partially since the pandemic.

Ireland was the largest purchaser of U.S. services exports in 2022 (latest available full year data), accounting for 9.1 percent (\$84.3 billion) of total U.S. services exports. The next four largest purchasers of services exports in 2022 were: the United Kingdom (\$82.0 billion), Canada (\$71.3 billion), Switzerland (\$55.6 billion), and China (\$41.5 billion). Regionally, in 2022, the United States exported \$241.2 billion in services to the European Union (27), \$193.1 billion to the Asia/Pacific Rim region (\$113.2 billion excluding Japan and China), \$135.7 billion to Latin America (excluding Mexico), and \$109.0 billion to Canada and Mexico (the USMCA countries).

III. IMPORTS

U.S. imports of goods and services decreased 3.6 percent (\$142.7 billion) in 2023, to \$3.8 trillion. U.S. goods imports were down 4.9 percent (\$160.5 billion) to \$3.1 trillion, while U.S. services imports were up 2.6 percent (\$17.8 billion) to \$714.5 billion (*Table 3*).

A. U.S. Goods Imports

U.S. goods imports decreased 4.9 percent (\$160.5 billion) in 2023 to \$3.1 trillion, accounting for 81.3 percent of total imports (*Table 3*). U.S. manufacturing imports, which accounted for 86.7 percent of total goods imports, decreased 4.3 percent (\$119.1 billion) in 2023. U.S. agriculture imports, accounting for 6.4 percent of total goods imports, decreased 1.7 percent (\$3.4 billion).

Of the major end-use goods sectors, all but autos and “Other Goods” showed import declines in 2023, ranging from 16.2 percent (\$130.8 billion) for industrial supplies to 0.8 percent (\$6.5 billion) for capital goods. Imports of autos and “Other Goods” were records, with most other product groups declining from record highs reached in 2022.

Table 3 - U.S. Imports

	Value (\$Billions)			% Change	
	2018	2022	2023	18-23	22-23
Total Goods and Services	3,121.1	3,969.6	3,826.9	22.6%	-3.6%
Goods on a BOP Basis	2,555.7	3,272.9	3,112.4	21.8%	-4.9%
Foods, Feeds, Beverages	147.3	208.3	200.3	36.0%	-3.9%
Industrial Supplies	574.6	808.7	677.8	18.0%	-16.2%
Capital Goods	690.9	863.7	857.2	24.1%	-0.8%
Autos and Auto Parts	371.1	398.9	458.4	23.5%	14.9%
Consumer Goods	645.4	841.6	760.9	17.9%	-9.6%
Other Goods	106.9	121.4	129.5	21.2%	6.7%
Petroleum	225.3	291.1	243.0	7.9%	-16.5%
Manufacturing	2,177.1	2,793.1	2,674.0	22.8%	-4.3%
Agriculture	138.8	199.3	196.0	41.2%	-1.7%
Services	565.4	696.7	714.5	26.4%	2.6%
Maintenance and repair services	7.4	5.7	6.8	-7.6%	20.0%
Transport	110.4	157.6	143.0	29.5%	-9.3%
Travel	125.7	115.3	149.8	19.1%	29.9%
Construction	3.1	1.0	1.0	-68.0%	-0.9%
Insurance services	43.8	59.5	57.1	30.4%	-4.0%
Financial services	41.3	57.7	59.3	43.4%	2.7%
Charges for the use of intellectual property	42.7	53.2	43.6	1.9%	-18.2%
Telecom, computer, and information services	41.7	53.6	57.3	37.4%	6.8%
Other business services	107.4	138.1	141.4	31.6%	2.4%
Personal, cultural, and recreational services	18.8	29.6	30.2	60.2%	1.8%
Government goods and services	23.0	25.3	25.2	9.7%	-0.4%

Source: U.S. Department of Commerce, Balance of Payments basis, Census basis for goods sectors

Over the last five years (2018 to 2023), U.S. goods imports increased 21.8 percent (\$556.7 billion). Over this same time period, U.S. manufacturing imports increased 22.8 percent (\$496.9 billion), while agricultural imports increased 41.2 percent (\$57.2 billion). All end-use goods sectors showed import gains, which ranged between 17.9 percent (\$115.5 billion) for consumer goods to 36.0 percent (\$53.0 billion) for foods, feeds and beverages.

In 2023, U.S. goods imports increased from only two of our top five import suppliers, Mexico (up 4.6 percent) and the European Union (up 4.3 percent). (*Table 4*). Imports from China decreased 20.3 percent (\$109.1 billion). U.S. goods imports from our 20 FTA partners increased 0.8 percent in 2023. U.S. goods imports from advanced economies, accounting for 49.6 percent of U.S. total goods imports, were remained virtually unchanged at \$1.5 trillion, while goods imports from emerging markets and developing economies decreased 9.2 percent and accounted for 50.4 percent of U.S. total goods imports.

Table 4 - U.S. Goods Imports from Selected Countries/Regions					
	Value (\$Billions)			% Change	
	2018	2022	2023	18-23	22-23
Canada	318.6	436.6	421.1	32.2%	-3.5%
Mexico	343.7	454.8	475.6	38.4%	4.6%
China	538.5	536.3	427.2	-20.7%	-20.3%
Japan	142.2	148.1	147.3	3.6%	-0.5%
European Union (27)	252.0	553.3	577.0	129.0%	4.3%
Latin America (excluding Mexico)	122.2	149.2	145.4	19.0%	-2.5%
Pacific Rim (excluding Japan and China)	240.0	370.2	356.7	48.6%	-3.6%
FTA Countries	859.0	1,164.1	1,173.6	36.6%	0.8%
Advanced Economies	1,167.8	1,529.5	1,529.2	31.0%	0.0%
Emerging Markets and Developing Economies	1,368.4	1,713.0	1,554.9	13.6%	-9.2%

Source: U.S. Department of Commerce, Census basis
Advanced Economies and Emerging Markets as defined by the IMF

B. U.S. Services Imports

U.S. services imports increased 2.6 percent (\$17.8 billion) to a record \$714.5 billion in 2023 (*Table 3*). U.S. services imports accounted for 18.7 percent of U.S. goods and services imports in 2023.

U.S. services imports increased for six of the eleven major services sectors in 2023, led by travel at 29.9 percent (\$34.5 billion), maintenance and repair services at 20.0 percent (\$1.1 billion), and telecom, computer, and information services at 6.8 percent (\$3.7 billion). The sharpest decline in imports occurred in charges for the use of intellectual property, at 18.2 percent (\$9.7 billion). Five sectors, travel (\$149.8 billion), financial services (\$59.3 billion), telecommunication, computer, and information services (\$57.3 billion), other business services (\$141.4 billion), and personal, cultural, and recreational services (\$30.2 billion), reached record levels.

Over the last five years (2018 to 2023), U.S. services imports increased 26.4 percent (\$149.1 billion). Services imports increased for nine of the eleven sectors, with the largest import growth being personal, cultural, and recreational services, up 60.2 percent (\$11.3 billion) and financial services, up 43.4 percent (\$17.9 billion). Services imports declined in two sectors, construction, down 68.0 percent (\$2.1 billion) and maintenance and repair services, down 7.6 percent (\$559 million).

The United Kingdom remained our largest supplier of services, accounting for 10.5 percent (\$73.5 billion) of total U.S. services imports in 2022 (latest available full year data). The next four largest suppliers of U.S. services imports in 2022 were: Canada (\$44.6 billion), Germany (\$43.0 billion), Japan (\$40.8 billion) and Mexico (\$38.3 billion). Regionally, in 2022 the United States imported \$170.0 billion of services from the European Union (27), \$139.7 billion from the Asia/Pacific Rim region (\$72.3 billion, excluding Japan and China), \$103.5 billion from Latin America (excluding Mexico), and \$83.0 billion from Canada and Mexico (the USMCA countries).

IV. THE U.S. TRADE BALANCE

The total U.S. deficit in goods and services trade¹⁶ decreased 18.7 percent (\$177.8 billion) in 2023 to \$773.4 billion. The U.S. deficit decreased as a share of GDP, from 3.7 percent of GDP in 2022 to 2.8 percent of GDP in 2023, and thus remains substantially lower than the record high of 5.5 percent in 2006.

The U.S. deficit in goods trade alone decreased 10.3 percent (\$121.3 billion) from \$1.2 trillion in 2022 (4.6 percent of GDP) to a \$1.1 trillion in 2023 (3.9 percent of GDP), while the services trade surplus increased 24.3 percent (\$56.4 billion), from \$231.8 billion in 2022 (0.9 percent of GDP) to \$288.2 billion in 2023 (1.1 percent of GDP). The services surplus in 2022 was the highest since 2019 (\$297.9 billion).

Table 5 - U.S. Trade Balances						
	2018	2019	2020	2021	2022	2023
U.S. Trade Balances as a share of GDP						
Goods and Services	-2.8%	-2.6%	-3.1%	-3.6%	-3.7%	-2.8%
Goods	-4.3%	-4.0%	-4.3%	-4.6%	-4.6%	-3.9%
Services	1.5%	1.4%	1.2%	1.0%	0.9%	1.1%
U.S. Trade Balances with the World (\$Billions)						
Goods and Services	-578.6	-559.4	-652.9	-841.6	-951.2	-773.4
Goods	-878.7	-857.3	-912.9	-1,083.5	-1,183.0	-1,061.7
Services	300.2	297.9	260.0	241.9	231.8	288.2

Source: U.S. Department of Commerce

¹⁶ On a balance of payments basis.

ANNEX II: U.S. TRADE-RELATED AGREEMENTS AND DECLARATIONS

U.S. TRADE-RELATED AGREEMENTS AND DECLARATIONS

I. AGREEMENTS THAT HAVE ENTERED INTO FORCE

Following is a list of trade agreements entered into by the United States since 1984 and monitored by the Office of the United States Trade Representative for compliance.

Multilateral and Plurilateral Agreements

- Marrakesh Agreement Establishing the World Trade Organization (WTO) (signed April 15, 1994), the Ministerial Decisions and Declarations adopted by the Uruguay Round Trade Negotiations Committee on December 15, 1993, and subsequent WTO agreements.
 - a. Multilateral Agreements on Trade in Goods
 - i. General Agreement on Tariffs and Trade 1994
 - ii. Agreement on Agriculture
 - iii. Agreement on the Application of Sanitary and Phyto-sanitary Measures
 - iv. Agreement on Technical Barriers to Trade
 - v. Agreement on Trade-Related Investment Measures
 - vi. Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994
 - vii. Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994
 - viii. Agreement on Preshipment Inspection
 - ix. Agreement on Rules of Origin
 - x. Agreement on Import Licensing Procedures
 - xi. Agreement on Subsidies and Countervailing Measures
 - xii. Agreement on Safeguards
 - xiii. Agreement on Trade Facilitation (entered into force on February 22, 2017 for those Members that had accepted it by then (two-thirds of the WTO Members); thereafter to take effect for other Members upon acceptance)
 - b. General Agreement on Trade in Services (GATS)
 - i. Fourth Protocol to the GATS (Basic Telecommunication Services) (February 5, 1998)
 - ii. Fifth Protocol to the GATS (Financial Services) (March 1, 1999)
 - c. Agreement on Trade-Related Aspects of Intellectual Property Rights (amended in 2017)
 - d. Plurilateral Trade Agreements
 - i. Agreement on Trade in Civil Aircraft (April 12, 1979; amended in 1986)
 - ii. Agreement on Government Procurement (April 15, 1994; amended in 2014)

- WTO Ministerial Declaration on Trade in Information Technology Products (Information Technology Agreement (ITA)) (March 26, 1997)
- Declaration on the Expansion of Trade in Information Technology Products (July 28, 2015)
- International Tropical Timber Agreement (successor to the 1994 International Tropical Timber Agreement, December 7, 2011)
- Agreement between the United States of America, the United Mexican States, and Canada (July 1, 2020)
 - i. Decision No. 3 of the Free Trade Commission of the CUSMA, T-MEC, USMCA (“Agreement”) (Signed December 8, 2021, January 2, 2022, and January 24, 2022; retroactively effective July 1, 2020)
 - ii. Decision No. 2 of the Free Trade Commission of the CUSMA, T-MEC, USMCA (“Agreement”) (May 18, 2021)
 - iii. Decision No. 1 of the Free Trade Commission of the CUSMA, T-MEC, USMCA (“Agreement”) (Signed July 2, 2020; retroactively effective July 1, 2020)
- Agreement on Environmental Cooperation between the Governments of the United States of America, the United Mexican States, and Canada (July 1, 2020)
- Environment Cooperation and Customs Verification Agreement between the United States and Mexico (July 1, 2020)
- Statement Concerning Semiconductors by the European Commission and the Governments of the United States, Japan, and Korea (June 10, 1999)
- Agreement on Mutual Acceptance of Oenological Practices (December 18, 2001)
- The Dominican Republic–Central America–United States Free Trade Agreement (Costa Rica (January 1, 2009); the Dominican Republic (March 1, 2007); El Salvador (March 1, 2006); Guatemala (July 1, 2006); Honduras (April 1, 2006); and Nicaragua (April 1, 2006))
 - i. Amendment to the Dominican Republic–Central America–United States Free Trade Agreement relating to Article 22.5 (March 29, 2006)
 - ii. Amendment to the Dominican Republic–Central America–United States Free Trade Agreement relating to Textiles Matters (August 15, 2008)
 - iii. Amendment to the Dominican Republic–Central America–United States Free Trade Agreement relating to Guatemala Tariffs on Beer (February 4, 2009)
 - iv. Decision Regarding the Rules of Origin for Textile and Apparel Goods (Feb. 23, 2011)
 - v. Decision Regarding Appendix 4.1-B (Feb. 23, 2011)
 - vi. Decision Regarding Annex 9.1.2(b)(i) (Feb. 23, 2011)
 - vii. Decision Regarding Common Guidelines for the Interpretation, Application and Administration of Chapter Four (October 27, 2012)
 - viii. Decision Regarding the Specific Rules of Origin of Annex 4.1 (March 26, 2015)
 - ix. Decision Regarding the Special Rules of Origin of Appendix 3.3.6 (March 26, 2015)
 - x. Decision Regarding The Tariff Elimination for Lines 15071000, 15121100 and 15152100 of Annex 3.3 (Tariff Schedule of Costa Rica) (March 26, 2015)
 - xi. Decision Concerning the Tariff Elimination for Tariff Lines 0207 13 99B and 0207 14 99B (Tariff Schedule of Guatemala to Annex 3.3) (April 11, 2017)

- xii. Decision Regarding the Specific Rules of Origin of Annex 4.1 (July 7, 2017)
 - xiii. Decision Regarding The Determination Of The Chicken Tariff Rate Quota Volumes For Years 13 To 17 As Provided For In Appendix I Of The General Notes To The Tariff Schedule To Annex 3.3 Of El Salvador, Honduras And Nicaragua (September 17, 2017)
 - xiv. Exchange of Letters between the United States and Guatemala Regarding Tariff Elimination for Tariff Lines 0207 13 99B and 0207 14 99B (Tariff Schedule of Guatemala) (January 1, 2018)
 - xv. Exchange of Letters between the United States and Nicaragua Regarding Tariff Rate Quotas for Tariff Lines 0207139920, 0207149920 and 16023200A (Tariff Schedule of Nicaragua to Annex 3.3) (January 1, 2018)
 - xvi. Exchange of Letters between the United States and Honduras Regarding Tariff Rate Quotas for Tariff Lines 02071399B, 02071499B and 16023200A (Tariff Schedule of Honduras to Annex 3.3) (January 1, 2018)
 - xvii. Exchange of Letters between the United States and El Salvador Regarding Tariff Rate Quotas for Tariff Lines 02071399B, 02071499B and 16023200A (Tariff Schedule of El Salvador to Annex 3.3) (January 1, 2018)
 - xviii. Exchange of letters between the United States and Costa Rica regarding Costa Rica's conformity assessment procedures for new pneumatic tires (July 31, 2020)
- Agreement Establishing a Secretariat for Environmental Matters Under the Dominican Republic–Central America–United States Free Trade Agreement (August 25, 2006)
 - Agreement on Duty-Free Treatment of Multi-Chips Integrated Circuits (MCPs) (January 18, 2006) (Korea, Taiwan, Japan, European Union, and the United States)
 - Agreement on Requirements for Wine Labeling (January 23, 2007) (Australia, Argentina, Canada, Chile, New Zealand, and the United States)
 - Agreement Between the Governments of Australia, the People's Republic of China, the Republic of Korea, the Kingdom of Thailand, the United States of America, and the Socialist Republic of Viet Nam concerning the importation by Korea of rice (December 30, 2019)

Bilateral Agreements

Albania

- Agreement on Bilateral Trade Relations (May 14, 1992)
- Treaty Between the United States of America and the Government of the Republic of Albania Concerning the Encouragement and Reciprocal Protection of Investment (January 4, 1998)

Argentina

- Private Courier Mail Agreement (May 25, 1989)
- Treaty Between the United States of America and the Argentine Republic Concerning the Reciprocal Encouragement and Protection of Investment (October 20, 1994)

Armenia

- Agreement on Bilateral Trade Relations (April 7, 1992)
- Treaty Between the United States of America and the Republic of Armenia Concerning the Reciprocal Encouragement and Protection of Investment (March 29, 1996)

Australia

- Settlement on Leather Products Trade (November 25, 1996)
- Understanding on Automotive Leather Subsidies (June 20, 2000)
- Agreement to Implement Phase I of the Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (October 19, 2002)
- United States–Australia Free Trade Agreement (January 1, 2005)

Azerbaijan

- Agreement on Bilateral Trade Relations (April 21, 1995)
- Treaty Between the Government of the United States of America and the Government of the Republic of Azerbaijan Concerning the Encouragement and Reciprocal Protection of Investment (August 2, 2001)

Bahrain

- Treaty Between the Government of the United States of America and the Government of the State of Bahrain Concerning the Encouragement and Reciprocal Protection of Investment (May 30, 2001)
- Agreement between the Government of the United States of America and the Government of the Kingdom of Bahrain on the Establishment of a Free Trade Area (August 1, 2006)

- Memorandum of Understanding Between the United States of America and the Kingdom of Bahrain on Trade in Food and Agricultural Products (March 30, 2018)

Bangladesh

- Treaty Between the United States of America and the People's Republic of Bangladesh Concerning the Reciprocal Encouragement and Protection of Investment (July 25, 1989)

Belarus

- Agreement on Bilateral Trade Relations (February 16, 1993)

Bolivia

- Treaty Between the Government of the United States of America and the Government of the Republic of Bolivia Concerning the Encouragement and Reciprocal Protection of Investment (June 6, 2001) (Bolivia terminated the treaty in June 2012; investments established or acquired before the termination will continue to be protected under the treaty for 10 years following the date of termination.)
- Exchange of Letters between the United States and Bolivia Regarding Certain Distinctive Products (January 6, 2020)

Brazil

- Memorandum of Understanding Between the Government of Brazil and the Government of the United States Concerning Trade Measures in the Automotive Sector (March 16, 1998)
- Agreement on Trade and Economic Cooperation Between the Government of the Federative Republic of Brazil and the Government of the United States of America (March 19, 2011)
- Exchange of Letters between the United States and Brazil Regarding Certain Distinctive Products (April 9, 2012)
- Memorandum of Understanding Between the Government of the United States and the Government of the Federative Republic of Brazil Related to the Cotton Dispute (WT/DS267) (October 1, 2014)
- Protocol to the Agreement on Trade and Economic Cooperation Between the Government of the United States of America and the Federative Republic of Brazil Relating to Trade Rules and Transparency (February 2, 2022)

Bulgaria

- Agreement on Trade Relations (November 22, 1991)
- Treaty Between the United States of America and the Republic of Bulgaria Concerning the Encouragement and Reciprocal Protection of Investment (June 2, 1994; amended January 1, 2007)
- Agreement Concerning Intellectual Property Rights (July 6, 1994)

Cambodia

- Agreement between the United States of America and the Kingdom of Cambodia on Trade Relations and Intellectual Property Rights Protection (October 8, 1996)

Cameroon

- Treaty Between the United States of America and the Republic of Cameroon Concerning the Reciprocal Encouragement and Protection of Investment (April 6, 1989)

Canada

- Agreement on Salmon & Herring (May 11, 1993)
- Agreement Regarding Tires (May 25, 1993)
- Memorandum of Understanding on Provincial Beer Marketing Practices (August 5, 1993)
- Agreement on Ultra-High Temperature Milk (September 1993)
- Agreement on Beer Market Access in Quebec and British Columbia Beer Antidumping Cases (April 4, 1994)
- Agreement on Salmon & Herring (April 1994)
- Agreement on Barley Tariff-Rate Quota (September 8, 1997)
- Record of Understanding on Agriculture (December 1998)
- Agreement on Magazines (Periodicals) (May 1999)
- Agreement on Implementation of the WTO Decision on Canada's Dairy Support Programs (December 1999)
- Agreement to Implement Phase I of the Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (January 17, 2002)
- Agreement to Implement Phase II of the Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (January 28, 2003)
- United States–Canada Understanding on Implementation of the Decision of the WTO General Council of August 30, 2003, on “Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health” as Interpreted by the Accompanying Statement of the Chairman of the General Council of the Same Date (July 16, 2004)
- Technical Arrangement between the United States and Canada concerning Trade in Potatoes (November 1, 2007)
- Agreement Between the Government of the United States and the Government of Canada on Government Procurement (February 16, 2010)
- United States–Canada Exchange of Letters on Milk Equivalence (February 4, 2016)
- United States–Canada Exchange of Letters on the Sale of Wine (November 30, 2018)
- United States–Canada Exchange of Letters on Trade in Automotive Goods (November 30, 2018)

- United States–Canada Exchange of Letters on Research and Development Expenditures (November 30, 2018)
- United States–Canada Exchange of Letters on Measures Taken Under Section 232 of the Trade Expansion Act of 1962 (November 30, 2018)
- United States–Canada Exchange of Letters on Energy (July 1, 2020)
- United States–Canada Exchange of Letters on Natural Water Resources (July 1, 2020)

Caribbean Community (CARICOM)

- Trade and Investment Council Agreement (July 22, 1991)

Chile

- United States–Chile Free Trade Agreement (January 1, 2004)
- United States–Chile Agreement on Accelerated Tariff Elimination (November 14, 2008)
- United States–Chile Agreement on Trade in Table Grapes (November 21, 2008)
- United States–Chile Agreement on Beef Grade Labeling (March 26, 2009)
- United States–Chile Exchange of Letters on Chapter 17 of United States-Chile Free Trade Agreement (March 17, 2011)
- United States–Chile Exchange of Letters on Salmonid Eggs (February 4, 2016)

China

- Accord on Industrial and Technological Cooperation (January 12, 1984)
- Memorandum of Understanding on the Protection of Intellectual Property Rights (January 17, 1992)
- Memorandum of Understanding on Prohibiting Import and Export in Prison Labor Products (June 18, 1992)
- Memorandum of Understanding Concerning Market Access (October 10, 1992)
- Agreement on Trade Relations between the United States of America and the People’s Republic of China (February 1, 1980)
- Agreement on Providing Intellectual Property Rights Protection (February 26, 1995)
- Report on China’s Measures to Enforce Intellectual Property Protections and Other Measures (June 17, 1996)
- Interim Agreement on Market Access for Foreign Financial Information Companies (Xinhua) (October 24, 1997)
- Agreement on U.S.–China Agricultural Cooperation (April 10, 1999)
- Memorandum of Understanding between China and the United States Regarding China’s Value-Added Tax on Integrated Circuits (July 14, 2004)

- Memorandum of Understanding between the Governments of the United States of America and the People's Republic of China Concerning Trade in Textile and Apparel Products (November 8, 2005)
- Memorandum of Understanding between the United States of America and the People's Republic of China Regarding Certain Measures Granting Refunds, Reductions, or Exemptions from Taxes or Other Payments (November 29, 2007)
- Memorandum of Understanding between the United States of America and the People's Republic of China Regarding Certain Measures Affecting Foreign Suppliers of Financial Information Services (November 13, 2008)
- Memorandum of Understanding between the People's Republic of China and the United States of America Regarding Films for Theatrical Release (April 25, 2012)
- Economic and Trade Agreement between the Government of the United States of America and the Government of the People's Republic of China (February 14, 2020)

Colombia

- Memorandum of Understanding on Trade in Bananas (January 9, 1996)
- Exchange of Letters between the United States and Colombia on Sanitary and Phyto-sanitary Measures and Technical Barriers to Trade Issues (February 27, 2006)
- Exchange of Letters between the United States and Colombia on Beef Sanitary and Phyto-sanitary Issues (August 21, 2006)
- Exchange of Letters between United States and Colombia on Control Measures on Avian Influenza (April 15, 2012)
- Exchange of Letters between United States and Colombia on Control Measures on Salmonella in Poultry and Poultry Products (April 15, 2012)
- Exchange of Letters between United States and Colombia on Phyto-sanitary Measures for Paddy Rice (April 15, 2012)
- Exchange of Letters between United States and Colombia related to Constitutional Court Review of Certain IPR Treaties (April 15, 2012)
- United States–Colombia Trade Promotion Agreement (May 15, 2012)
 - i. Decision of the Free Trade Commission of the United States–Colombia Trade Promotion Agreement Regarding Clarification of the Definition of Poultry in the Context of Appendix I, Paragraph 6, of Colombia's Tariff Schedule (September 25, 2012)
 - ii. Decision No. 2 of Free Trade Commission of the United States–Colombia Trade Promotion Agreement by which ECOPETROL Qualifies as a Special Covered Entity Under Section D of Annex 9.1 (November 19, 2012)
 - iii. Decision No. 3 of the Free Trade Commission of the United States–Colombia Trade Promotion Agreement; Decision on Tariff-Rate Quotas Covering Yellow Corn (November 2017)

- iv. Decision No. 4 of the Free Trade Commission of the United States – Colombia Trade Promotion Agreement; Decision on Tariff-Rate Quotas Covering Variety Meats (December 2017)
 - v. Decision No. 5 of the Free Trade Commission of the United States – Colombia Trade Promotion Agreement; Decision to Establish the Remuneration of Panelists, Assistants, and Experts, and the Payment of Expenses in Dispute Settlement Proceedings Under Chapter Twenty-One (Dispute Settlement) (July 2018)
 - vi. Decision No. 6 of the Free Trade Commission of the United States – Colombia Trade Promotion Agreement; Decision Establishing the Model Rules of Procedure (July 2018)
 - vii. Decision No. 7 of the Free Trade Commission of the United States – Colombia Trade Promotion Agreement; Decision Establishing a Code of Conduct (July 2018)
 - viii. Decision No. 8 of the Free Trade Commission of the United States – Colombia Trade Promotion Agreement; Decision to Modify Annex 3-A, Annex 3-B, Annex 3-C, and Annex 4.1 (February 2020)
- Exchange of Letters between the United States and Colombia Establishing the Committee of Sanitary and Phyto-Sanitary (SPS) and SPS Committee Terms of Reference (June 14, 2012)
 - Exchange of Letters between the United States and Colombia Rescinding the 2012 SPS Letter Exchange on Paddy Rice (August 2017)
 - Exchange of Letters between the United States and Colombia Regarding Chapter 16 of the United States – Colombia Trade Promotion Agreement and Truck Scrappage Program (April 2018)
 - Agreement Establishing a Secretariat for Environmental Matters (April 2019)
 - Exchange of Letters Regarding Preferential Treatment for U.S. Corn (July 15, 2021)

Congo, Democratic Republic of the (formerly Zaire)

- Treaty Between the United States of America and the Republic of Zaire Concerning the Reciprocal Encouragement and Protection of Investment (July 28, 1989)

Congo, Republic of the

- Treaty Between the Government of the United States of America and the Government of the People's Republic of the Congo Concerning the Reciprocal Encouragement and Protection of Investment (August 13, 1994)

Costa Rica

- Memorandum of Understanding on Trade in Bananas (January 9, 1996)
- Exchange of Letters on Trade in Textile and Apparel Goods (May 31, 2007)

Croatia

- Memorandum of Understanding on Intellectual Property Rights (May 26, 1998)

- Treaty Between the Government of the United States of America and the Government of the Republic of Croatia Concerning the Encouragement and Reciprocal Protection of Investment (June 20, 2001)

Czech Republic

- Treaty Between the United States of America and the Czech and Slovak Federal Republic Concerning the Reciprocal Encouragement and Protection of Investment (December 19, 1992; amended May 1, 2004)

Dominican Republic

- Exchange of Letters on Trade in Textile and Apparel Goods (October 21, 2006)

Ecuador

- Trade and Investment Council Agreement (July 23, 1990)
- Agreement on Intellectual Property Rights Protection (October 15, 1993) (Ecuador notified the United States on January 19, 2017 of its intent to withdraw from this treaty).
- Treaty Between the United States of America and the Republic of Ecuador Concerning the Encouragement and Reciprocal Protection of Investment (May 11, 1997) (Ecuador had notified the United States that it would terminate the treaty effective May 18, 2018; investments established or acquired before the termination will continue to be protected under the treaty for 10 years following the date of termination).
- Protocol to the Trade and Investment Council Agreement Between the Government of the United States and the Government of the Republic of Ecuador Relating to Trade Rules and Transparency (December 8, 2020)

Egypt

- Treaty Between the United States of America and the Arab Republic of Egypt Concerning the Reciprocal Encouragement and Protection of Investments (June 27, 1992)

El Salvador

- Exchange of Letters on Trade in Textile and Apparel Goods (January 27, 2006)

Estonia

- Treaty Between the Government of the United States of America and the Government of the Republic of Estonia Concerning the Encouragement and Reciprocal Protection of Investment (February 16, 1997; amended May 1, 2004)

European Economic Area – European Free Trade Association (EEA EFTA States – Norway, Iceland, and Liechtenstein)

- Agreement on Mutual Recognition between the United States of America and the EEA EFTA States Regarding Telecommunications Equipment, Electromagnetic Compatibility and Recreational Craft (March 1, 2006)

- Agreement between the United States of America and the EEA EFTA States on the Mutual Recognition of Certificates of Conformity for Marine Equipment (March 1, 2006)

European Union

- Wine Accord (July 1983)
- Agreement for the Conclusion of Negotiations between the United States and the European Community under GATT Article XXIV:6 (January 30, 1987)
- Agreement on Exports of Pasta with Settlement, Annex and Related Letter (September 15, 1987)
- Agreement on Canned Fruit (updated) (April 14, 1992)
- Agreement on Meat Inspection Standards (November 13, 1992)
- Corn Gluten Feed Exchange of Letters (December 4 and 8, 1992)
- Malt-Barley Sprouts Exchange of Letters (December 4 and 8, 1992)
- Oilseeds Agreement (December 4 and 8, 1992)
- Agreement on Recognition of Bourbon Whiskey and Tennessee Whiskey as Distinctive U.S. Products (March 28, 1994)
- Memorandum of Understanding on Government Procurement (April 15, 1994)
- Letter on Financial Services Confirming Assurances to Provide Full MFN and National Treatment (July 14, 1995)
- Agreement on EU Grains Margin of Preference (signed July 22, 1996; retroactively effective December 30, 1995)
- Exchange of Letters Concerning Implementation of the Marrakesh Agreement Establishing the World Trade Organization and Related Matters (June 26, 1996)
- Exchange of Letters between the United States of America and the European Community on a Settlement for Cereals and Rice, and Accompanying Exchange of Letters on Rice Prices (July 22, 1996)
- Agreement for the Conclusion of Negotiations between the United States of America and the European Community under GATT Article XXIV:6, and Accompanying Exchange of Letters (signed July 22, 1996; retroactively effective December 30, 1995)
- Tariff Initiative on Distilled Spirits (February 28, 1997)
- Agreement on Global Electronic Commerce (December 9, 1997)
- Agreed Minute on Humane Trapping Standards (December 18, 1997)
- Agreement on Mutual Recognition between the United States of America and the European Community (December 1, 1998) and United States – European Union Amended Sectoral Annex for Pharmaceutical Good Manufacturing Practices (March 1, 2017)

- Agreement between the United States and the European Community on Sanitary Measures to Protect Public and Animal Health in Trade in Live Animals and Animal Products (July 20, 1999)
- Understanding on Bananas (April 11, 2001)
- Agreement between the United States of America and the European Community on the Mutual Recognition of Certificates of Conformity for Marine Equipment (July 1, 2004)
- Agreement in the Form of an Exchange of Letters between the United States and the European Community Relating to the Method of Calculation of Applied Duties for Husked Rice (June 30, 2005; retroactively effective March 1, 2005)
- Agreement between the United States and European Community on Trade in Wine (March 10, 2006)
- Agreement in the Form of an Exchange of Letters between the United States and the European Union pursuant to Article XXIV:6 and Article XXVIII of the GATT 1994 Relating to the Modification of Concessions in the Schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the Course of their Accession to the European Union (March 22, 2006)
- Joint Letter from the United States and the European Communities on implementation of GATS Article XXI procedures relating to the accession to the European Communities of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, the Slovak Republic, Finland, and Sweden (August 7, 2006)
- Memorandum of Understanding Between the United States and European Commission Regarding the Importation of Beef from Animals Not Treated with Certain Growth-Promoting Hormones and Increased Duties Applied to Certain Products of the European Communities (May 13, 2009)
- Agreement on Trade in Bananas Between the United States of America and the European Union (January 24, 2013)
- Agreement in the Form of an Exchange of Letters Between the United States of America and the European Union Pursuant to Articles XXIV:6 and XXVIII of the GATT 1994 (July 1, 2013)
- Bilateral Agreement Between the European Union and the United States of America on Prudential Measures Regarding Insurance and Reinsurance (April 4, 2018)
- Agreement Related to the Revised Memorandum of Understanding between the United States of America and the European Commission in Connection with the *EC – Hormones* Dispute (December 14, 2019)
- Agreement between the United States of America and the European Union regarding tariffs on certain products (November 20, 2020)
- Agreement between the European Union and the United States of America Pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 Relating to the Modifications of Concessions on All the Tariff-Rate Quotas Included in the EU Schedule CLXXV as a Consequence of the United Kingdom's Withdrawal from the European Union (April 27, 2023)

Georgia

- Agreement on Bilateral Trade Relations (August 13, 1993)

- Treaty Between the Government of the United States of America and the Government of the Republic of Georgia Concerning the Encouragement and Reciprocal Protection of Investment (August 17, 1997)

Grenada

- Treaty Between the United States of America and Grenada Concerning the Reciprocal Encouragement and Protection of Investment (March 3, 1989)

Guatemala

- Exchange of Letters on Trade in Textile and Apparel Goods (June 23, 2006)

Haiti

- Exchange of Letters on Trade in Textile and Apparel Goods (September 18, 2008)

Hong Kong

- Agreement to Implement Phase I and Phase II of the Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (April 4, 2005)
- Memorandum of Understanding between the United States of America and the Hong Kong Special Administrative Region Concerning Cooperation in Trade in Textile and Apparel Goods (August 1, 2005)

Honduras

- Memorandum of Understanding on Worker Rights (November 15, 1995)
- Treaty Between the Government of the United States of America and the Government of the Republic of Honduras Concerning the Encouragement and Reciprocal Protection of Investment (July 11, 2001)
- Exchange of Letters on Trade in Textile and Apparel Goods (March 7, 2006)

Hungary

- Agreement on Trade Relations (July 7, 1978)
- Agreement on Intellectual Property Rights Protection (September 29, 1993)

India

- Agreement Regarding Indian Import Policy for Motion Pictures (February 5, 1992)
- Reduction of Tariffs on In-Shell Almonds (May 27, 1992)
- Agreement on Intellectual Property Rights Protections (March 1993)
- Agreement on Import Restrictions (December 28, 1999)
- Agreement on Textile Tariff Bindings (September 15, 2000)

- Exchange of Letters Between the Government of the United States of America and the Government of the Republic of India Related to Market Access for Certain Products (June 22, 2023)
- Exchange of Letters Between the Government of the United States of America and the Government of the Republic of India Related to Market Access for Certain Products (September 9, 2023)

Indonesia

- Conditions for Market Access for Films and Videos into Indonesia (April 19, 1992)
- Memorandum of Understanding with Indonesia Concerning Cooperation in Trade in Textile and Apparel Goods (September 26, 2006)

Israel

- Agreement on the Establishment of a Free Trade Area between the Government of Israel and the Government of the United States of America (August 19, 1985)
- United States–Israel Agreement Concerning Certain Aspects of Trade in Agricultural Products (July 27, 2004; extended by Exchange of Letters (This agreement has been extended on a yearly basis since December 2008)
- Mutual Recognition Agreement between the Government of the United States of America and the Government of the State of Israel for Conformity Assessment of Telecommunications Equipment (December 12, 2013)

Jamaica

- Agreement on Intellectual Property (February 1994)
- Treaty Between the United States of America and Jamaica Concerning the Reciprocal Encouragement and Protection of Investment (March 7, 1997)

Japan

- Market-Oriented Sector-Selective (MOSS) Agreement on Medical Equipment and Pharmaceuticals (January 9, 1986)
- Exchange of Letters Regarding Tobacco (October 6, 1986)
- Foreign Lawyers Agreement (February 27, 1987)
- Science and Technology Agreement (June 20, 1988; extended June 16, 1993)
- Exchange of Letters on Procedures to Introduce Supercomputers (August 7, 1987)
- Measures Relating to Wood Products (June 15, 1990)
- Policies and Procedures Regarding Satellite Research and Development/Procurement (June 15, 1990)
- Policies and Procedures Regarding International Value-Added Network Services and Network Channel Terminating Equipment (July 31, 1990)
- Joint Announcement on Amorphous Metals (September 21, 1990)

- Measures Further to 1990 Policies and Procedures regarding International Value-Added Network Services (April 27, 1991)
- Measures Regarding International Value-Added Network Services Investigation Mechanisms (June 25, 1991)
- United States–Japan Major Projects Arrangement (July 31, 1991; originally negotiated 1988)
- Measures Related to Japanese Public Sector Procurement of Computer Products and Services (January 22, 1992)
- United States–Japan Framework for a New Economic Partnership (July 10, 1993)
- Exchange of Letters Regarding Apples (September 13, 1993)
- United States–Japan Public Works Agreement (January 18, 1994)
- Mutual Understanding on Intellectual Property Rights between the Japanese Patent Office and the U.S. Patent and Trademark Office (January 20, 1994)
- Rice (April 15, 1994)
- Harmonized Chemical Tariffs (April 15, 1994)
- Copper (April 15, 1994)
- Market Access (April 15, 1994)
- Actions to be Taken by the Japanese Patent Office and the U.S. Patents and Trademark Office pursuant to the January 20, 1994, Mutual Understanding on Intellectual Property Rights (August 16, 1994)
- Measures by the Government of the United States and the Government of Japan Regarding Insurance (October 11, 1994)
- Measures on Japanese Public Sector Procurement of Telecommunications Products and Services (November 1, 1994)
- Measures Related to Japanese Public Sector Procurement of Medical Technology Products and Services (November 1, 1994)
- Measures Regarding Financial Services (February 13, 1995)
- Policies and Measures Regarding Inward Direct Investment and Buyer-Supplier Relationships (June 20, 1995)
- Exchange of Letters on Financial Services (July 26 and 27, 1995)
- Interim Understanding for the Continuation of Japan–United States Insurance Talks (September 30, 1996)
- United States–Japan Insurance Agreement (December 24, 1996)
- Japan’s Recognition of United States-Grade marked Lumber (January 13, 1997)
- Resolution of WTO dispute with Japan on Sound Recordings (January 13, 1997)

- National Policy Agency Procurement of VHF Radio Communications System (March 31, 1997)
- United States–Japan Enhanced Initiative on Deregulation and Competition Policy (June 19, 1997)
- United States–Japan Agreement on Distilled Spirits (December 17, 1997)
- First Joint Status Report on Deregulation and Competition Policy (May 29, 1998)
- United States–Japan Joint Report on Investment (April 28, 1999)
- Second Joint Status Report on Deregulation and Competition Policy (May 3, 1999)
- United States–Japan Agreement on NTT Procurement Procedures (July 1, 1999)
- Third Joint Status Report on Deregulation and Competition Policy (July 19, 2000)
- Fourth Joint Status Report on Deregulation and Competition Policy (June 30, 2001)
- United States–Japan Economic Partnership for Growth (June 30, 2001)
- First Report to the Leaders on the United States–Japan Regulatory Reform and Competition Policy Initiative (June 25, 2002)
- Second Report to the Leaders on the United States–Japan Regulatory Reform and Competition Policy Initiative (May 23, 2003)
- Third Report to the Leaders on the United States–Japan Regulatory Reform and Competition Policy Initiative (June 8, 2004)
- Fourth Report to the Leaders on the United States–Japan Regulatory Reform and Competition Policy Initiative (November 2, 2005)
- Fifth Report to the Leaders on the United States–Japan Regulatory Reform and Competition Policy Initiative (June 29, 2006)
- Sixth Report to the Leaders on the United States–Japan Regulatory Reform and Competition Policy Initiative (June 6, 2007)
- Agreement on Mutual Recognition of Results of Conformity Assessment Procedures between the United States of America and Japan (United States–Japan Telecom MRA) (January 1, 2008)
- Seventh Report to the Leaders on the United States–Japan Regulatory Reform and Competition Policy Initiative (July 5, 2008)
- Eighth Report to the Leaders on the United States–Japan Regulatory Reform and Competition Policy Initiative (July 6, 2009)
- Memorandum Between the Relevant Authorities of the United States and the Ministry of Health, Labour and Welfare of Japan Concerning Enforcement of Japan’s Pesticide Maximum Residue Levels (July 28, 2009)
- Record of Discussion, United States–Japan Economic Harmonization Initiative (January 27, 2012)
- United States–Japan Exchange of Letters on certain distilled spirits and wine (February 4, 2016)

- United States–Japan Exchange of Letters on copyright term (April 13, 2018)
- Trade Agreement between the United States of America and Japan (January 1, 2020)
- United States–Japan Exchange of Letters regarding alcoholic beverages (January 1, 2020)
- United States–Japan Exchange of Letters regarding beef (January 1, 2020)
- United States–Japan Exchange of Letters regarding rice (January 1, 2020)
- United States–Japan Exchange of Letters regarding agricultural safeguard measures (January 1, 2020)
- United States–Japan Exchange of Letters regarding skimmed milk powder (January 1, 2020)
- United States–Japan Exchange of Letters regarding whey (January 1, 2020)
- Agreement between the United States of America and Japan concerning Digital Trade (January 1, 2020)
- United States–Japan Exchange of Letters regarding Interactive Computer Services (January 1, 2020)
- Protocol Amending the Trade Agreement between the United States of America and Japan (January 1, 2023)
- Agreement Between the Government of Japan and the Government of the United States of America on Strengthening Critical Minerals Supply Chains (March 28, 2023)

Jordan

- Agreement between the United States and Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area (December 17, 2001)
- Treaty Between the Government of the United States of America and the Hashemite Kingdom of Jordan Concerning the Encouragement and Reciprocal Protection of Investment (June 12, 2003)

Kazakhstan

- Agreement on Bilateral Trade Relations (February 18, 1993)
- Treaty Between the United States of America and the Republic of Kazakhstan Concerning the Reciprocal Encouragement and Protection of Investment (January 12, 1994)

Korea

- Record of Understanding on Intellectual Property Rights (August 28, 1986)
- Agreement on Access of U.S. Firms to Korea's Insurance Markets (August 28, 1986)
- Record of Understanding Concerning Market Access for Cigarettes (May 27, 1988; amended October 16, 1989)
- Agreement Concerning the Korean Capital Market Promotion Law (September 1, 1988)
- Agreement on the Importation and Distribution of Foreign Motion Pictures (December 30, 1988)

- Agreement on Market Access for Wine and Wine Products (January 18, 1989)
- Investment Agreement (May 19, 1989)
- Agreement on Liberalization of Agricultural Imports (May 25, 1989)
- Record of Understanding on Telecommunications (January 23, 1990)
- Record of Understanding on Telecommunications (February 15, 1990)
- Exchange of Letters Regarding the 1986 Intellectual Property Rights Agreement: Product Pipeline Protection (February 22, 1990)
- Record of Understanding on Beef (March 21, 1990)
- Exchange of Letters on Beef (April 26 and 27, 1990)
- Agreement on Wine Access (December 19, 1990)
- Record of Understanding on Telecommunications (February 7, 1991)
- Agreement on International Value-Added Services (June 20, 1991)
- Understanding on Telecommunications (February 17, 1992)
- Exchange of Letters Relating to Korea Telecom Company's Procurement of AT&T Switches (March 31, 1993)
- Beef Agreements (June 26, 1993; December 29, 1993)
- Record of Understanding on Agricultural Market Access in the Uruguay Round (December 13, 1993)
- Exchange of Letters on Telecommunications Issues Relating to Equipment Authorization and Korea Telecom Company's Procurement (March 29, 1995)
- Agreement on Steel (July 14, 1995)
- Shelf-Life Agreement (July 20, 1995)
- Revised Cigarette Agreement (August 25, 1995)
- Memorandum of Understanding to Increase Market Access for Foreign Passenger Vehicles in Korea (September 28, 1995)
- Exchange of Letters on Implementation of the 1992 Telecommunications Agreement (April 12, 1996)
- Korean Commitments on Trade in Telecommunications Goods and Services (July 23, 1997)
- Agreement on Korean Motor Vehicle Market (October 20, 1998)
- Exchange of Letters Regarding Tobacco Sector Related Issues (June 14, 2001)
- Exchange of Letters on Data Protection (March 12, 2002)
- Record of Understanding between the Governments of the United States and the Republic of Korea Regarding the Extension of Special Treatment for Rice (February 2005)

- Agreement to Implement Phase I of the Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (May 10, 2005)
- Agreed Minutes on Fuel Economy and Greenhouse Gas Emissions Regulations (February 10, 2011)
- Agreed Minutes on Visa Validity Period (February 10, 2011)
- Exchange of Letters between the United States and Korea related to the United States-Korea Free Trade Agreement (February 10, 2011)
- United States–Korea Free Trade Agreement (March 15, 2012)
- Agreed Minutes on Korea Certification Mark and Korea’s Motor Vehicle Fuel Economy and Greenhouse Gas Emissions Regulations (September 24, 2018)
- Interpretation by the Joint Committee of the Free Trade Agreement between the United States of America and the Republic of Korea Regarding the June 30, 2007 Exchange of Letters (September 24, 2018)
- Exchange of Letters between the United States and Korea Regarding Entry Into Force of the Protocol between the Government of the United States of America and the Government of the Republic of Korea Amending the Free Trade Agreement between the United States of America and the Republic of Korea (September 24, 2018)
- Exchange of Letters between the United States and Korea Regarding the Confirmation of Customs Principles and the Establishment of the Rules of Origin Verification Working Group under the Free Trade Agreement between the United States of America and the Republic of Korea (September 24, 2018)
- Exchange of Letters between the United States and Korea Regarding Amendments to Korea’s Premium Pricing Policy for Global Innovative New Drugs (September 24, 2018)
- Exchange of Letters between the United States and Korea Regarding Korea’s Request to Modify the Rules of Origin under the Free Trade Agreement between the United States of America and the Republic of Korea (September 24, 2018)
- Protocol between the Government of the United States of America and the Government of the Republic of Korea Amending the February 10, 2011 Exchange of Letters (January 1, 2019)
- Protocol between the Government of the United States of America and the Government of the Republic of Korea Amending the Free Trade Agreement between the United States of America and the Republic of Korea (January 1, 2019)
- Exchange of Letters concerning Korea’s World Trade Organization tariff-rate quota for rice and the country-specific quota for the United States established within that tariff-rate quota (December 30, 2019).

Kyrgyzstan

- Agreement on Bilateral Trade Relations (May 8, 1992)

- Treaty Between the United States of America and the Republic of Kyrgyzstan Concerning the Encouragement and Reciprocal Protection of Investment (January 12, 1994)

Latvia

- Agreement on Bilateral Trade Relations (August 21, 1992)
- Treaty Between the Government of the United States of America and the Government of the Republic of Latvia Concerning the Encouragement and Reciprocal Protection of Investment (November 26, 1996; amended May 1, 2004)
- Agreement on Trade & Intellectual Property Rights Protection (January 20, 1995)

Lithuania

- Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania Concerning the Encouragement and Reciprocal Protection of Investment (November 22, 2001; amended May 1, 2004)

Laos

- Bilateral Trade Agreement (February 4, 2005)

Macao

- Memorandum of Understanding with Macao Concerning Cooperation in Trade in Textile and Apparel Goods (August 8, 2005)

Marshall Islands

- Compact of Free Association Agreement Between the United States of America and the Marshall Islands (June 25, 1983)

Mexico

- Agreement with Mexico on Tire Certification (March 8, 1996)
- Memorandum of Understanding between the United States and Mexico Regarding Areas of Food and Agriculture Trade (April 4, 2002)
- United States–Mexico Exchange of Letters Regarding Mexico’s NAFTA Safeguard on Certain Poultry Products (July 24-25, 2003)
- Understanding Regarding the Implementation of the WTO Decision on Mexico’s Telecommunications Services (June 1, 2004)
- Agreement between the U.S. Trade Representative and Secretaria de Economia of the United Mexican State on Trade in Tequila (January 17, 2006)
- Agreement between the U.S. Trade Representative and Secretaria de Economia of the United Mexican State on Trade in Cement (April 3, 2006)
- United States–Mexico Exchange of Letters Regarding Trade in Sweetener Goods (July 27, 2006)

- Bilateral Agreement on Customs Cooperation regarding Claims of Origin Under FTA Cumulation Provisions (January 26, 2007)
- Customs Cooperation Agreement with Mexico relating to Textiles Matters (August 15, 2008)
- Mutual Recognition Agreement between the Government of the United States of America and the Government of the United Mexican States for Conformity Assessment of Telecommunications Equipment (June 10, 2011)
- United States–Mexico Exchange of Letters on Measures Taken Under Section 232 of the Trade Expansion Act of 1962 (November 30, 2018)
- United States–Mexico Exchange of Letters on Trade in Automotive Goods (November 30, 2018)
- United States–Mexico Exchange of Letters on Dispute Settlement Regarding Trade in Automotive Goods Exchange (November 30, 2018)
- United States–Mexico Exchange of Letters on the Ramsar Convention (December 10, 2019)
- United States–Mexico Exchange of Letters on Safety Standards in the Automotive Sector (July 1, 2020)
- United States–Mexico Exchange of Letters on Prior Users (July 1, 2020)
- United States–Mexico Exchange of Letters on Distilled Spirits (July 1, 2020)
- United States–Mexico Exchange of Letters on Cheeses (July 1, 2020)

Micronesia

- Compact of Free Association with the Federated States of Micronesia (November 3, 1986)

Moldova

- Agreement on Bilateral Trade Relations (July 2, 1992)
- Treaty Between the United States of America and the Republic of Moldova Concerning the Encouragement and Reciprocal Protection of Investment (November 25, 1994)

Mongolia

- Agreement on Bilateral Trade Relations (January 23, 1991)
- Treaty Between the United States of America and Mongolia Concerning the Encouragement and Reciprocal Protection of Investment (January 1, 1997)
- Agreement on Transparency in Matters Related to International Trade and Investment between the United States of America and Mongolia (March 20, 2017)

Morocco

- Treaty Between the United States of America and the Kingdom of Morocco Concerning the Encouragement and Reciprocal Protection of Investments (May 29, 1991)
- United States–Morocco Free Trade Agreement (January 1, 2006)

- Agreement between the Government of the United States of America and the Government of the Kingdom of Morocco Concerning Customs Administration and Trade Facilitation (November 21, 2013)

Mozambique

- Treaty Between the Government of the United States of America and the Government of Mozambique Concerning the Encouragement and Reciprocal Protection of Investment (March 2, 2005)

Nicaragua

- Bilateral Intellectual Property Rights Agreement with Nicaragua (December 22, 1997)
- Exchange of Letters on Trade in Textile and Apparel Goods (March 24, 2006)

Norway

- Agreement on Procurement of Toll Equipment (April 26, 1990)

Oman

- Agreement between the Government of the United States of America and the Government of the Sultanate of Oman on the Establishment of a Free Trade Area (January 1, 2009)

Palau

- Compact of Free Association with the Republic of Palau (October 1, 1994)

Panama

- Treaty Between the United States of America and the Republic of Panama Concerning the Treatment and Protection of Investments (May 30, 1991)
- Agreement on Bilateral Trade Relations (1994)
- Agreement on Cooperation in Agricultural Trade (December 20, 2006)
- Agreement regarding Certain Sanitary and Phyto-sanitary Measures and Technical Standards Affecting Agricultural Products (December 20, 2006)
- Exchange of Letters Regarding Autos (June 28, 2007)
- Confirmation Letter Regarding Ship Repairs (June 28, 2007)
- Confirmation Letter Regarding Panama Joining the ITA (June 28, 2007)
- Exchange of Letters Regarding Free Trade Zones (June 28, 2007)
- Exchange of Letters Regarding Article 9.15 (June 28, 2007)
- Exchange of Letters Regarding Investment in Specified Sectors (June 28, 2007)
- Exchange of Letters Regarding Retail Sales (June 28, 2007)
- Exchange of Letters Regarding Cross Border Financial Service (June 28, 2007)

- Exchange of Letters Regarding Insurance (June 28, 2007)
- Exchange of Letters Regarding Pensions (June 28, 2007)
- Exchange of Letters Regarding Traditional Knowledge (June 28, 2007)
- Exchange of Letters Regarding Taxation (June 28, 2007)
- United States–Panama Trade Promotion Agreement (October 31, 2012)
 - i. Decision of the Free Trade Commission Regarding Article 3.20 and Article 6.3 (March 19, 2013)
 - ii. Decision No. 2 of the Free Trade Commission Establishing a Code of Conduct (May 28, 2014)
 - iii. Decision No. 3 of the Free Trade Commission to Establish the Remuneration of Panelists, Assistants, and Experts, and the Payment of Expenses in Dispute Settlement Proceedings under Chapter 20 (Dispute Settlement) (May 28, 2014)
 - iv. Decision No. 4 of the Free Trade Commission Establishing Model Rules of Procedure (May 28, 2014)
 - v. Decision No. 5 of the Free Trade Commission to Amend Annex 4.1 (December 6, 2016)
- Exchange of Letters Regarding Multiple Services Businesses (October 31, 2012)
- Exchange of Letters Regarding Beef and Beef Product Imports (March 27, 2013)
- Exchange of Letters on Free Trade Zones (October 2, 2013)
- Exchange of Letters Regarding Pet Food Containing Animal Origin Ingredients Imports (June 24, 2014)
- Agreement Establishing a Secretariat for Environmental Enforcement Matters Under the United States – Panama Trade Promotion Agreement (December 21, 2015)

Peru

- Memorandum of Understanding on Intellectual Property Rights (May 23, 1997)
- Exchange of Letters on Sanitary and Phyto-sanitary Measures and Technical Barriers to Trade Issues (January 5, 2006)
- Additional Letter Exchange on Sanitary and Phyto-sanitary Measures and Technical Barriers to Trade Issues (April 10, 2006)
- United States–Peru Trade Promotion Agreement (February 1, 2009)
- Understanding for Implementing Article 18.8 of the United States–Peru Trade Promotion Agreement (March 20, 2016)
- Memorandum of Understanding (MOU) between the Government of the United States of America, the Government of the Republic of Peru, and the General Secretariat of the Organization of American States regarding a Secretariat for Submissions on Environmental Enforcement Matters under the United States–Peru Trade Promotion Agreement (March 23, 2016)

Philippines

- Protection and Enforcement of Intellectual Property Rights (April 6, 1993)
- Agreement regarding Pork and Poultry Meat (February 13, 1998)
- Memorandum of Understanding with the Philippines Concerning Cooperation in Trade in Textile and Apparel Goods (August 23, 2006)
- Exchange of Letters on Special Treatment for Rice and Related Agricultural Concessions (June 5, 2014)

Poland

- Treaty Between the United States of America and the Republic of Poland Concerning Business and Economic Relations (August 6, 1994; amended May 1, 2004)

Romania

- Agreement on Bilateral Trade Relations (April 3, 1992)
- Treaty Between the Government of the United States of America and the Government of Romania Concerning the Reciprocal Encouragement and Protection of Investment (January 15, 1994; amended January 1, 2007)

Russia

- Trade Agreement Concerning Most Favored Nation and Nondiscriminatory Treatment (June 17, 1992)
- Joint Memorandum of Understanding on Market Access for Aircraft (January 30, 1996)
- Agreed Minutes regarding exports of poultry products from the United States to Russia (March 15, March 25, and March 29, 1996)
- Agreement on Russian Firearms & Ammunition (April 3, 1996; amended 2003)
- Protocol of the Negotiations between the Experts of Russia and the United States of America on the Issue of U.S. Poultry Meat Imports into the Russian Federation (March 31, 2002)
- Agreement between the Government of the United States of America and the Government of the Russian Federation on Trade in Certain Types of Poultry, Beef and Pork (June 15, 2005; amended December 29, 2008)
- Agreement between the Government of the United States of America and the Government of the Russian Federation on Protection and Enforcement of Intellectual Property Rights (November 19, 2006)
- Agreement between the Government of the United States of America and the Government of the Russian Federation on Market Access for Beef and Beef By-Products (November 19, 2006)
- Agreement between the Government of the United States of America and the Government of the Russian Federation on Importation of Pork and Pork By-Products into the Russian Federation (November 19, 2006)
- Agreement between the Government of the United States of America and the Government of the Russian Federation on Inspection of Facilities for Exporting Pork and Poultry to the Russian Federation (November 19, 2006)

- Agreement between the Government of the United States of America and the Government of the Russian Federation on Agricultural Biotechnology (November 19, 2006)
- Agreement between the Government of the United States of America and the Government of the Russian Federation on Establishment of Import licensing Procedures for Imports of Goods Containing Encryption Technology (November 19, 2006)
- Exchange of Letters between the Government of the United States of America and the Government of the Russian Federation on Tariff Treatment of Certain Aircraft Imported Under Operational Lease (November 19, 2006)
- Exchange of Letters between the Ministry of Economic Development and Trade of the Russian Federation and the Office of the United States Trade Representative on Tariff Treatment of Certain Combine Harvester-Threshers and Self-Propelled Forage Harvesters (November 19, 2006)
- Letter on Market Access between the United States and the Russian Federation for Service Suppliers in Certain Energy Related Sectors (November 19, 2006)
- Letter on Market Access between the United States and the Russian Federation for Certain Insurance Firms (November 19, 2006)
- Bilateral Agreement on Verification of Pathogen Reduction Treatments and Resumption of Trade in Poultry (July 14, 2010)
- Bilateral Agreement on Pre-Notification Requirements Applied to Certain Imports of Meat Products from the United States (applied provisionally as of December 14, 2011)
- Agreement between the Government of the United States of America and the Government of the Russian Federation on Trade in Parts and Components of Motor Vehicles between the United States of America and the Russian Federation (July 12, 2013)

Rwanda

- Treaty Between the Government of the United States and the Government of the Republic of Rwanda Concerning the Encouragement and Reciprocal Protection of Investment (January 1, 2012)

Senegal

- Treaty Between the United States of America and the Republic of Senegal Concerning the Reciprocal Encouragement and Protection of Investment (October 25, 1990)

Singapore

- Agreement on Intellectual Property Rights Protection (April 27, 1987)
- Agreement to Implement Phase I and Phase II of the Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (October 8, 2003)
- United States–Singapore Free Trade Agreement (January 1, 2004)

Slovakia

- Treaty Between the United States of America and the Czech and Slovak Federal Republic Concerning the Reciprocal Encouragement and Protection of Investment (December 19, 1992; amended May 1, 2004)

Sri Lanka

- Agreement on the Protection and Enforcement of Intellectual Property Rights (September 20, 1991)
- Treaty Between the United States of America and the Democratic Socialist Republic of Sri Lanka Concerning the Encouragement and Reciprocal Protection of Investment (May 1, 1993)

Suriname

- Agreement on Bilateral Trade Relations (1993)

Switzerland

- Exchange of Letters on Financial Services (November 9 and 27, 1995)
- Agreement on Mutual Recognition Between the Swiss Confederation and the United States of America Relating to Pharmaceutical Good Manufacturing Practice (July 27, 2023)

Taiwan

- Agreement on Customs Valuation (August 22, 1986)
- Agreement on Export Performance Requirements (August 1986)
- Agreement Concerning Beer, Wine, and Cigarettes (1987)
- Agreement on Turkeys and Turkey Parts (March 16, 1989)
- Agreement on Beef (June 18, 1990)
- Agreement on Intellectual Property Protection (June 5, 1992)
- Agreement on Intellectual Property Protection (Trademark) (April 1993)
- Agreement on Intellectual Property Protection (Copyright) (July 16, 1993)
- Agreement on Market Access (April 27, 1994)
- Telecommunications Liberalization by Taiwan (July 19, 1996)
- United States–Taiwan Medical Device Issue: List of Principles (September 30, 1996)
- Agreement on Market Access (February 20, 1998)
- Agreement to Implement Phase I of the Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (March 16, 1999)
- Understanding on Government Procurement (August 23, 2001)

- Protocol of Bovine Spongiform Encephalopathy (BSE)-Related Measures for the Importation of Beef and Beef Products for Human Consumption from the Territory of the Authorities Represented by the American Institute in Taiwan (November 2, 2009)

Tajikistan

- Agreement on Bilateral Trade Relations (November 24, 1993)

Thailand

- Agreement on Cigarette Imports (November 23, 1990)
- Agreement on Intellectual Property Protection and Enforcement (December 19, 1991)

Trinidad and Tobago

- Agreement on Intellectual Property Protection and Enforcement (September 26, 1994)
- Treaty Between the United States of America and the Government of the Republic of Trinidad and Tobago Concerning the Encouragement and Reciprocal Protection of Investment (December 26, 1996)

Tunisia

- Treaty Between the United States of America and the Republic of Tunisia Concerning Reciprocal Encouragement and Protection of Investment (February 7, 1993)

Turkey

- Treaty Between the United States of America and the Republic of Turkey Concerning the Reciprocal Encouragement and Protection of Investments (May 18, 1990)
- WTO Settlement Concerning Taxation of Foreign Film Revenues (July 14, 1997)

Turkmenistan

- Agreement on Bilateral Trade Relations (October 25, 1993)

Ukraine

- Agreement on Bilateral Trade Relations (June 23, 1992)
- Treaty Between the United States of America and Ukraine Concerning the Encouragement and Reciprocal Protection of Investment (November 16, 1996)
- Agreement between the Government of the United States of America and the Government of the Republic of Ukraine on Sanitary and Phyto-sanitary Measures (February 21, 2007)
- Agreement between the United States and the Ukraine on Export Duties on Ferrous and Non-Ferrous Scrap Metal (February 22, 2007)

United Kingdom

- Agreement on Trade in Wine (December 31, 2020)
- Agreement on Mutual Recognition of Certain Distilled Spirits/Spirits Drinks (December 31, 2020)

- Agreement on Mutual Recognition (including sectoral annexes on Telecommunications Equipment, Electromagnetic Compatibility, and Pharmaceutical Good Manufacturing Practices) (December 31, 2020)
- Agreement on the Mutual Recognition of Certificates of Conformity for Marine Equipment (December 31, 2020)
- Bilateral Agreement on Prudential Measures Regarding Insurance and Reinsurance (December 31, 2020)
- Memorandum of Understanding in the form of an Exchange of Letters between the Government of the United States and the Government of the United Kingdom with respect to the Obligations of the United Kingdom concerning Tariff Rate Quotas (TRQs) under Article XXVII of the GATT 1994 (May 9, 2022)

Uruguay

- Treaty Between the United States of America and the Oriental Republic of Uruguay Concerning the Encouragement and Reciprocal Protection of Investment (November 1, 2006)

Uzbekistan

- Agreement on Bilateral Trade Relations (January 13, 1994)

Vietnam

- Agreement between the United States and Vietnam on Trade Relations (December 10, 2001)
- Copyright Agreement (June 27, 1997)
- Exchange of Letters on Equivalence of Food Safety Inspection Systems (May 31, 2006)
- Exchange of Letters on Beef (May 31, 2006)
- Exchange of Letters on Biotechnology (May 31, 2006)
- Exchange of Letters on Energy Services (May 31, 2006)
- Exchange of Letters on Elimination of Prohibited Subsidies to Textile and Garment Sector (May 31, 2006)
- Bilateral Agreement on Export Duties on Ferrous and Nonferrous Scrap Metals (May 31, 2006)
- Exchange of Letters on Shelf Life (May 31, 2006)
- Acceptance of U.S. Certificates for Exports of Poultry Meat and Meat Products (May 31, 2006)
- Agreement to Implement Phase I of the Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (June 19, 2008)
- Agreement between the Government of the Socialist Republic of Viet Nam and the Government of the United States of America on Illegal Logging and Timber Trade (October 1, 2021)

II. AGREEMENTS THAT HAVE BEEN NEGOTIATED, BUT HAVE NOT YET ENTERED INTO FORCE

Following is a list of trade agreements concluded by the United States since 1984 that have not yet entered into force.

Multilateral and Plurilateral Agreements

- OECD Agreement on Shipbuilding (December 21, 1994; interested parties evaluating implementing legislation)
- Anti-Counterfeiting Trade Agreement (signed by the United States on October 1, 2011)
- The Dominican Republic–Central America–United States Free Trade Agreement Decision Regarding the Specific Rules of Origin of Annex 4.1 (signed by the United States on July 6, 2017)
- WTO Agreement on Fisheries Subsidies (signed June 17, 2022)
- WTO JSI on Services Domestic Regulation (signed December 2, 2021)

Bilateral Agreements

Belarus

- Treaty Between the United States of America and the Republic of Belarus Concerning the Encouragement and Reciprocal Protection of Investment (signed January 15, 1994)

El Salvador

- Treaty Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Encouragement and Reciprocal Protection of Investment In (signed March 10, 1999)

Estonia

- Trade and Intellectual Property Rights Agreement (April 19, 1994; requires approval by Estonian legislature)

Israel

- Decision of the Joint Committee of the Agreement on the Establishment of a Free Trade Area Between the Government of Israel and the Government of the United States of America on Annex III (Rules of Origin) (2020)

Kazakhstan

- Exchange of Letters on Sanitary and Phyto-sanitary Measures of Kazakhstan (signed July 2, 2015)

Lithuania

- Trade and Intellectual Property Rights Agreement (April 26, 1994; requires approval by Lithuanian legislature)

Nicaragua

- Treaty Between the Government of the United States of America and the Government of the Republic of Nicaragua Concerning the Encouragement and Reciprocal Protection of Investment (signed July 1, 1995)

Russia

- Treaty Between the United States of America and the Russian Federation Concerning the Encouragement and Reciprocal Protection of Investment (signed June 17, 1992)

Taiwan

- Agreement Between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States Regarding Trade Between the United States of America and Taiwan (signed June 1, 2023)

Uzbekistan

- Treaty Between the Government of the United States of America and the Government of the Republic of Uzbekistan Concerning the Encouragement and Reciprocal Protection of Investment (signed December 16, 1994)

III. OTHER TRADE-RELATED AGREEMENTS, UNDERSTANDINGS AND DECLARATIONS

Following is a list of other trade-related agreements, understandings and declarations negotiated by the Office of the United States Trade Representative from January 1993. These documents provide the framework for negotiations leading to future trade agreements or establish mechanisms for structured dialogue in order to develop specific steps and strategies for addressing and resolving trade, investment, intellectual property, and other issues among the signatories.

Multilateral Agreements and Declarations

- Second Ministerial of the World Trade Organization, Ministerial Declaration on Global Electronic Commerce (May 20, 1998)
- WTO Guidelines for the Negotiation of Mutual Recognition Agreements on Accountancy (May 29, 1997)
- Asia Pacific Economic Cooperation
 - 1st Joint Ministerial Statement (November 6-7, 1989)
 - 2nd Joint Ministerial Statement (July 29-31, 1990)
 - 3rd Joint Ministerial Statement (November 12-14, 1991)
 - 4th Joint Ministerial Statement (September 10-11, 1992)
 - 5th Joint Ministerial Statement (November 17-19, 1993)
 - Leaders' Economic Vision Statement (November 20, 1993)
 - Ministers Responsible for Trade Statement (October 6, 1994)
 - 6th Joint Ministerial Statement (November 11-12, 1994)
 - Leaders' Declaration of Common Resolve (November 15, 1994)
 - 7th Joint Ministerial Statement (November 16-17, 1995)
 - Leaders' Declaration for Action (November 19, 1995)
 - Ministers Responsible for Trade Statement (July 15-16, 1996)
 - 8th Joint Ministerial Statement (November 22-23, 1996)
 - Leaders' Declaration: From Vision to Action (November 25, 1996)
 - Ministers Responsible for Trade Statement (May 8-10, 1997)
 - 9th Joint Ministerial Statement (November 21-22, 1997)

- Leaders' Declaration on Connecting the APEC Community (November 25, 1997)
- Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Agreement (June 5, 1998)
- Ministers Responsible for Trade Statement (June 22-23, 1998)
- 10th Joint Ministerial Statement (November 14-15, 1998)
- Leaders' Declaration on Strengthening the Foundations for Growth (November 18, 1998)
- Ministers Responsible for Trade Statement (June 29-30, 1999)
- 11th Joint Ministerial Statement (September 9-10, 1999)
- Leaders' Declaration: The Auckland Challenge (September 13, 1999)
- Ministers Responsible for Trade Statement (June 6-7, 2000)
- 12th Joint Ministerial Statement (November 12-13, 2000)
- Leaders' Declaration: Delivering to the Community (November 16, 2000)
- Ministers Responsible for Trade Statement (June 6-7, 2001)
- 13th Joint Ministerial Statement (October 17-18, 2001)
- Leaders' Declaration: Meeting New Challenges in the New Century (October 21, 2001)
- Ministers Responsible for Trade Statement (May 29-30, 2002)
- 14th Joint Ministerial Statement (October 23-24, 2002)
- Leaders' Declaration: Expanding the Benefits of Cooperation for Economic Growth and Development-Implementing the Vision (October 27, 2002)
- Ministers Responsible for Trade Statement (June 2-3, 2003)
- 15th Joint Ministerial Statement (October 17-18, 2003)
- Declaration: A World of Differences-Partnership for the Future (October 21, 2003)
- Ministers Responsible for Trade Statement (June 4-5, 2004)
- 16th Joint Ministerial Statement (November 17-18, 2004)
- Leaders' Declaration: One Community, Our Future (November 20-21, 2004)
- Ministers Responsible for Trade Statement (June 2-3, 2005)
- 17th Joint Ministerial Statement (November 15-16, 2005)

- Leaders' Declaration: Towards One Community: Meet the Challenge, Make the Change (November 18-19, 2005)
- Ministers Responsible for Trade Statement (June 1-2, 2006)
- 18th Joint Ministerial Statement (November 15-16, 2006)
- Leaders' Declaration: Towards a Dynamic Community for Sustainable Development and Prosperity (November 18-19, 2006)
- Ministers Responsible for Trade Statement (July 5-6, 2007)
- 19th Joint Ministerial Statement (September 5-6, 2007)
- Leaders' Declaration: Strengthening our Community, Building a Sustainable Future (September 9, 2007)
- Ministers Responsible for Trade Statement (May 31-June 1, 2008)
- 20th Joint Ministerial Statement (November 19-20, 2008)
- Leaders' Declaration: A New Commitment to Asia-Pacific Development (November 22-23, 2008)
- Ministers Responsible for Trade Statement (July 21-22, 2009)
- 21st Joint Ministerial Statement (November 11-12, 2009)
- Leaders' Declaration: Sustaining Growth, Connecting The Region (November 14-15, 2009)
- Ministers Responsible for Trade Statement (June 5-6, 2010)
- 22nd Joint Ministerial Statement (November 10-11, 2010)
- Leaders' Declaration: The Yokohama Vision-Bogor and Beyond (November 13-14, 2010)
- Ministers' Responsible for Trade Statement (May 19-20, 2011)
- 23rd Joint Ministerial Statement (November 11, 2011)
- Leaders' Declaration: Toward a Seamless Regional Economy (November 12-13, 2011)
- Ministers' Responsible for Trade Statement (June 4-5, 2012)
- 24th Joint Ministerial Statement (September 5-6, 2012)
- Leaders' Declaration: Integrate to Grow, Innovate to Prosper (September 8-9, 2012)
- Ministers' Responsible for Trade Statement (April 20-21, 2013)
- 25th Joint Ministerial Statement (October 5, 2013)

- Leaders' Declaration: Resilient Asia-Pacific, Engine of Global Growth (October 8, 2013)
- Cooperation Agreement Among the Partner States of the East African Community and the United States of America on Trade Facilitation, Sanitary and Phyto-sanitary Measures, and Technical Barriers to Trade (February 26, 2015)
- Organization of American States (OAS), Inter-American Telecommunications Commission (CITEL) Mutual Recognition Agreement for Conformity Assessment of Telecommunications Equipment (October 29, 1999)
- United States–Association of Southeast Asian Nations Trade and Investment Framework Arrangement (August 25, 2006)
- World Wine Trade Group Memorandum of Understanding on Certification Requirements (October 20, 2011)
- Understanding Between the United States, Mexico, and Canada regarding Article 23.6 of the Agreement Between the United States of America, the United Mexican States, and Canada, done at Mexico City, on November 30, 2018 (December 10, 2019)
- Memorandum of Understanding on Cooperation for Trade and Investment Between the African Continental Free Trade Area Secretariat and the Government of the United States of America (December 14, 2022)

Bilateral Agreements and Declarations

Afghanistan

- Agreement Between the Government of the United States of America and the Government of the Transitional Islamic State of Afghanistan Concerning the Development of Trade and Investment Relations (September 21, 2004)
- Memorandum of Understanding on Joint Efforts to Enable the Economic Empowerment of Women and to Promote Women's Entrepreneurship (June 16, 2013)

Algeria

- Agreement Between the Government of the United States of America and the Government of the People's Democratic Republic of Algeria Concerning the Development of Trade and Investment Relations (July 13, 2001)

Angola

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of Angola (May 19, 2009)

Argentina

- Bilateral Council on Trade and Investment (February 2002)
- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Argentine Republic (March 23, 2016)

Armenia

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of Armenia (November 13, 2015)

Association of Southeast Asian Nations (ASEAN)

- Trade and Investment Framework Agreement Between the United States of America and the Association of Southeast Asian Nations (August 25, 2006)

Bangladesh

- Agreement Between the Government of the United States of America and the Government of the People's Republic of Bangladesh on a Trade and Investment Cooperation Forum (signed November 25, 2013)

Bolivia

- Agreement between the Government of the United States of America and the Government of the Republic of Bolivia concerning a United States–Bolivia Council on Trade and Investment (May 8, 1990)

Brazil

- Agreement on Trade and Economic Cooperation Between the Government of the United States of America and the Government of the Federative Republic of Brazil (March 19, 2011)

Brunei Darussalam

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of Brunei Darussalam (December 16, 2002)

Burma

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of the Union of Myanmar (May 13, 2013)

Cambodia

- Trade and Investment Framework Agreement Between the United States of America and the Royal Government of Cambodia (July 14, 2006)

Canada

- The Canada–United States Organic Equivalency Arrangement (June 17, 2009)

Caribbean Community (CARICOM)

- United States–CARICOM Trade and Investment Framework Agreement (2013)

Central Asian Economies

- Framework Agreement Between the Government of the United States of America, the Government of the Republic of Kazakhstan, the Government of the Kyrgyz Republic, the Government of the Republic

of Tajikistan, the Government Turkmenistan, and the Government of the Republic of Uzbekistan Concerning the Development of Trade and Investment Relations (June 1, 2004)

China

- United States-China Joint Commission on Commerce and Trade Agreements (April 21, 2004)
- United States–China Joint Commission on Commerce and Trade Agreements (July 11, 2005)
- Memorandum of Understanding on Combating Illegal Logging and Associated Trade (May 5, 2008)

Common Market for Eastern and Southern Africa (COMESA)

- Agreement Between the Government of the United States of America and the Common Market for Eastern and Southern Africa Concerning the Development of Trade and Investment Relations (October 29, 2001)

East African Community

- Trade and Investment Framework Agreement Between the East African Community and the Government of the United States of America (July 16, 2008)
- Cooperation Agreement Among the Partner States of the East African Community and the United States of America on Trade Facilitation, Sanitary and Phyto-sanitary Measures, and Technical Barriers to Trade (February 26, 2015)

Economic Community of West African States (ECOWAS)

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Economic Community of West African States (March 9, 2015)

Egypt

- Agreement Between the Government of the United States of America and the Arab Republic of Egypt Concerning the Development of Trade and Investment Relations (July 1, 1999)

European Union

- United States–EU Transatlantic Economic Partnership (May 18, 1998)
- United States–EU Joint Action Plan for the Transatlantic Economic Partnership (November 9, 1998)
- Decision to Establish the United States–EU High Level Working Group on Jobs and Growth, Joint Statement of the United States-EU Summit (November 28, 2010)
- United States–EU Organic Equivalency Arrangement (February 15, 2012)

Fiji

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of Fiji (October 15, 2020)

Georgia

- Trade and Investment Framework Agreement Between the United States of America and Georgia (June 20, 2007)
- United States–Georgia Trade Principles for Information and Communication Technology Services (October 30, 2015)

Ghana

- Agreement Between the Government of the United States of America and the Government of the Republic of Ghana Concerning the Development of Trade and Investment Relations (February 26, 1999)

Gulf Cooperation Council (GCC)

- Framework Agreement for Trade, Economic, Investment and Technical Cooperation Between the Cooperation Council for the Arab States of the Gulf and the Government of the United States of America (signed September 25, 2012)

Iceland

- Agreement Between the Government of the United States of America and the Government of Iceland on Trade and Investment Cooperation (January 15, 2009)

India

- United States–India Trade Policy Forum, Framework for Cooperation on Trade and Investment (March 17, 2010)

Indonesia

- Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Indonesia Concerning the Establishment of the Council on Trade and Investment (July 16, 1996)
- Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Indonesia on Combating Illegal Logging and Associated Trade (November 16, 2006)
- Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Indonesia to resolve certain outstanding issues in order to enhance the Parties' bilateral trade relationship (October 3, 2014)

Israel

- Understanding regarding Israel's intellectual property regime for pharmaceutical products (February 18, 2010)

Iraq

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of Iraq Concerning the Development of Trade and Investment Relations (July 11, 2005)

Japan

- United States–Japan Joint Statement on the Bilateral Steel Dialogue (September 24, 1999)
- Exchange of Letters between the United States and Japan—Letters Regarding Electro-Magnetic Compatibility (EMC) Testing of Unintentional Radiators and Industrial Scientific and Medical (ISM) Equipment (February 26, 2007)
- Requirements for Beef and Beef Products to be Exported to Japan from the United States of America (January 25, 2013)
- United States–Japan Organic Equivalency Arrangement (September 26, 2013)
- United States–Japan Organic Equivalency Arrangement Appendix 1, for organic livestock products and organic processed food products containing livestock ingredients (July 16, 2020)

Korea

- United States–Korea Organic Equivalency Arrangement (June 30, 2014)

Kuwait

- Agreement Between the Government of the United States of America and the Government of the State of Kuwait Concerning the Development of Trade and Investment Relations (February 6, 2004)

Laos

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Lao People's Democratic Republic (February 17, 2016)

Lebanon

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of Lebanon Concerning the Development of Trade and Investment Relations (November 30, 2006)

Liberia

- Trade and Investment Framework Agreement Between the United States of America and the Republic of Liberia (February 15, 2007)

Libya

- Trade and Investment Framework Agreement Between the Government of the State of Libya and the Government of the United States of America (November 5, 2019)

Malaysia

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of Malaysia (May 10, 2004)
- Agreement to Implement Phase I of the Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (June 28, 2016)

Maldives

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Maldives (October 17, 2009)

Mauritius

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of Mauritius (September 18, 2006)
- United States–Mauritius Trade Principles for Information and Communication Technology Services (June 18, 2012)

Mongolia

- Agreement Between the Government of the United States of America and the Government of Mongolia Concerning the Development of Trade and Investment Relations (July 15, 2004)

Morocco

- Kingdom of Morocco–United States Trade Principles for Information and Communication Technology Services (December 5, 2012)
- Statement of Principles for International Investment (December 5, 2012)

Mozambique

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of Mozambique Concerning the Development of Trade and Investment Relations (June 21, 2005)

Nepal

- Trade and Investment Framework Agreement Between the Government of United States of America and the Government of Nepal (April 15, 2011)

New Zealand

- Agreement Between the Government of the United States of America and the Government of New Zealand Concerning a Framework of Principles and Procedures for Consultations Regarding Trade and Investment Relations (October 2, 1992)

Nigeria

- Agreement Between the Government of the United States of America and the Government of the Federal Public of Nigeria Concerning the Development of Trade and Investment Relations (February 16, 2000)

Oman

- Agreement Between the Government of the United States of America and the Government of the Sultanate of Oman Concerning the Development of Trade and Investment Relations (July 7, 2004)

Pakistan

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Islamic Republic of Pakistan Concerning the Development of Trade and Investment Relations (June 25, 2003)

Paraguay

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of Paraguay (January 13, 2017)

Philippines

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of the Philippines (November 9, 1989)
- Protocol to the 1989 Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of the Philippines Concerning Customs Administration and Trade Facilitation (November 13, 2011)

Qatar

- Agreement Between the Government of the United States of America and the Government of the State of Qatar Concerning the Development of Trade and Investment Relations (March 19, 2004)

Rwanda

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of Rwanda Concerning the Development of Trade and Investment Relations (June 7, 2006)

Saudi Arabia

- Agreement Between the Government of the United States of America and the Government of the Kingdom of Saudi Arabia Concerning the Development of Trade and Investment Relations (July 31, 2003)

South Africa

- Agreement Concerning the Development of Trade and Investment Between the Government of the Republic of South Africa and the Government of the United States of America (June 18, 2012)

Southern Africa Customs Union

- Cooperative Agreement Between the United States Of America and the Southern African Customs Union to Foster Trade, Investment and Development (July 16, 2008)

Sri Lanka

- Trade and Investment Framework Agreement Between the United States of America and the Democratic Socialist Republic of Sri Lanka (July 25, 2002)

Switzerland

- Agreement between the Government of the United States of America and the Government of the Swiss Confederation Establishing a Trade and Investment Cooperation Forum (May 25, 2006)
- United States–Switzerland Organic Equivalency Arrangement (July 10, 2015)

Taiwan

- Agreement Between the American Institute in Taiwan and the Coordination Council for North American Affairs Concerning a Framework of Principles and Procedures for Consultations Regarding Trade and Investment (September 19, 1994)
- United States–Taiwan Organic Equivalency Arrangement (May 30, 2020)

Thailand

- Trade and Investment Framework Agreement Between the United States of America and the Kingdom of Thailand (October 23, 2002)

Tunisia

- Agreement Between the Government of the United States of America and the Government of Tunisia Concerning the Development of Trade and Investment Relations (October 2, 2002)

Turkey

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Republic of Turkey (September 29, 1999)

Ukraine

- Trade and Investment Cooperation Agreement Between the Government of Ukraine and the Government of the United States of America (March 28, 2008)

United Arab Emirates (UAE)

- Agreement Between the Government of the United States of America and the Government of the United Arab Emirates Concerning the Development of Trade and Investment Relations (March 15, 2004)

United Kingdom

- United States–United Kingdom Organic Equivalency Arrangement (January 1, 2021)

Uruguay

- United States–Uruguay Bilateral and Commercial Trade Review (May 20, 1999)
- Joint Commission on Trade and Investment (January 25, 2007)
- Trade and Investment Framework Agreement Between the United States of America and the Oriental Republic of Uruguay (January 25, 2007)
 - i. Protocol to the 2007 Trade and Investment Framework Agreement Between the United States of America and the Oriental Republic of Uruguay Concerning Trade and Environment Public Participation (October 2, 2008)
 - ii. Protocol to the 2007 Trade and Investment Framework Agreement Between the United States of America and the Oriental Republic of Uruguay Concerning Trade Facilitation (October 2, 2008)

Vietnam

- Trade and Investment Framework Agreement Between the Government of the United States of America and the Government of the Socialist Republic of Vietnam (June 21, 2007)

West African Economic and Monetary Union

- Agreement Between the Government of the United States of America and the West African Economic and Monetary Union Concerning the Development of Trade and Investment Framework Relations (April 24, 2002)

Yemen

- Agreement Between the Government of the United States of America and the Government of the Republic of Yemen Concerning the Development of Trade and Investment Relations (February 6, 2004)

ANNEX III: BACKGROUND INFORMATION ON THE WTO

MEMBERSHIP OF THE WORLD TRADE ORGANIZATION
As of December 31, 2023 (164 Members)

Government	Entry into Force	Government	Entry into Force
Afghanistan	July 29, 2016	Latvia	February 10, 1999
Albania	September 8, 2000	Lesotho	May 31, 1995
Angola	November 23, 1996	Liberia	July 14, 2016
Antigua and Barbuda	January 1, 1995	Luxembourg	January 1, 1995
Argentina	January 1, 1995	Macao, China	January 1, 1995
Armenia	February 5, 2003	Republic of Macedonia	April 4, 2003
Australia	January 1, 1995	Madagascar	November 17, 1995
Austria	January 1, 1995	Malawi	May 31, 1995
Bahrain	January 1, 1995	Malaysia	January 1, 1995
Bangladesh	January 1, 1995	Maldives	May 31, 1995
Barbados	January 1, 1995	Mali	May 31, 1995
Belgium	January 1, 1995	Malta	January 1, 1995
Belize	January 1, 1995	Mauritania	May 31, 1995
Benin	February 22, 1996	Mauritius	January 1, 1995
Bolivia	September 12, 1995	Mexico	January 1, 1995
Botswana	May 31, 1995	Moldova	July 26, 2001
Brazil	January 1, 1995	Mongolia	January 29, 1997
Brunei Darussalam	January 1, 1995	Montenegro	April 29, 2012
Bulgaria	December 1, 1996	Morocco	January 1, 1995
Burkina Faso	June 3, 1995	Mozambique	August 26, 1995
Burundi	July 23, 1995	Myanmar	January 1, 1995

Cambodia	October 12, 2004	Namibia	January 1, 1995
Cameroon	December 13, 1995	Nepal	April 23, 2004
Canada	January 1, 1995	The Netherlands	January 1, 1995
Cape Verde	July 23, 2008	New Zealand	January 1, 1995
Central African Republic	May 31, 1995	Nicaragua	September 3, 1995
Chad	October 19, 1996	Niger	December 13, 1996
Chile	January 1, 1995	Nigeria	January 1, 1995
China	December 11, 2001	Norway	January 1, 1995
Colombia	April 30, 1995	Oman	November 9, 2000
Democratic Republic of the Congo	January 1, 1997	Pakistan	January 1, 1995
Republic of the Congo	March 27, 1997	Panama	September 6, 1997
Costa Rica	January 1, 1995	Papua New Guinea	June 9, 1996
Côte d'Ivoire	January 1, 1995	Paraguay	January 1, 1995
Croatia	November 30, 2000	Peru	January 1, 1995
Cuba	April 20, 1995	Philippines	January 1, 1995
Cyprus	July 30, 1995	Poland	July 1, 1995
Czech Republic	January 1, 1995	Portugal	January 1, 1995
Denmark	January 1, 1995	Qatar	January 13, 1996
Djibouti	May 31, 1995	Romania	January 1, 1995
Dominica	January 1, 1995	Russia	August 22, 2012
Dominican Republic	March 9, 1995	Rwanda	May 22, 1996
Ecuador	January 21, 1996	Saint Kitts and Nevis	February 21, 1996
Egypt	June 30, 1995	Saint Lucia	January 1, 1995

El Salvador	May 7, 1995	Saint Vincent and the Grenadines	January 1, 1995
Estonia	November 13, 1999	Samoa	May 10, 2012
Eswatini	January 1, 1995	Saudi Arabia	December 11, 2005
European Union	January 1, 1995	Senegal	January 1, 1995
Fiji	January 14, 1996	Seychelles	April 26, 2015
Finland	January 1, 1995	Sierra Leone	July 23, 1995
France	January 1, 1995	Singapore	January 1, 1995
Gabon	January 1, 1995	Slovak Republic	January 1, 1995
The Gambia	October 23, 1996	Slovenia	July 30, 1995
Georgia	June 14, 2000	Solomon Islands	July 26, 1996
Germany	January 1, 1995	South Africa	January 1, 1995
Ghana	January 1, 1995	Spain	January 1, 1995
Greece	January 1, 1995	Sri Lanka	January 1, 1995
Grenada	February 22, 1996	Suriname	January 1, 1995
Guatemala	July 21, 1995	Sweden	January 1, 1995
Guinea	October 25, 1995	Switzerland	July 1, 1995
Guinea Bissau	May 31, 1995	Taiwan (referred to in the WTO as Chinese Taipei)	January 1, 2002
Guyana	January 1, 1995	Tajikistan	March 2, 2013
Haiti	January 30, 1996	Tanzania	January 1, 1995
Honduras	January 1, 1995	Thailand	January 1, 1995
Hong Kong, China	January 1, 1995	Togo	May 31, 1995
Hungary	January 1, 1995	Tonga	July 27, 2007
Iceland	January 1, 1995	Trinidad and Tobago	March 1, 1995
India	January 1, 1995	Tunisia	March 29, 1995

Indonesia	January 1, 1995	Turkey	March 26, 1995
Ireland	January 1, 1995	Uganda	January 1, 1995
Israel	April 21, 1995	Ukraine	May 16, 2008
Italy	January 1, 1995	United Arab Emirates	April 10, 1996
Jamaica	March 9, 1995	United Kingdom	January 1, 1995
Japan	January 1, 1995	United States of America	January 1, 1995
Jordan	April 11, 2000	Uruguay	January 1, 1995
Kazakhstan	November 30, 2015	Vanuatu	August 24, 2012
Kenya	January 1, 1995	Venezuela	January 1, 1995
Republic of Korea	January 1, 1995	Vietnam	January 11, 2007
Kuwait	January 1, 1995	Yemen	June 26, 2014
Kyrgyz Republic	December 20, 1998	Zambia	January 1, 1995
Laos	February 2, 2013	Zimbabwe	March 5, 1995

2024 Budget for the WTO Secretariat
(in thousand Swiss francs)

Part	Section	Budget Line	2024 Budget
A Staffing Resources	1. Staff Expenditure	i) Staff Remuneration	91,770
		ii) Staff Pension & Post-Employment Benefits	23,480
		iii) Staff Health & Invalidation Insurance	7,394
		iv) Staff Family & International Benefits	11,121
		v) Other Staff Expenditure	2,200
	2. Temporary Assistance	i) Short-Term Staff	9,571
		ii) Consulting	8,454
	iii) Panelists	1,000	
A Staffing Resources Total			154,990
B Other Resources	3. General Services	i) Telecommunication & Post	541
		ii) Contractual Services & Maintenance	12,613
		iii) Energy & Supplies	2,516
		iv) Documentation & Publication	1,558
		v) Other / Miscellaneous	48
	4. Travel & Hospitality	i) Travel	7,393
		ii) Hospitality	214
	5. Implementing Partners	i) Implementing Partners	213
	6. Capital Expenditure	i) Procurement of Fixed Assets	2,555
		ii) Rental & Leasing of Equipment	540
	7. Financial Expenditure	i) Bank & Interest Charges	380
		ii) Building Loan Reimbursement	1,200
	B Other Resources Total		
C Operating Funds and ITC	8. Contributions to ITC & Special Reserves	i) Contribution to ITC	18,968
		ii) Appellate Body Operating Fund	0
		iii) Ministerial Conference Operating Fund	600
		iv) Building Renovation Fund	600
C Operating Funds and ITC Total			20,168
Grand Total			204,929

Scale of Contributions for 2024

(in Swiss francs and with a minimum contribution of 0.015 percent)

Member	2024 CHF	Contribution	2024 Contribution %
Afghanistan		36,558	0.018%
Albania		46,713	0.023%
Angola		233,565	0.115%
Antigua and Barbuda		30,465	0.015%
Argentina		635,703	0.313%
Armenia		46,713	0.023%
Australia		2,626,083	1.293%
Austria		2,018,814	0.994%
Bahrain, Kingdom of		213,255	0.105%
Bangladesh		450,882	0.222%
Barbados		30,465	0.015%
Belgium		3,781,722	1.862%
Belize		30,465	0.015%
Benin		34,527	0.017%
Bolivia, Plurinational State of		87,333	0.043%
Botswana		60,930	0.030%
Brazil		2,240,193	1.103%
Brunei Darussalam		60,930	0.030%
Bulgaria		363,549	0.179%
Burkina Faso		42,651	0.021%
Burundi		30,465	0.015%
Cabo Verde		30,465	0.015%
Cambodia		184,821	0.091%
Cameroon		64,992	0.032%
Canada		4,774,881	2.351%
Central African Republic		30,465	0.015%
Chad		30,465	0.015%
Chile		706,788	0.348%
China		22,704,549	11.179%
Colombia		469,161	0.231%
Congo		50,775	0.025%
Costa Rica		174,666	0.086%
Côte d'Ivoire		115,767	0.057%
Croatia		257,937	0.127%
Cuba		93,246	0.046%
Cyprus		168,573	0.083%
Czech Republic		1,519,188	0.748%
Democratic Republic of the Congo		138,108	0.068%
Denmark		1,632,924	0.804%
Djibouti		36,558	0.018%
Dominica		30,465	0.015%
Dominican Republic		178,728	0.088%
Ecuador		211,224	0.104%
Egypt		534,153	0.263%
El Salvador		83,271	0.041%

Member	2024 CHF	Contribution	2024 Contribution %
Estonia		194,976	0.096%
Eswatini		30,465	0.015%
European Union ¹⁷		0	0.000%
Fiji		30,465	0.015%
Finland		891,609	0.439%
France		7,463,925	3.675%
Gabon		46,713	0.023%
The Gambia		30,465	0.015%
Georgia		77,178	0.038%
Germany		14,529,774	7.154%
Ghana		194,976	0.096%
Greece		674,292	0.332%
Grenada		30,465	0.015%
Guatemala		150,294	0.074%
Guinea		48,744	0.024%
Guinea-Bissau		30,465	0.015%
Guyana		30,465	0.015%
Haiti		30,465	0.015%
Honduras		81,240	0.040%
Hong Kong, China		5,629,932	2.772%
Hungary		1,102,833	0.543%
Iceland		85,302	0.042%
India		4,864,245	2.395%
Indonesia		1,708,071	0.841%
Ireland		4,023,411	1.981%
Israel		958,632	0.472%
Italy		5,087,655	2.505%
Jamaica		50,775	0.025%
Japan		7,490,328	3.688%
Jordan		150,294	0.074%
Kazakhstan		463,068	0.228%
Kenya		125,922	0.062%
Korea, Republic of		5,524,475	2.725%
Kuwait, the State of		519,936	0.256%
Kyrgyz Republic		34,527	0.017%
Lao People's Democratic Republic		56,868	0.028%
Latvia		182,790	0.090%
Lesotho		30,465	0.015%
Liberia		30,465	0.015%
Liechtenstein		69,054	0.034%
Lithuania		349,332	0.172%
Luxembourg		1,129,236	0.556%
Macao, China		225,441	0.111%
Madagascar		34,527	0.017%
Malawi		30,465	0.015%
Malaysia		1,886,799	0.929%
Maldives		30,465	0.015%
Mali		42,651	0.021%

¹⁷ The European Union is not subject to contributions. However, its 27 members are assessed individually. The total share of members of the European Union represents 31.05% of the total assessed contributions for 2023.

Member	2024 CHF	Contribution	2024 Contribution %
Malta		176,697	0.087%
Mauritania		30,465	0.015%
Mauritius		46,713	0.023%
Mexico		3,155,246	2.046%
Moldova, Republic of		42,651	0.021%
Mongolia		69,054	0.034%
Montenegro		30,465	0.015%
Morocco		398,076	0.196%
Mozambique		62,961	0.031%
Myanmar		134,046	0.066%
Namibia		42,651	0.021%
Nepal		67,023	0.033%
Netherlands		6,005,667	2.957%
New Zealand		473,223	0.233%
Nicaragua		52,806	0.026%
Niger		30,465	0.015%
Nigeria		540,246	0.266%
North Macedonia		71,085	0.035%
Norway		1,230,786	0.606%
Oman		324,960	0.160%
Pakistan		394,014	0.194%
Panama		217,317	0.107%
Papua New Guinea		69,054	0.034%
Paraguay		117,798	0.058%
Peru		444,789	0.219%
Philippines		885,516	0.436%
Poland		2,648,424	1.304%
Portugal		844,896	0.416%
Qatar		645,858	0.318%
Romania		891,609	0.439%
Russian Federation		3,422,235	1.685%
Rwanda		30,465	0.015%
Saint Kitts and Nevis		30,465	0.015%
Saint Lucia		30,465	0.015%
Saint Vincent and the Grenadines		30,465	0.015%
Samoa		30,465	0.015%
Saudi Arabia, Kingdom of		1,890,861	0.931%
Senegal		48,744	0.024%
Seychelles		30,465	0.015%
Sierra Leone		30,465	0.015%
Singapore		5,177,019	2.549%
Slovak Republic		820,524	0.404%
Slovenia		363,529	0.179%
Solomon Islands		30,465	0.015%
South Africa		883,485	0.435%
Spain		3,832,497	1.887%
Sri Lanka		176,697	0.087%
Suriname		30,465	0.015%
Sweden		2,095,992	1.032%
Switzerland		3,907,644	1.924%
Chinese Taipei		3,178,515	1.565%

Member	2024 CHF	Contribution	2024 Contribution %
Tajikistan		30,465	0.015%
Tanzania		79,209	0.039%
Thailand		2,412,828	1.188%
Togo		30,465	0.015%
Tonga		30,465	0.015%
Trinidad and Tobago		77,178	0.038%
Tunisia		174,666	0.086%
Türkiye		2,071,620	1.020%
Uganda		62,961	0.031%
Ukraine		568,680	0.280%
United Arab Emirates		2,961,198	1.458%
United Kingdom		7,419,243	3.653%
United States of America		23,206,206	11.426%
Uruguay		127,953	0.063%
Vanuatu		30,465	0.015%
Venezuela, Bolivarian Republic of		296,526	0.146%
Viet Nam		2,323,464	1.144%
Yemen		38,589	0.019%
Zambia		75,147	0.037%
Zimbabwe		46,713	0.023%
TOTAL		203,100,000	100.000%

**WTO Professional Staff Members by Nationality
(Excluding Linguistic Staff)**

(as per information available on January 1, 2023)

	Member	Total Number	%
1	France	165	24.89%
2	United Kingdom	49	7.39%
3	Spain	46	6.94%
4	United States of America	28	4.22%
5	Italy	26	3.92%
6	Switzerland	23	3.47%
7	Germany	23	3.47%
8	China	15	2.26%
9	Brazil	15	2.26%
10	Canada	15	2.26%
11	Ireland	14	2.11%
12	Philippines	13	1.96%
13	India	13	1.96%
14	Argentina	8	1.21%
15	Peru	8	1.21%
16	Colombia	8	1.21%
17	Mexico	8	1.21%
18	Australia	8	1.21%
19	Russian Federation	6	0.90%
20	Finland	6	0.90%
21	Greece	6	0.90%
22	Bulgaria	6	0.90%
23	Japan	6	0.90%
24	Belgium	5	0.75%
25	Hungary	5	0.75%
26	Korea, Republic of	4	0.60%
27	Egypt	4	0.60%
28	Poland	4	0.60%
29	Austria	4	0.60%
30	Congo, Democratic Republic of the	4	0.60%
31	Ecuador	4	0.60%
32	Sweden	4	0.60%
33	Tunisia	4	0.60%
34	Morocco	4	0.60%
35	Pakistan	4	0.60%
36	Türkiye	4	0.60%
37	Netherlands	4	0.60%
38	Portugal	4	0.60%
39	Kenya	3	0.45%
40	Romania	3	0.45%
41	Trinidad and Tobago	3	0.45%
42	Zimbabwe	3	0.45%
43	Chile	3	0.45%
44	Costa Rica	3	0.45%
45	Uganda	3	0.45%
46	Nigeria	3	0.45%
47	Benin	3	0.45%

	Member	Total Number	%
48	Mauritius	3	0.45%
49	Uruguay	3	0.45%
50	Venezuela	3	0.45%
51	Gambia	2	0.30%
52	Guatemala	2	0.30%
53	Honduras	2	0.30%
54	Sri Lanka	2	0.30%
55	Tanzania	2	0.30%
56	Denmark	2	0.30%
57	Malawi	2	0.30%
58	Bolivia	2	0.30%
59	Malaysia	2	0.30%
60	Nepal	2	0.30%
61	Armenia	1	0.15%
62	Botswana	1	0.15%
63	Cameroon	1	0.15%
64	Croatia	1	0.15%
65	Czechia	1	0.15%
66	Dominica	1	0.15%
67	El Salvador	1	0.15%
68	Estonia	1	0.15%
69	Ghana	1	0.15%
70	Jamaica	1	0.15%
71	Jordan	1	0.15%
72	Mauritania	1	0.15%
73	Paraguay	1	0.15%
74	Ukraine	1	0.15%
75	Vietnam	1	0.15%
76	Zambia	1	0.15%
77	Bangladesh	1	0.15%
78	Burkina Faso	1	0.15%
79	Burundi	1	0.15%
80	Cuba	1	0.15%
81	Guinea	1	0.15%
82	Lithuania	1	0.15%
83	New Zealand	1	0.15%
84	Norway	1	0.15%
85	Rwanda	1	0.15%
86	Saint Lucia	1	0.15%
87	Senegal	1	0.15%
88	Singapore	1	0.15%
89	South Africa	1	0.15%
90	Tajikistan	1	0.15%
	Grand Total	663	100.00%

WAIVERS CURRENTLY IN FORCE
(as of December 31, 2023)

WAIVER	DECISION	DATE of ADOPTION of DECISION	GRANTED UNTIL	REPORT in 2022 ¹⁸
Introduction of Harmonized System 2002 Changes into WTO Schedules of Tariff Concessions ¹⁹	WT/L/1160	20 December 2022	31 December 2023	-
Introduction of Harmonized System 2007 Changes into WTO Schedules of Tariff Concessions ²⁰	WT/L/1161	20 December 2022	31 December 2023	-
Introduction of Harmonized System 2012 Changes into WTO Schedules of Tariff Concessions ²¹	WT/L/1162	20 December 2022	31 December 2023	-
Introduction of Harmonized System 2017 Changes into WTO Schedules of Tariff Concessions ²²	WT/L/1163	20 December 2022	31 December 2023	-
Introduction of Harmonized System 2022 Changes into WTO Schedules of Tariff Concessions ²³	WT/L/1164 WT/L/1164/Add.1	20 December 2022	31 December 2023	-
Cuba – Article XV:6 – Extension of waiver	WT/L/1128	24 November 2021	31 December 2026	-
Preferential Tariff Treatment for Least- Developed Countries – Decision on Extension of waiver	WT/L/1069	16 October 2019	30 June 2029	-
United States – Caribbean Basin Economic Recovery Act	WT/L/1070	16 October 2019	30 September 2025	WT/L/1154
Kimberly Process Certification Scheme for Rough Diamonds - Extension of Waiver ²⁴	WT/L/1039	26 July 2018	31 December 2024	-
United States – Former Trust Territory of the Pacific Islands	WT/L/1000	7 December 2016	31 December 2026	WT/L/1155
United States – Trade Preferences granted to Nepal	WT/L/1001	7 December 2016	31 December 2025	WT/L/1156

¹⁸ Applicable if so stipulated in the corresponding waiver Decision.

¹⁹ The Member which has requested to be covered under this waiver is: China.

²⁰ The Members which have requested to be covered under this waiver are: Argentina; Brazil; China; Dominican Republic; European Union; and Malaysia.

²¹ The Members which have requested to be covered under this waiver are: Argentina; Australia; Brazil; China; Colombia; Costa Rica; Dominican Republic; Ecuador; European Union; Guatemala; India; Kazakhstan; Republic of Korea; Malaysia; Mexico; Philippines; Russian Federation; Singapore; Switzerland; Thailand; and United States.

²² The Members which have requested to be covered under this waiver are: Argentina; Australia; Brazil; Canada; China; Colombia; Costa Rica; Dominican Republic; Ecuador; El Salvador; European Union; Guatemala; Hong Kong, China; India; Kazakhstan; Republic of Korea; Macao, China; Montenegro; New Zealand; Norway; Pakistan; Paraguay; Philippines; Russian Federation; Switzerland; The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Thailand; United States; and Uruguay.

²³ The Members which have requested to be covered under this waiver are: Australia; Canada; China; Colombia; Costa Rica; Dominican Republic; Ecuador; El Salvador; European Union; Hong Kong, China; India; Republic of Korea; Macao, China; Norway; Paraguay; Philippines; Russian Federation; Switzerland; The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Thailand; and United States.

²⁴ Annex: Australia; Botswana; Brazil; Cambodia; Canada; European Union; Guyana; India; Japan; Kazakhstan; Republic of Korea; Malaysia; Mauritius; Montenegro; Namibia; Norway; Panama; Russian Federation; Sierra Leone; Singapore; South Africa; Sri Lanka; Switzerland; The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Thailand; Türkiye; Ukraine; and United States.

WAIVER	DECISION	DATE of ADOPTION of DECISION	GRANTED UNTIL	REPORT in 2022 ¹⁸
European Union – Application of Autonomous Preferential Treatment to the Western Balkans	WT/L/1114	28 July 2021	31 December 2026	WT/L/1147
Implementation of Preferential Treatment in favour of Services and Service Suppliers of LDCs and Increasing LDC Participation in Services Trade ²⁵	WT/L/982 WT/MIN(15)/48	19 December 2015	31 December 2030 ²⁶	-
United States – African Growth and Opportunity Act	WT/L/970	30 November 2015	30 September 2025	WT/L/1153
Least-Developed Country Members – Obligations under Article 70.8 and Article 70.9 of the TRIPS Agreement with respect to Pharmaceutical Products	WT/L/971	30 November 2015	1 January 2033	-
Canada - CARIBCAN	WT/L/958	28 July 2015	31 December 2023	WT/L/1146
Operationalization of the Waiver concerning Preferential Treatment to Services and Service Suppliers of Least-Developed Countries ²⁷	WT/MIN(13)/43 WT/L/918	7 December 2013	-	-
Preferential Treatment to Services and Service Suppliers of Least-developed countries ²⁸	WT/L/847	17 December 2011	15 years from the date of its adoption ²⁹	-
Preferential Tariff Treatment for Least-Developed Countries – Decision on Extension of waiver	WT/L/759	27 May 2009	30 June 2019	-
Implementation of Para. 6 of the Doha Declaration on the TRIPS Agreement and Public Health ³⁰	WT/L/540 and WT/L/540/Corr.1	30 August 2003	See WT/L/540 and WT/L/540/Corr.1	IP/C/94

²⁵ This Ministerial Decision was adopted in furtherance of the waiver on Preferential Treatment to Services and Service Suppliers of Least-Developed Countries adopted in 2011 ([WT/L/847](#)) and of the subsequently operationalized in the Decision on the Operationalization of the Waiver Concerning Preferential Treatment to Services and Service Suppliers of Least-Developed Countries ([WT/MIN\(13\)/43 - WT/L/918](#)).

²⁶ At the Nairobi Ministerial Conference ([WT/MIN\(15\)/48 - WT/L/982](#)), Ministers decided to extend the 2011 waiver on Preferential Treatment to Services and Service Suppliers of Least-Developed Countries ([WT/L/847](#)).

²⁷ This Ministerial Decision was adopted in furtherance of the waiver on Preferential Treatment to Services and Service Suppliers of Least-Developed Countries adopted in 2011 ([WT/L/847](#)). It does not represent a new waiver.

²⁸ Two decisions were subsequently adopted at the Bali and Nairobi Ministerial Conferences in furtherance of this waiver: in 2013 ([WT/MIN\(13\)/43 - WT/L/918](#)) and in 2015 ([WT/MIN\(15\)/48 - WT/L/982](#)).

²⁹ At the Nairobi Ministerial Conference, Ministers decided to extend the waiver until 31 December 2030 ([WT/MIN\(15\)/48 - WT/L/982](#)).

³⁰ Pursuant to the General Council Decision of 30 August 2003 ([WT/L/540](#) and [Corr.1](#)), a Protocol Amending the TRIPS Agreement was adopted by the General Council on 6 December 2005 ([WT/L/641](#)) and submitted to Members for acceptance. In accordance with Article X:3 of the WTO Agreement, the Protocol entered into force on 23 January 2017. Since then, the amended TRIPS Agreement applies to those Members who have accepted it. For each other Member, the Protocol will take effect upon acceptance by it. In the meantime, the 2003 Decision continues to apply to those Members. For the purposes of the 2003 Decision, the Annual Review of the Special Compulsory Licensing System is deemed to fulfil the review requirements of Article IX:4 of the WTO Agreement.

WT/DSB/44/Rev.62

27 November 2023

**INDICATIVE LIST OF GOVERNMENTAL AND
NON-GOVERNMENTAL PANELISTS**

Revision

1. To assist in the selection of panelists, the DSU provides in Article 8.4 that the Secretariat shall maintain an indicative list of governmental and non-governmental individuals.
2. The attached is a revised consolidated list of governmental and non-governmental panelists.³¹ The list is based on the previous Indicative List issued on 31 March 2023 (WT/DSB/44/Rev.61). It includes an additional name approved by the DSB at its meeting on 27 November 2023³². Any future modifications or additions to this list submitted by Members will be circulated in periodic revisions of this list.
3. For practical purposes, the proposals for the administration of the indicative list approved by the DSB on 31 May 1995 are reproduced as an Annex to this document.

³¹ Curricula Vitae containing more detailed information are available to WTO Members upon request from the Secretariat (Council & TNC Division).

³² See document WT/DSB/W/725. .

MEMBER	NAME	SECTORAL EXPERIENCE
ARGENTINA	BARDONESCHI, Mr. Rodrigo C.	Trade in Goods and Services; TRIPS
	BÉRAUD, Mr. Alan Claudio	Trade in Goods
	BERTONI, Mr. Ramiro	Trade in Goods
	CHIARADIA, Mr. Alfredo Vicente	Trade in Goods; TRIPS
	CIMA, Mr. Marcelo	Trade in Goods and Services
	CURI, Mr. Alfredo Esteban	Trade in Goods
	DUMONT, Mr. Alberto Juan	Trade in Goods
	FORADORI, Mr. Carlos M.	Trade in Goods
	LAVOPA, Mr. Federico	Trade in Goods and Services
	LUNAZZI, Mr. Gustavo Nerio	Trade in Goods
	MAKUC, Mr. Adrián Jorge	Trade in Goods
	MALVAREZ, Mr. Martín	Trade in Goods
	MÉNDEZ, Mr. Gustavo Héctor	Trade in Goods and Services
	MONNER SANS, Mr. Alejo	Trade in Goods
	NEGUELOAETCHEVERRY, Mr. Pedro	Trade in Goods
	NISCOVOLOS, Mr. Luis Pablo	Trade in Goods and Services
	RAITERI, Ms. María Valeria	Trade in Goods
	SERRA, Mr. Adrián	Trade in Goods and Services
	TABOADA, Mr. Gabriel Gaspar	Trade in Goods
	TEMPONE, Mr. Eduardo	Trade in Goods; TRIPS
	VICIEN-MILBURN, Ms. Rosa María	Trade in Goods and Services; TRIPS
AUSTRALIA	BENNETT, Ms. Annabelle	Trade in Goods and Services
	CHURCHE, Mr. Milton	Trade in Goods
	FARBENBLOOM, Mr. Simon	Trade in Goods and Services
	GALLAGHER, Mr. Peter	Trade in Goods; TRIPS
	GOSPER, Mr. Bruce	Trade in Goods
	HOLMES, Ms. Patricia Ann	Trade in Goods
	JENNINGS, Mr. Mark	Trade in Goods; TRIPS
	MITCHELL, Mr. Andrew	Trade in Goods and Services; TRIPS

MEMBER	NAME	SECTORAL EXPERIENCE
AUSTRALIA (cont'd)	MORETTA, Mr. Remo	Trade in Goods and Services
	MULGREW, Mr. Michael	Trade in Goods
	MYLER, Mr. Paul	Trade in Goods and Services
	O'CONNOR, Mr. Paul Richard	Trade in Goods
	RAPER, Ms. Cathy	Trade in Goods and Services
	SIN FAR LEE, Ms. Stephanie	Trade in Goods
	STOLER, Mr. Andrew	Trade in Goods and Services
	VOON, Ms. Tania Su Lien	Trade in Goods and Services; TRIPS
	WITBREUK, Ms. Trudy	Trade in Goods and Services
	YOUNG, Ms. Elizabeth	Trade in Goods
BOLIVIA, PLURINATIONAL STATE OF	ZELADA CASTEDO, Mr. Alberto	Trade in Goods
BRAZIL	AMARAL DE ANDRADE JUNQUEIRA, Ms. Carla	Trade in Goods
	BARRAL, Mr. Welber Oliveira	Trade in Goods
	BASSO, Ms. Maristela	Trade in Goods; TRIPS
	BENTES, Mr. Pablo M.	Trade in Goods and Services; TRIPS
	BERENHOLC, Mr. Mauro	Trade in Goods
	CAETANO DE MARINIS, Ms. Ana Teresa	Trade in Goods
	CASTAÑON PENHA VALLE, Ms. Marília	Trade in Goods
	CELLI JUNIOR, Mr. Umberto	Trade in Goods and Services
	DE CAMARGO VIDIGAL NETO, Mr. Geraldo	Trade in Goods
	DO AMARAL JÚNIOR, Mr. Alberto	Trade in Goods and Services; TRIPS
	KANAS GRITZ, Ms. Vera	Trade in Goods
	KANITZ, Mr. Roberto H.	Trade in Goods
	KRAMER, Ms. Cynthia	Trade in Goods; TRIPS
	MANZANO SAYEG, Ms. Fernanda	Trade in Goods and Services
	MEDRADO, Mr. René Guilherme S.	Trade in Goods
	NASSER, Mr. Rabih	Trade in Goods

MEMBER	NAME	SECTORAL EXPERIENCE
BRAZIL (cont'd)	PUPO, Mr. Rodrigo Luís	Trade in Goods
	SALDANHA-URES, Ms. Carolina	Trade in Goods
	SETTI DIAZ, Mr. José	Trade in Goods
	THORSTENSEN, Ms. Vera Helena	Trade in Goods
CAMEROON	NGANGJOH HODU, Mr. Yenkong	Trade in Goods and Services; TRIPS
CANADA	BERNIER, Mr. Ivan	Trade in Goods and Services
	BRADFORD, Mr. Meriel V. M.	Trade in Goods and Services
	BROWN, Ms. Catherine Anne	Trade in Goods and Services; TRIPS
	CLARK, Mr. Peter James	Trade in Goods and Services
	CLOSE, Ms. Patricia Margaret	Trade in Goods
	DE MESTRAL, Mr. Armand	Trade in Goods
	EYTON, Mr. Anthony T.	Trade in Goods
	GHERSON, Mr. Randolph	Trade in Goods
	GOODWIN, Ms. Kirsten M.	Trade in Goods and Services; TRIPS
	HALLIDAY, Mr. Anthony L.	Trade in Goods and Services
	HERMAN, Mr. Lawrence L.	Trade in Goods
	HINES, Mr. Wilfred Roy	Trade in Goods
	MacMILLAN, Ms. Kathleen E.	Trade in Goods
	McRAE, Mr. Donald Malcolm	Trade in Goods
	OSTRY, Ms. Sylvia	Trade in Goods
	RITCHIE, Mr. Gordon	Trade in Goods
	THOMAS, Mr. Christopher	Trade in Goods and Services
	WINHAM, Mr. Gilbert R.	Trade in Goods
CHILE	BIGGS, Mr. Gonzalo	Trade in Goods
	BOZA, Ms. Sofia	Trade in Goods
	ERNST, Mr. Felipe	Trade in Goods and Services
	ESCUDERO, Mr. Sergio	TRIPS

MEMBER	NAME	SECTORAL EXPERIENCE
CHILE (cont'd)	ESPINOZA, Mr. Alvaro	Trade in Goods
	JANA, Mr. Álvaro	Trade in Goods
	MATUS, Mr. Mario	Trade in Goods
	MLADINIC, Mr. Carlos	Trade in Goods
	PEÑA, Ms. Gloria	Trade in Goods
	SAEZ, Mr. Sebastián	Trade in Goods and Services
	SATELER, Mr. Ricardo	TRIPS
	SOSA, Ms. Luz	Trade in Goods and Services
	TIRONI, Mr. Ernesto	Trade in Goods
CHINA	CHEN, Mr. Yusong	Trade in Goods and Services; TRIPS
	DONG, Mr. Shizhong	Trade in Goods and Services; TRIPS
	E, Mr. Defeng	Trade in Goods
	GONG, Mr. Baihua	Trade in Goods and Services; TRIPS
	HAN, Mr. Liyu	Trade in Goods; TRIPS
	HONG, Mr. Xiaodong	Trade in Services
	HUANG, Mr. Dongli	Trade in Goods; TRIPS
	LI, Mr. Enheng	Trade in Goods and Services
	LI, Ms. Yongjie	Trade in Goods and Services
	LI, Mr. Zhongzhou	Trade in Goods
	SHI, Ms. Xiaoli	Trade in Goods
	SUO, Mr. Bicheng	Trade in Goods
	YANG, Mr. Guohua	Trade in Goods; TRIPS
	ZHANG, Ms. Liping	Trade in Goods and Services
	ZHANG, Mr. Naigen	TRIPS
	ZHANG, Mr. Xiangchen	Trade in Goods and Services; TRIPS
	ZHANG, Mr. Yuqing	Trade in Goods and Services; TRIPS
	ZHU, Ms. Lanye	Trade in Services; TRIPS
COLOMBIA	IBARRA PARDO, Mr. Gabriel	Trade in Goods

MEMBER	NAME	SECTORAL EXPERIENCE
COLOMBIA (cont'd)	JARAMILLO, Mr. Felipe	Trade in Goods and Services
	LOZANO FERRO, Ms. Olga Lucia	Trade in Goods; TRIPS
	OROZCO GOMEZ, Ms. Angela María	Trade in Goods
	OROZCO, Ms. Claudia	Trade in Goods
	PRIETO, Mr. Diego	Trade in Goods and Services
	ROJAS ARROYO, Mr. Santiago	Trade in Goods; TRIPS
	TANGARIFE, Mr. Marcel	Trade in Goods; TRIPS
CÔTE D'IVOIRE	GOSSET, Ms. Marie	Trade in Goods; TRIPS
CUBA	VÁZQUEZ De ALVARÉ, Ms. Dánice	TRIPS
DJIBOUTI	PIQUEMAL, Mr. Alain	Trade in Goods and Services; TRIPS
DOMINICAN REPUBLIC	DE LOS SANTOS DE PIANTINI, Ms. Roxana	Trade in Goods; TRIPS
	NAUT, Ms. Katrina	Trade in Goods and Services; TRIPS
ECUADOR	BETANCOURT, Mr. Roberto	Trade in Goods and Services
	CAICEDO, Mr. Diego	Trade in Goods and Services
	CASTRILLÓN, Mr. Juan Carlos	Trade in Goods and Services
	ESPINOSA CAÑIZARES, Mr. Cristian	Trade in Goods and Services; TRIPS
	MONTAÑO HUERTA, Mr. César	Trade in Goods and Services; TRIPS
	MUÑOZ, Ms. Mireya	Trade in Goods and Services
	VAYAS, Mr. Luis	TRIPS
EGYPT	EL-SEGINY, Mr. Ibrahim	Trade in Goods
	FARAHAT, Mr. Magdi Ahmed	Trade in Goods
	FAWZY, Mr. Abdelrahman	Trade in Goods and Services
	GAWAD ALLAM, Mr. Mohamed A.	Trade in Goods and Services

MEMBER	NAME	SECTORAL EXPERIENCE
EGYPT (cont'd)	HATEM, Mr. Samy Affify	Trade in Goods
	RIAD, Mr. Tarek Fouad	Trade in Goods and Services; TRIPS
	SHAHIN, Ms. Magda	Trade in Goods and Services; TRIPS
	SHARAF ELDIN, Mr. Ahmed	Trade in Goods; TRIPS
	ZAHRAN, Mr. Mohamed Mounir	Trade in Goods and Services; TRIPS
EUROPEAN UNION		
AUSTRIA	BENEDEK, Mr. Wolfgang	Trade in Goods
	REITERER, Mr. Michael G. K.	Trade in Goods and Services; TRIPS
	ZEHETNER, Mr. Franz	Trade in Goods
BELGIUM		
	DIDIER, Mr. Pierre	Trade in Goods
	PAUWELYN, Mr. Joost	Trade in Goods and Services; TRIPS
	VAN CALSTER, Mr. Geert	Trade in Goods
	VAN DER BORGHT, Mr. Kim	Trade in Goods
	VANDER SCHUEREN, Ms. Paulette	Trade in Goods and Services
	WOUTERS, Mr. Jan	Trade in Goods and Services
	ZONNEKEYN, Mr. Geert A.	Trade in Goods
CZECH REPUBLIC		
	PALEČKA, Mr. Peter	Trade in Goods and Services
DENMARK		
	NIELSEN, Ms. Laura	Trade in Goods and Services
	OLSEN, Ms. Birgitte Egelund	Trade in Goods
	SMIDT, Mr. Steffen	Trade in Goods and Services
	WEGENER, Mr. Christian	Trade in Goods and Services; TRIPS
EUROPEAN UNION		
	BRAKELAND, Mr. Jean-François	Trade in Goods and Services
	CARL, Mr. Mogens Peter	Trade in Goods and Services; TRIPS
	KUIJPER, Mr. Pieter Jan	Trade in Goods and Services; TRIPS
	WHITE, Mr. Eric	Trade in Goods and Services; TRIPS

MEMBER	NAME	SECTORAL EXPERIENCE
FINLAND	HIMANEN, Mr. Vesa	Trade in Goods
	LUOTONEN, Mr. Yrjö Kim David	Trade in Goods
	PYYSALO, Mr. Tapio	Trade in Goods
FRANCE	ARMAIGNAC, Ms. Marie-Christine	Trade in Services; TRIPS
	BOISSON DE CHAZOURNES, Mrs. Laurence	Trade in Goods and Services
	JENNY, Mr. Frédéric Yves	Trade in Goods and Services; TRIPS
	METZGER, Mr. Jean-Marie	Trade in Goods
	MONNIER, Mr. Pierre	Trade in Goods and Services; TRIPS
	RIEGERT, Mr. François	Trade in Goods
	RUIZ-FABRI, Ms. Hélène	Trade in Goods and Services
	STERN, Ms. Brigitte	Trade in Goods
GERMANY	DELBRÜCK, Mr. Kilian	Trade in Goods
	HERRMANN, Mr. Christoph Walter	Trade in Goods; TRIPS
	HILF, Mr. Meinhard	Trade in Goods and Services
	MENG, Mr. Werner	Trade in Goods, TRIPS
	PETERSMANN, Mr. Ernst-Ulrich	Trade in Goods and Services; TRIPS
	STEINBACH, Mr. Armin	Trade in Goods and Services
	TANGERMANN, Mr. Stefan	Trade in Goods
GREECE	STANGOS, Mr. Petros N.	Trade in Goods and Services; TRIPS
HUNGARY	HALGAND DANI, Ms. Virág	Trade in Goods and Services; TRIPS
	LAKATOS, Mr. Andrés	Trade in Goods and Services
IRELAND	MATTHEWS, Mr. Alan Henry	Trade in Goods
ITALY	GIARDINA, Mr. Andrea	Trade in Goods and Services
	MALAGUTI, Ms. Maria Chiara	Trade in Goods and Services; TRIPS

MEMBER	NAME	SECTORAL EXPERIENCE
ITALY (cont'd)	MENSI, Mr. Maurizio	Trade in Goods
LITHUANIA	ALISAUSKAS, Mr. Raimondas	Trade in Goods and Services
MALTA	BONELLO, Mr. Michael C.	Trade in Services
NETHERLANDS	BRONCKERS, Mr. Marco	Trade in Goods and Services; TRIPS
	GENEE, Mr. Otto	Trade in Goods; TRIPS
	HOEKMAN, Mr. Bernard Marco	Trade in Goods and Services; TRIPS
POLAND	PIETRAS, Mr. Jaroslaw	Trade in Services
PORTUGAL	CALHEIROS DA GAMA, Mr. José Sérgio	TRIPS
ROMANIA	BERINDE, Mr. Mihai	Trade in Goods
	CAMPEANU, Ms. Victoria	Trade in Goods
	FRATITA, Ms. Carmen Florina	Trade in Goods
SPAIN	LÓPEZ DE SILANES MARTÍNEZ, Mr. Juan Pablo	Trade in Goods and Services
	PÉREZ SANCHEZ, Mr. José Luis	Trade in Goods and Services; TRIPS
	RIGO, Mr. Andrés	Trade in Services
SWEDEN	AHNLID, Mr. Anders Gustav Ragnar	Trade in Goods and Services; TRIPS
	JOHANSSON, Ms. Lena	Trade in Goods and Services
	REITER, Mr. Joakim H.	Trade in Goods and Services
	STELLINGER, Ms. Anna	Trade in Goods and Services; TRIPS
	WALDER, Ms. Eva	Trade in Goods and Services
GHANA	NIMAKO-BOATENG, Ms. Gertrude	Trade in Goods and Services
	OPOKU AWUKU, Mr. Emmanuel	Trade in Goods and Services; TRIPS

MEMBER	NAME	SECTORAL EXPERIENCE
HONG KONG, CHINA	CARTLAND, Mr. Michael David	Trade in Goods and Services
	CHEUNG, Mr. Peter Kam Fai	TRIPS
	LEUNG, Ms. Ada Ka Lai	TRIPS
	LITTLE, Mr. David	Trade in Goods and Services
	MILLER, Mr. Tony J. A.	Trade in Goods and Services
ICELAND	BJÖRGVINSSON, Mr. David Thór	Trade in Goods and Services
	JÓHANNSSON, Mr. Einar M.	Trade in Goods
	SANDHOLT, Mr. Brynjolfur	Trade in Goods
INDIA	AGARWAL, Mr. Vinod Kumar	Trade in Goods; TRIPS
	AGRAWAL, Mr. Rameshwar Pal	Trade in Goods and Services; TRIPS
	BHANSALI, Mr. Sharad	Trade in Goods
	BHATNAGAR, Mr. Mukesh	Trade in Goods
	BHATTACHARYA, Mr. G. C.	Trade in Goods
	CHANDRASEKHAR, Mr. Kesava Menon	Trade in Goods and Services; TRIPS
	CHAUDHURI, Mr. Sumanta	Trade in Goods and Services; TRIPS
	DAS, Mr. Abhijit	Trade in Goods
	DAS, Mr. Bhagirath Lal	Trade in Goods
	DASGUPTA, Mr. Jayant	Trade in Goods
	GOPALAN, Mr. Rajarangamani	Trade in Goods
	GOYAL, Mr. Arun	Trade in Services
	KAUSHIK, Mr. Atul	Trade in Goods; TRIPS
	KHER, Mr. Rajeev	Trade in Goods and Services; TRIPS
	KHULLAR, Mr. Rahul	Trade in Goods and Services; TRIPS
	KUMAR, Mr. Mohan	Trade in Goods and Services
	MOHANTY, Mr. Prasant Kumar	Trade in Goods
MUKERJI, Mr. Asoke Kumar	Trade in Goods and Services; TRIPS	
NARAYANAN, Mr. Srinivasan	Trade in Goods; TRIPS	
PARTHASARATHY, Mr. R.	Trade in Goods; TRIPS	

MEMBER	NAME	SECTORAL EXPERIENCE
INDIA (cont'd)	PRABHU, Mr. Pandurang Palimar	Trade in Goods; TRIPS
	PRASAD, Ms. Anjali	Trade in Goods and Services; TRIPS
	RAMAKRISHNAN, Mr. N.	Trade in Goods
	RAO, Mr. Pemmaraju Sreenivasa	Trade in Goods
	REGE, Mr. Narayan Vinod	Trade in Goods
	SABHARWAL, Mr. Narendra	TRIPS
	SAJJANHAR, Mr. Ashok	Trade in Goods
	SESHADRI, Mr. V. S.	Trade in Goods
	SHARMA, Mr. Lalit	Trade in Goods and Services; TRIPS
	VENUGOPAL, Mr. Krishnan	Trade in Goods; TRIPS
	YADAV, Mr. Amit	Trade in Services
	ZUTSHI, Mr. B. K.	Trade in Goods and Services; TRIPS
INDONESIA	KOESNAIDI, Mr. Joseph Wira	Trade in Goods
	LIMENTA, Ms. Michelle Engel	Trade in Goods; TRIPS
	WINANTI, Ms. Poppy Sulistyaning	Trade in Services; TRIPS
ISRAEL	ALTUVIA, Mr. Magen	Trade in Goods
	BROUDE, Mr. Tomer	Trade in Goods and Services; TRIPS
	FRID DE VRIES, Ms. Rachel	Trade in Goods and Services; TRIPS
	GABAY, Mr. Mayer	TRIPS
	HARAN, Mr. Ephraim F.	Trade in Services
	HARPAZ, Mr. Guy	Trade in Goods and Services; TRIPS
	HOROVITZ, Mr. Dan	Trade in Goods and Services
	POLINER, Mr. Howard Zvi	TRIPS
	REICH, Mr. Arie	Trade in Goods and Services; TRIPS
	RIVAS, Mr. Rodolfo C.	Trade in Goods; TRIPS
	SEMADAR, Mr. Moshe	Trade in Goods
	SHATON, Mr. Michael Marcel	Trade in Goods and Services
	TALBAR, Mr. Michael Adin	Trade in Goods

MEMBER	NAME	SECTORAL EXPERIENCE
ISRAEL (cont'd)	WEILER, Mr. Joseph H. H.	Trade in Goods
JAMAICA	ROBINSON, Mr. Patrick L.	Trade in Goods and Services; TRIPS
JAPAN	ARAKI, Mr. Ichiro	Trade in Goods and Services; TRIPS
	ASAKAI, Mr. Kazuo	Trade in Goods
	HASEBE, Mr. Masamichi	Trade in Goods and Services
	ISHIGE, Mr. Hiroyuki	Trade in Goods
	ISHIGURO, Mr. Kazunori	Trade in Goods and Services; TRIPS
	IWASAWA, Mr. Yuji	Trade in Goods
	KANDA, Mr. Hideki	Trade in Services
	KAZEKI, Mr. Jun	Trade in Goods and Services
	KEMMOCHI, Mr. Nobuaki	Trade in Goods and Services
	KOMETANI, Mr. Kazumochi	Trade in Goods and Services; TRIPS
	OSHIMA, Mr. Shotaro	Trade in Goods and Services; TRIPS
	SAITO, Mr. Koji	Trade in Goods
	SANO, Mr. Tadakatsu	Trade in Goods
	SHIMIZU, Mr. Akio	Trade in Goods
	SUZUKI, Mr. Masabumi	Trade in Goods; TRIPS
	TAKAHASHI, Ms. Misako	Trade in Services
	TSURUOKA, Mr. Koji	Trade in Services
	YAMANE, Ms. Hiroko	Trade in Goods; TRIPS
KAZAKHSTAN	KASSABEKOVA, Ms. Aray	Trade in Goods
KENYA	GATHII, Mr. James T.	Trade in Goods and Services; TRIPS
	MCHARO, Ms. Pauline W.	Trade in Goods and Services; TRIPS
	NDERITU, Mr. Wilfred N.	Trade in Goods and Services
	WARUHIU, Mr. Andrew	Trade in Goods; TRIPS

MEMBER	NAME	SECTORAL EXPERIENCE
KOREA	AHN, Mr. Dukgeun	Trade in Goods
	AHN, Mr. Ho-Young	Trade in Goods
	BARK, Mr. Taeho	Trade in Goods
	CHO, Mr. Tae-Yul	Trade in Goods
	CHOI, Mr. Byung-il	Trade in Services
	CHOI, Mr. Seung-Hwan	Trade in Goods
	CHOI, Mr. Won-Mog	Trade in Goods and Services; TRIPS
	CHUNG, Mr. Chan-Mo	Trade in Goods
	KIM, Mr. Jong Bum	Trade in Goods
	KANG, Mr. Junha	Trade in Goods
	KIM, Mr. Doo-Sik	Trade in Goods
	KIM, Mr. Youngjae	Trade in Goods
	LEE, Mr. Jaehyoung	Trade in Goods
	LEE, Mr. Jaemin	Trade in Goods
	WANG, Mr. Sanghan	Trade in Goods
KYRGYZ REPUBLIC	DJUMALIEV, Mr. Muktar	Trade in Goods and Services
LIECHTENSTEIN	ZIEGLER, Mr. Andreas R.	Trade in Services; TRIPS
MADAGASCAR	ANDRIANARIVONY, Mr. Minoarison	Trade in Goods and Services; TRIPS
MALAYSIA	HARUN, Mrs. Hiswani	Trade in Goods
	KASIMIR, Mr. Merlyn	Trade in Goods and Services
	YACOB, Mr. Muhammad Noor	Trade in Goods
MAURITIUS	BEEKARRY, Mr. Navin	Trade in Goods and Services
	BHUGLAH, Mr. Achad	Trade in Goods and Services
MEXICO	DE LA PEÑA, Mr. Alejandro	Trade in Goods and Services; TRIPS

MEMBER	NAME	SECTORAL EXPERIENCE
	DE MATEO VENTURINI, Mr. Fernando	Trade in Goods and Services; TRIPS
	DE ROSENZWEIG, Mr. Francisco	Trade in Goods and Services; TRIPS
	FERRARI, Mr. Bruno	Trade in Goods and Services; TRIPS
	JASSO TORRES, Mr. Humberto	Trade in Goods
	LEYCEGUI, Ms. Beatriz	Trade in Goods and Services; TRIPS
	MALPICA SOTO, Mr. Guillermo	Trade in Services
	PEREZCANO DÍAZ, Mr. Hugo Manuel	Trade in Goods and Services; TRIPS
	PÉREZ GÁRATE, Mr. Orlando	Trade in Goods and Services; TRIPS
	POBLANO, Mr. José F.	Trade in Services; TRIPS
	REYES, Ms. Luz Elena	Trade in Goods
	TRASLOSHEROS HERNÁNDEZ, Mr. José Gerardo	Trade in Goods and Services; TRIPS
	VÉJAR, Mr. Carlos	Trade in Goods and Services; TRIPS
	ZABLUDOVSKY KUPER, Mr. Jaime	Trade in Goods and Services; TRIPS
MOLDOVA, REP. OF		
	FOLTEA, Ms. Marina	Trade in Goods; TRIPS
MONTENEGRO		
	SCEPANOVIC, Mr. Goran	Trade in Goods
	VUJANOVIC, Ms. Snezana	Trade in Goods
NEPAL		
	PANDEY, Mr. Posh Raj	Trade in Goods and Services
	SUBEDI, Mr. Surya P.	Trade in Goods and Services; TRIPS
NEW ZEALAND		
	CARSON, Mr. Christopher Barr	Trade in Goods
	EVANS, Mr. David	Trade in Goods
	GALLACHER, Mr. Scott	Trade in Goods and Services; TRIPS
	GARCIA, Mr. Martin	Trade in Goods
	GROSER, Mr. Tim	Trade in Goods
	HALLUM, Ms. Victoria	Trade in Services
	HARVEY, Mr. Martin Wilfred	Trade in Goods
	HIGGIE, Ms. Dell Clark	Trade in Goods

MEMBER	NAME	SECTORAL EXPERIENCE
NEW ZEALAND (cont'd)	HONEY, Ms. Stephanie	Trade in Goods
	KELLY, Ms. Clare	Trade in Goods and Services
	MACEY, Mr. Adrian	Trade in Goods; TRIPS
	McPHAIL, Mr. Alexander Hugh	Trade in Goods
	NOTTAGE, Mr. Hunter	Trade in Goods and Services; TRIPS
	PATERSON, Ms. Sarah	Trade in Goods
	SANDFORD, Mr. Iain	Trade in Goods and Services; TRIPS
	SLADE, Ms. Michelle	Trade in Goods and Services; TRIPS
	TRAINOR, Mr. Mark Julian	Trade in Goods; TRIPS
	WALKER, Mr. David John	Trade in Goods and Services
	VITALIS, Mr. Vangelis	Trade in Goods and Services
NIGER	TANKOANO, Mr. Amadou	Trade in Goods and Services; TRIPS
NIGERIA	AGAH, Mr. Yonov Frederick	Trade in Goods and Services; TRIPS
	NNONA, Mr. George C.	Trade in Goods and Services; TRIPS
NORWAY	ANDREASSEN, Mr. Harald	Trade in Goods and Services; TRIPS
	BLOM, Ms. Camilla	Trade in Goods and Services
	EDVARTSEN, Ms. Linn	Trade in Goods
	FLEISCHER, Ms. Benedicte	Trade in Goods and Services
	HANSEN, Ms. Kristin	Trade in Goods and Services
	HOLTEN, Ms. Inger	Trade in Goods; TRIPS
	LILLERUD, Mr. Kjell	Trade in Goods and Services
	MIDTBØ STADSHAUG, Ms. Kaja	TRIPS
	NEPLE, Mr. Harald	Trade in Goods and Services
	SANDVIK, Mr. Jostein	TRIPS
	SELAND, Mr. Helge A.	Trade in Goods and Services; TRIPS
	SKEI, Mr. Jonas	Trade in Goods
	VEDERHUS, Mr. Alf	Trade in Goods

MEMBER	NAME	SECTORAL EXPERIENCE
PAKISTAN	AMIN, Mrs. AnjumA.	Trade in Goods
	ARIF, Mr. Muhammad Ikram	Trade in Goods
	BASHIR, Mr. Shahid	Trade in Goods
	HAMID ALI, Mr. Muhammad	Trade in Goods; TRIPS
	HAYAT, Mr. Khizar	Trade in Goods
	HUSAIN, Mr. Ishrat	Trade in Services
	KHAN, Mr. Mujeeb Ahmed	Trade in Goods; TRIPS
	MALIK, Mr. Riaz Ahmad	Trade in Goods
	MUKHTAR, Mr. Ahmad	Trade in Goods and Services; TRIPS
	NAYYAR, Mr. Syed I. M.	Trade in Goods and Services; TRIPS
PANAMA	ALVAREZ DE SOTO, Mr. Francisco	Trade in Goods and Services; TRIPS
	FERRER, Mr. Alejandro	Trade in Goods and Services
	FRANCIS LANUZA, Ms. Yavel Mireya	Trade in Goods and Services
	GONZALEZ, Mr. Carlos Ernesto	Trade in Goods and Services
	HARRIS ROTKIN, Mr. Norman	Trade in Goods and Services
	SALAZAR FONG, Ms. Diana Alejandrina	Trade in Goods
	SHEFFER MONTES, Mr. Leroy Jhon	Trade in Goods and Services
PERU	BELAÚNDE G., Mr. Victor Andres	TRIPS
	DE LA PUENTE LEON, Mr. Jose A.	Trade in Goods and Services
	DIEZ LIZARDO, Mr. Juan	Trade in Goods
	LEÓN-THORNE, Mr. Raúl	Trade in Goods and Services
PHILIPPINES	CONEJOS, Mr. Esteban B.	Trade in Goods
	TEEHANKEE, Mr. Manuel A. J.	Trade in Goods and Services; TRIPS
QATAR	AL-ADBA, Mr. Nasser M.	Trade in Goods and Services
	AL-SULAITI, Mr. Ahmed	Trade in Goods; TRIPS
	FETAIS, Mr. Abdulmehsen	Trade in Goods and Services

MEMBER	NAME	SECTORAL EXPERIENCE
QATAR (cont'd)	MAKKI, Mr. Fadi	Trade in Goods and Services
SAUDI ARABIA, KINGDOM OF	ALMOQBEL, Mr. Saqer	Trade in Goods and Services; TRIPS
	ALSHARIF, Mr. Sultan	Trade in Goods; TRIPS
SINGAPORE	GAFOOR, Mr. Burhan	TRIPS
	GOVINDASAMY, Mr. Peter Mari	Trade in Goods and Services
	HONG, Ms. Fan Sin Daphne	Trade in Services; TRIPS
	ITHNAIN, Mr. Rossman	Trade in Goods
	KWOK, Mr. Fook Seng	Trade in Goods
	LOH, Mr. K. Y. Derek	Trade in Goods and Services; TRIPS
	NG, Ms. Bee Kim	Trade in Goods
	ONG, Mr. Chin Heng	Trade in Goods and Services
	TAN, Mr. T. K. Jason	Trade in Goods and Services
	YEOW, Ms. P. L. Danielle	Trade in Goods and Services; TRIPS
SRI LANKA	JAYASEKERA, Mr. Douglas	Trade in Goods; TRIPS
SWITZERLAND	ADDOR, Mr. Felix	TRIPS
	CHAMBOVEY, Mr. Didier	Trade in Goods
	COTTIER, Mr. Thomas	Trade in Goods and Services; TRIPS
	HÄBERLI, Mr. Christian	Trade in Goods
	HOLZER, Mr. Patrick Edgar	Trade in Goods; TRIPS
	INEICHEN-FLEISCH, Ms. Marie-Gabrielle	Trade in Goods and Services
	KAUFMANN, Ms. Christine	Trade in Services
	LEGLER, Mr. Thomas	TRIPS
	MÄCHLER, Ms. Monica	Trade in Goods and Services; TRIPS
	MEYER, Mr. Matthias	Trade in Goods and Services; TRIPS
	PANNATIER, Mr. Serge Nicolas	Trade in Goods
	SCHMID, Mr. Michael	Trade in Goods and Services

MEMBER	NAME	SECTORAL EXPERIENCE
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	WEBER, Mr. Rolf H.	Trade in Services
	ZULAUF, Mr. Daniel	Trade in Goods and Services; TRIPS
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	NI, Mr. Kuei-Jung	Trade in Goods; TRIPS
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	YANG, Ms. Guang-Hwa	Trade in Goods and Services
	YANG, Ms. Jen-Ni	Trade in Goods and Services
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	GÜÇLÜ, Ms. Bahar	Trade in Goods
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	KAYA, Mr. Talat	Trade in Goods
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	QURESHI, Mr. Asif Hasan	Trade in Goods

MEMBER	NAME	SECTORAL EXPERIENCE
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	ROBERTS, Mr. David F.	Trade in Goods
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	HODGSON, Ms. Mélida	Trade in Goods and Services
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	KHO, Mr. Stephen	Trade in Goods and Services; TRIPS
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	SANDSTROM, Mr. Mark R.	Trade in Goods and Services
	THOMPSON, Mr. George W.	Trade in Goods
	TROSSEVIN, Ms. Marguerite	Trade in Goods
	VERRILL, Jr. Mr. Charles Owen	Trade in Goods
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MEMBER	NAME	SECTORAL EXPERIENCE
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	MARQUEZ, Mr. Guillermo	Trade in Services
	ROJAS PENSO, Mr. Juan Francisco	Trade in Goods and Services

ANNEX

Administration of the Indicative List

1. To assist in the selection of panelists, the DSU provides in Article 8.4 that the Secretariat shall maintain an indicative list of qualified governmental and non-governmental individuals. Accordingly, the Chairman of the DSB proposed at the 10 February meeting that WTO Members review the roster of non-governmental panelists established on 30 November 1984 (BISD 31S/9) (hereinafter referred to as the "1984 GATT Roster") and submit nominations for the indicative list by mid-June 1995. On 14 March, The United States delegation submitted an informal paper discussing, amongst other issues, what information should accompany the nomination of individuals, and how names might be removed from the list. The DSB further discussed the matter in informal consultations on 15 and 24 March, and at the DSB meeting on 29 March. This note puts forward some proposals for the administration of the indicative list, based on the previous discussions in the DSB.

General DSU requirements

2. The DSU requires that the indicative list initially include "the roster of governmental and non-governmental panelists established on 30 November 1984 (BISD 31S/9) and other rosters and indicative lists established under any of the covered agreements, and shall retain names of persons on those rosters and indicative lists at the time of entry into force of the WTO Agreement" (DSU 8.4). Additions to the indicative list are to be made by Members who may "periodically suggest names of governmental and non-governmental individuals for inclusion on the indicative list, providing relevant information on their knowledge of international trade and of the sectors or subject matter of the covered agreements". The names "shall be added to the list upon approval by the DSB" (DSU 8.4).

Submission of information

3. As a minimum, the information to be submitted regarding each nomination should clearly reflect the requirements of the DSU. These provide that the list "shall indicate specific areas of experience or expertise of the individuals in the sectors or subject matter of the covered agreements" (DSU 8.4). The DSU also requires that panelists be "well-qualified governmental and/or non-governmental individuals, including persons who have served on or presented a case to a panel, served as a representative of a Member or of a contracting party to GATT 1947 or as a representative to the Council or Committee of any covered agreement or its predecessor agreement, or in the Secretariat, taught or published on international trade law or policy, or served as a senior trade policy official of a Member" (DSU 8.1).

4. The basic information required for the indicative list could best be collected by use of a standardized form. Such a form, which could be called a Summary Curriculum Vitae, would be filled out by all nominees to ensure that relevant information is obtained. This would also permit information on the indicative list to be stored in an electronic database, making the list easily updateable and readily available to Members and the Secretariat. As well as supplying a completed Summary Curriculum Vitae form, persons proposed for inclusion on the indicative list could also, if they wished, supply a full Curriculum Vitae. This would not, however, be entered into the electronic part of the database.

Updating of indicative list

5. The DSU does not specifically provide for the regular updating of the indicative list. In order to maintain the credibility of the list, it should however be completely updated every two years. Within the first month of each two-year period, Members would forward updated Curricula Vitae of persons appearing on the indicative list. At any time, Members would be free to modify the indicative list by proposing new names

for inclusion, or specifically requesting removal of names of persons proposed by the Member who were no longer in a position to serve, or by updating the summary Curriculum Vitae.

6. Names on the 1984 GATT Roster that are not specifically resubmitted, together with up-to-date summary Curriculum Vitae, by a Member before 31 July 1995 would not appear after that date on the indicative list.

Other rosters

7. The Decision on Certain Dispute Settlement Procedures for the GATS (S/L/2 of 4 April 1995), adopted by the Council for Trade in Services on 1 March 1995, provides for a special roster of panelists with sectoral expertise. It states that “panels for disputes regarding sectoral matters shall have the necessary expertise relevant to the specific services sectors which the dispute concerns”. It directs the Secretariat to maintain the roster and “develop procedures for its administration in consultation with the Chairman of the Council”. A working document (S/C/W/1 of 15 February 1995) noted by the Council for Trade in Services states that “the roster to be established under the GATS pursuant to this Decision would form part of the indicative list referred to in the DSU”. The specialized roster of panelists under the GATS should therefore be integrated into the indicative list, taking care that the latter provides for a mention of any service sectoral expertise of persons on the list.

8. A suggested format for the Summary Curriculum Vitae form for the purposes of maintaining the Indicative List is attached.

**SUMMARY CURRICULUM VITAE
FOR PERSONS PROPOSED FOR THE INDICATIVE LIST¹**

1. **Name:** full name
2. **Sectoral Experience**
List here any particular sectors of expertise:
(e.g. technical barriers, dumping, financial services, intellectual property, etc.)
3. **Nationality(ies)** all citizenships
4. **Nominating Member:** the nominating Member
5. **Date of birth:** full date of birth
6. **Current occupations:** year beginning, employer, title, responsibilities
7. **Post-secondary education** year, degree, name of institution
8. **Professional qualifications** year, title
9. **Trade-related experience in Geneva in the WTO/GATT system**
 - a. Served as a panelist year, dispute name, role as chairperson/member
 - b. Presented a case to a panel year, dispute name, representing which party
 - c. Served as a representative of a contracting party or member to a WTO or GATT body, or as an officer thereof year, body, role
 - d. Worked for the WTO or GATT Secretariat year, title, activity
10. **Other trade-related experience**
 - a. Government trade work year, employer, activity
 - b. Private sector trade work year, employer, activity

¹ Members putting forward an individual for inclusion on the indicative list are requested to provide full contact details for this individual separately. The Summary Curriculum Vitae and the contact details should be sent electronically to the Secretariat.

11. Teaching and publications

- a. Teaching in trade law and policy year, institution, course title
- b. Publications in trade law and policy year, title, name of periodical/book, author/editor
(if book)

12. Language capabilities

ability to work as a panelist in WTO-official languages and any other language capability

- a. English
 - b. French
 - c. Spanish
 - d. Other language(s)
-

Where to Find More Information on the WTO

Information about the WTO and trends in international trade is available to the public at the following websites:

The USTR home page: <http://www.ustr.gov>

The WTO home page: <http://www.wto.org>

U.S. communications to WTO Members are available electronically on the WTO website using Documents Online, which can retrieve an electronic copy by the document symbol. Electronic copies of U.S. submissions in WTO disputes are available at the USTR website.

Examples of Information Available on the WTO Home Page

- WTO Organizational Chart
- Biographic backgrounds
- Budgets for the WTO
- WTO Budget Contributions
- Membership
- General Council activities
- WTO Secretariat Statistics

WTO News, such as:

- Status of dispute settlement cases
- Press Releases on Appointments to WTO Bodies, Appellate Body Reports and Panel Reports, and others
- Trade Policy Review Mechanism reports on individual Members' trade practices
- Schedules of future WTO meetings
- WTO presentations and Committee information sharing sessions

Resources including Official Documents, such as:

- Notifications required by the Uruguay Round Agreements
- Working Procedures for Appellate Review
- Special Studies on key WTO issues
- On-line document database where one can find and download official documents
- Legal Texts of the WTO agreements
- WTO Annual Reports

Community and other Fora, such as:

- Media and NGOs
- General public news
- Facebook, YouTube, Twitter, Instagram, LinkedIn

Trade Topics, such as:

- Briefing Papers on WTO activities in individual sectors, including goods, services, intellectual property, and other topics
- Disputes and Dispute Reports

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