



United States  
International Trade Commission

# The Year in Trade 2015

Operation of the Trade Agreements  
Program  
67th Report

July 2016  
Publication Number: 4627

# United States International Trade Commission

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# Preface

This report is the 67th in a series of annual reports submitted to the U.S. Congress under section 163(c) of the Trade Act of 1974 (19 U.S.C. 2213(c)) and its predecessor legislation. Section 163(c) states that “the International Trade Commission shall submit to the Congress at least once a year, a factual report on the operation of the trade agreements program.”

This report is one of the principal means by which the U.S. International Trade Commission provides Congress with factual information on trade policy and its administration for calendar year 2015. The trade agreements program includes “all activities consisting of, or related to, the administration of international agreements which primarily concern trade and which are concluded pursuant to the authority vested in the President by the Constitution” and by congressional legislation.

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# Abbreviations and Acronyms

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

## Acronyms and Abbreviations

Acronyms	Term
FTZ	Foreign Trade Zone
FY	fiscal year
FYROM	Former Yugoslav Republic of Macedonia
G20	Group of 20
GATT	General Agreement on Tariffs and Trade
GC	General Council
GCC	Cooperation Council for the Arab States of the Gulf
GDP	gross domestic product
GE	genetically engineered
GI	geographic indicator
GPA	Agreement on Government Procurement (WTO)
GSP	Generalized System of Preferences
GTIS	Global Trade Information Services
GVC	global value chain
GW	gigawatt
HELP	Haiti Economic Lift Program
HLED	High Level Economic Dialogue (U.S.-Mexico)
HOPE	Haitian Hemispheric Opportunity through Partnership Encouragement Act
HS	Harmonized Commodity Description and Coding System (international)
HTS	Harmonized Tariff Schedule of the United States
ICTSD	International Center for Trade and Sustainable Development
ICT	information and communications technology
ILAB	Bureau of International Labor Affairs (U.S. Department of Labor)
IMF	International Monetary Fund
IMPS	U.S. Institutional Meat Purchase Specifications
IPEC	Office of the Intellectual Property Enforcement Coordinator (U.S.)
IP	intellectual property
IPO	initial public offering
IPRs	intellectual property rights
IT	information technology
ITA	Information Technology Agreement (WTO)
ITA	International Trade Administration (USDOC)
JCCT	Joint Commission on Commerce and Trade
JCEC	Joint Commission for Environmental Cooperation
JECFA	Joint FAO/WHO Expert Committee on Food Additives
JFP	Joint Forward Plan
JNNSM	Jawaharlal Nehru National Solar Mission (India)
JP	Japan Post
KORUS	U.S.-Korea Free Trade Agreement
LAC	Labor Affairs Council
LCIA	London Court of International Arbitration
LCR	local-content requirements
LDBDC	least-developed beneficiary developing country
LDC	least-developed country
LTFV	less than fair value
MFAT	Ministry of Foreign Affairs and Trade
MFN	most favored nation
MOFCOM	Ministry of Commerce (China)
MOU	memorandum of understanding

Acronyms	Term
MRL	maximum residue limit
mt	metric tons
NAAEC	North American Agreement on Environmental Cooperation (NAFTA)
NAALC	North American Agreement on Labor Cooperation (NAFTA)
NADB	North American Development Bank (NAFTA)
NAFTA	North American Free Trade Agreement
NAO	National Administrative Office (NAFTA)
n.e.s.o.i.	not elsewhere specified or included
NGFA	National Grain and Feed Association (U.S.)
n.i.e.	not included elsewhere
NTM	nontariff measure
NTR	normal trade relations
OCR	Out-of-Cycle Review
OECD	Organisation for Economic Co-operation and Development
OIE	World Organisation for Animal Health (Office International des Epizooties)
OTEXA	Office of Textiles and Apparel (USDOC)
OTLA	Office of Trade and Labor Affairs (NAFTA)
Pub. L.	Public Law
PV	photovoltaic (solar energy)
RCC	Regulatory Cooperation Council
RPS	Regulatory Partnership Statement
RTA	regional trade agreement
S&ED	Strategic and Economic Dialogue (U.S.-China)
SBS	simultaneous buy-sell
SCM	Subsidies and Countervailing Measures (Agreement)
SEM	Submissions on Environmental Measures (NAFTA)
SLA	Softwood Lumber Agreement
SMEs	small and medium-sized enterprises
SPS	sanitary and phytosanitary (standards)
SSA	sub-Saharan Africa
TAA	Trade Adjustment Assistance
TAD	Trade and Agriculture Directorate (OECD)
TAAF	TAA for Firms
TAAEA	Trade Adjustment Assistance Extension Act
TBT	technical barriers to trade
TC	Trade Committee (OECD)
TFA	Agreement on Trade Facilitation
TICFA	Trade and Investment Cooperation Forum Agreement
TIFA	Trade and Investment Framework Agreement
TISA	Trade in Services Agreement
TIVA	Trade in Value Added
TNC	Trade Negotiations Committee
TPA	Trade Promotion Agreement
TPF	U.S.-India Trade Policy Forum
TPP	Trans-Pacific Partnership
TRAI	Telecom Regulatory Authority of India
TRIMs	Agreement on Trade-Related Investment Measures
TRIPS	Trade-Related Aspects of Intellectual Property Rights (WTO)
TRQ	tariff-rate quota

## Acronyms and Abbreviations

<b>Acronyms</b>	<b>Term</b>
TTIP	Transatlantic Trade and Investment Partnership (EU)
UN	United Nations
U.S.C.	United States Code
USD	United States dollar
USDA	United States Department of Agriculture
USDHS	United States Department of Homeland Security
USDOC	United States Department of Commerce
USDOL	United States Department of Labor
USDOS	United States Department of State
USDOT	United States Department of Transportation
USITC	United States International Trade Commission
USTR	United States Trade Representative
WAEMU	West African Economic and Monetary Union
WHO	World Health Organization (UN)
WIPO	World Intellectual Property Organization
WTO	World Trade Organization

# Executive Summary

This report is the 67th in a series of annual reports on the operation of the United States' trade agreements program. It covers key U.S. trade developments for 2015: summaries can be accessed using the links in the column on the right.

Global economic growth slowed but remained moderate, declining from 3.4 percent in 2014 to 3.1 percent in 2015. Economic growth in the United States in 2015 remained largely stable, with the real growth rate of the U.S. gross domestic product at 2.4 percent, unchanged from 2014. The economies of most major U.S. trading partners—e.g., the European Union (EU), Canada, Mexico, and Japan—underperformed the world average, China and India excepted.

Reflecting the United States' strong and stable economic performance compared to other major partners, the U.S. dollar appreciated 10.0 percent during 2015 against a broad trade-weighted index of foreign currencies. By yearend 2015, the dollar had appreciated against a number of major currencies: 18.0 percent against the Canadian dollar, 16.1 percent against the Mexican peso, 10.6 percent against the euro, 4.4 percent against the Chinese yuan, 4.2 percent against the British pound, and 0.1 percent against the Japanese yen. The appreciation of the U.S. dollar could affect U.S. trade by making U.S. products and services more expensive in foreign markets and thus discouraging U.S. exports. Meanwhile, it could make foreign products and services cheaper on the U.S. market, encouraging more imports.

In 2015, U.S. two-way merchandise trade was valued at \$3,746.3 billion, representing a decline of 5.6 percent from 2014. The value of U.S. merchandise exports fell by 7.2 percent, from \$1,620.5 billion in 2014 to \$1,504.6 billion in 2015, while the value of U.S. merchandise imports fell by 4.5 percent, from \$2,347.7 billion in 2014 to \$2,241.7 billion in 2015. The drop of petroleum prices in 2015 was a major factor in the decline in the value of both exports and imports, although the quantity of U.S. exports of crude and refined petroleum products increased. Two other reasons for the declining value of U.S. exports were the appreciation of

## Key Trade Developments

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

**Trade Preference Programs**

**World Trade Organization**

**OECD, APEC, TISA, and TIFAs**

**U.S. Free Trade Agreements**

**Trade Activities with Major Trading Partners**

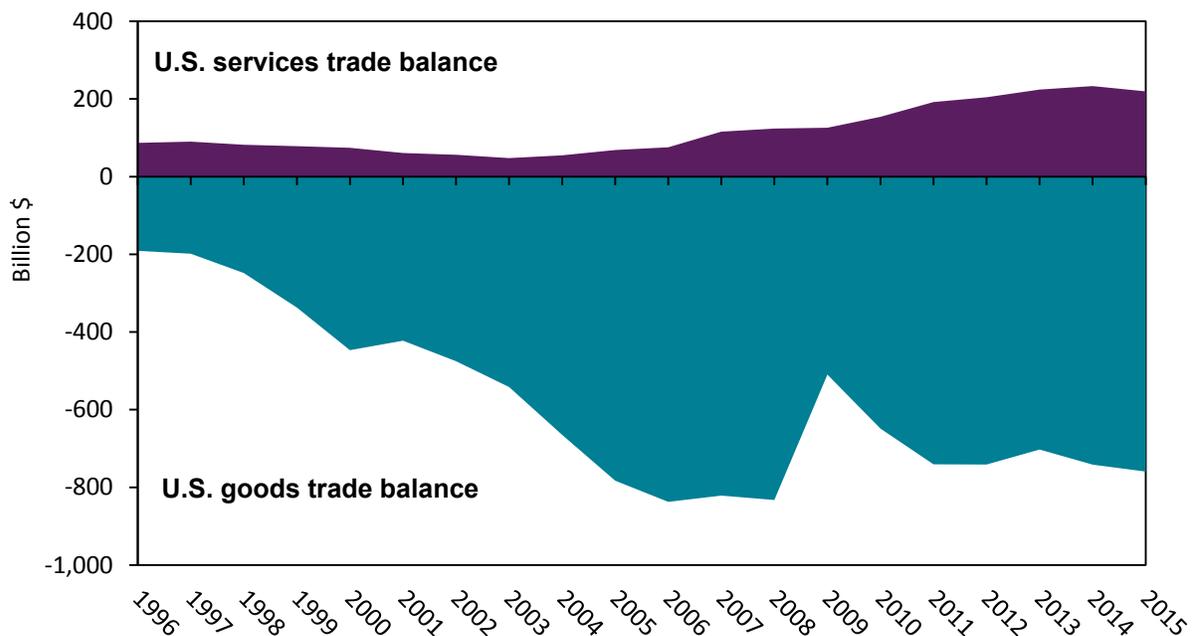
**Timeline of 2015 Trade Activities**

the U.S. dollar and lower demand from key U.S. trading partners due to the underperformance of their economies.

U.S. two-way private services trade increased 1.4 percent to \$1,159.2 billion in 2015. U.S. exports of private services were virtually unchanged from the previous year at \$690.1 billion, while U.S. imports of private services grew 3.5 percent to reach \$469.1 billion in 2015.

On a balance-of-payments basis, the U.S. trade deficit for goods and services rose from \$508.3 billion in 2014 to \$539.8 billion in 2015. The goods deficit rose from \$741.5 billion in 2014 to \$759.3 billion in 2015, an increase of 2.4 percent but well below the \$837.3 billion record set in 2006. At the same time, the U.S. services surplus fell from \$233.1 billion in 2014 to \$219.6 billion in 2015 (figure ES.1).

**Figure ES.1** U.S. trade balance in goods and services, 1996–2015



Source: USDOC, BEA, International Economic Accounts, “Table 1: U.S. International Trade in Goods and Services, Exports, Imports, and Balances,” updated April 5, 2016, <http://www.bea.gov/international/>.

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

## Key Trade Developments in 2015

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

**Safeguard actions:** The U.S. International Trade Commission (the Commission) conducted no new safeguard investigations during 2015, and no U.S. safeguard measures under these provisions were in effect during any part of 2015.

**Section 301:** There was one ongoing investigation in 2015 under section 301 of the Trade Act of 1974. This investigation was instituted in 1987 and concerned various meat hormone directives of the EU, which prohibit the use of certain hormones that promote growth in farm animals.

**Special 301:** Special 301 is referenced in the Trade Act of 1974. In the *2015 Special 301 Report*, the Office of the U.S. Trade Representative (USTR) examined the adequacy and effectiveness of intellectual property rights (IPR) protection in 72 countries. The *2015 Special 301 Report* listed 13 countries on the priority watch list (Algeria, Argentina, Chile, China, Ecuador, India, Indonesia, Kuwait, Pakistan, Russia, Thailand, Ukraine, and Venezuela) and 24 countries on the watch list. In December 2015, USTR issued the *2015 Out-of-Cycle Review of Notorious Markets Report*, which highlighted over 20 Internet-based markets and 14 countries with physical marketplaces (e.g., shops) that reportedly engage in or facilitate some form of intellectual property infringement.

**Antidumping duty investigations:** During 2015, the Commission instituted 43 new antidumping investigations and made 17 final determinations, and the U.S. Department of Commerce (USDOC) issued 14 antidumping duty orders on 8 products from 7 countries.

**Countervailing duty investigations:** During 2015, the Commission instituted 23 new countervailing duty investigations and made 12 final determinations, and the USDOC issued 9 countervailing duty orders on 9 products from 4 countries.

**Sunset reviews:** During 2015, the Commission instituted 56 sunset reviews of existing antidumping duty and countervailing duty orders and suspension agreements. The Commission also completed 55 reviews, resulting in 49 antidumping duty and countervailing duty orders being continued for five additional years.

**Section 704 and 734 investigations:** During 2015, the Commission received its first-ever petitions under sections 704(h) and 734(h) of the Tariff Act of 1930. The petitions asked the Commission to review the agreements the USDOC entered into with Mexican sugar exporters and the government of Mexico in December 2014 that suspended antidumping and countervailing duty investigations concerning sugar from Mexico. On March 24, 2015, the Commission determined affirmatively that the agreements completely eliminated the injurious effect of the imports in question.

**Section 129 investigation:** The Commission instituted a section 129 proceeding effective November 6, 2015, in response to a written request from the USTR to issue a consistency determination under section 129(a)(4) of the Uruguay Round Agreements Act. The requested determination would examine the Commission's countervailing duty determination regarding imports of certain hot-rolled steel flat products from India in inv. no. 701-TA-405, with the goal

of rendering the determination not inconsistent with the Appellate Body's findings in the WTO Dispute Settlement case DS436. On September 23, 2015, USDOC commenced section 129 proceedings to comply with the Appellate Body report. The Commission issued a section 129 consistency determination in March 2016 and the USDOC issued its section 129 compliance determination in April 2016.

**Section 337 investigations:** In 2015, there were 88 active investigations and ancillary proceedings under section 337 of the Tariff Act of 1930, 42 of which were instituted that year. Of the 42 new proceedings, 36 were new section 337 investigations and 6 were new ancillary proceedings relating to previously concluded investigations. The Commission completed a total of 46 investigations and ancillary proceedings under section 337 in 2015, and issued 2 general exclusion orders, 5 limited exclusion orders, and 17 cease and desist orders.

Technology products continued to dominate the Commission's section 337 investigations, with about 27 percent of the active proceedings involving computer and telecommunications equipment, 10 percent involving consumer electronics, and 8 percent involving memory chips or integrated circuits. At the close of 2015, 42 section 337 investigations and ancillary proceedings were pending at the Commission.

**Trade Adjustment Assistance:** On June 29, 2015, President Obama signed into law the Trade Adjustment Assistance (TAA) Reauthorization Act of 2015. This law reauthorized the TAA for Workers program through June 30, 2021, and both the TAA for Firms and the TAA for Farmers programs through fiscal year (FY) 2021.

The U.S. Department of Labor (USDOL) administers the TAA program for workers. In FY 2015, USDOL received 1,024 petitions for TAA, up from 990 petitions filed in FY 2014. USDOL certified 413 petitions covering 57,631 workers as eligible for TAA, and denied 162 petitions covering 19,444 workers. In FY 2015, USDOC certified 113 petitions as eligible for assistance under the TAA for Firms program, and approved 120 adjustment proposals. These figures are slightly higher than in FY 2014, when USDOC certified 105 petitions and approved 107 adjustment proposals.

## Trade Preference Programs

**Generalized System of Preferences (GSP):** The President's authority to provide duty-free treatment to developing countries under the GSP program expired on July 31, 2013, but was renewed retroactively on July 29, 2015, through December 31, 2017, by the Trade Preferences Extension Act of 2015. (The retroactive duty was applied to goods entered after July 31, 2013, through July 28, 2015.) Retroactivity did not apply to countries that were not covered by the program's provisions as of the date of renewal (Russia and Bangladesh). Imports claiming GSP

preferences totaled \$17.4 billion in 2015, accounting for 8.4 percent of total U.S. imports from GSP beneficiary countries and 0.8 percent of total U.S. imports.<sup>1</sup> India was the leading supplier of imports under GSP in 2015, followed by Thailand and Brazil. The value of imports of crude petroleum, formerly the top U.S. import under GSP, dropped from substantial levels in 2013 and 2014 to zero in 2015, contributing to the 6.9 percent decline in U.S. imports under GSP in 2015. Angola, the United States' former source of crude petroleum under GSP, is also an AGOA beneficiary; Angola supplied crude petroleum to the United States under AGOA in 2015, albeit at a lower value (see below).

**African Growth and Opportunity Act (AGOA):** The Trade Preferences Extension Act of 2015 extended AGOA for 10 years, through September 30, 2025. In 2015, 39 sub-Saharan African countries were designated as eligible for AGOA benefits, and 28 of these were designated as eligible for additional textile and apparel benefits. In December 2014, the President terminated the designation of Swaziland, The Gambia, and South Sudan as AGOA beneficiaries, but designated Guinea-Bissau as a beneficiary. This action was taken because of concerns that the three countries were not meeting certain legal requirements. The three terminations and the designation were effective on January 1, 2015. In 2015, the regular annual review of AGOA eligibility resulted in the withdrawal of Burundi's AGOA eligibility, effective January 1, 2016.

U.S. duty-free imports under AGOA were valued at \$9.3 billion in 2015, a 35.0 percent decrease from 2014. The sharp drop was driven primarily by a decline in both the value and the quantity of U.S. imports of crude petroleum, which made up 64.5 percent of the value of imports under AGOA in 2015. Angola and South Africa were the largest suppliers of U.S. imports under AGOA in 2015. Crude petroleum accounted for almost 100 percent of U.S. imports under AGOA from Angola. Passenger motor vehicles were the leading U.S. import under AGOA from South Africa.

**Caribbean Basin Economic Recovery Act (CBERA):** At yearend 2015, 17 countries and dependent territories were eligible for CBERA preferences. Eight of those countries were eligible for additional preferences under the Caribbean Basin Trade Partnership Act (CBTPA), an amendment of CBERA enacted in 2000. U.S. imports under CBERA (including CBTPA) fell by 21.9 percent, from \$2.0 billion in 2014 to \$1.5 billion in 2015. The large decrease mainly reflected a decline in the value of U.S. imports of methanol, crude petroleum, and polystyrene, which are major imports from CBERA countries. Trinidad and Tobago continued to be the leading supplier of U.S. imports under CBERA in 2015, accounting for 53.7 percent of the total value, followed by Haiti (28.1 percent) and The Bahamas (5.7 percent). Crude petroleum was the leading U.S.

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<sup>1</sup> Except for imports from AGOA beneficiary countries, U.S. imports claiming GSP treatment prior to July 29, 2015, did not actually enter duty-free, but importers still claimed GSP status to facilitate receiving refunds in case GSP were renewed. After GSP's retroactive renewal, importers were eligible to receive refunds for duties paid during the lapse.

import under CBERA from Trinidad and Tobago, while apparel was the leading U.S. import under CBERA from Haiti.

**Haiti initiatives:** U.S. imports of textiles and apparel from Haiti rose 8.4 percent to \$913.7 million in 2015. Virtually all U.S. imports of apparel from Haiti received duty-free treatment under trade preference programs, including the CBTPA; the Haitian Hemisphere Opportunity through Partnership Encouragement Acts of 2006 and of 2008 (the HOPE Acts); and the Haitian Economic Lift Program of 2010 (HELP Act). In June 2015, President Obama signed the Trade Preferences Extension Act, which extended the duty-free provisions of the HOPE Acts through September 30, 2025. In 2015, the number of apparel jobs in Haiti reached the highest level—41,200—since the HOPE and HELP Acts were signed in 2006.

## WTO

**World Trade Organization (WTO) developments:** In 2015, progress on trade issues under the 15-year-old Doha Development Agenda (Doha Round) was limited. The Tenth WTO Ministerial Conference, held in Nairobi, Kenya, December 15–19, 2015, did adopt the “Nairobi Package,” which addressed core agricultural as well as least-developed-country issues. However, members disagreed on how to resolve remaining issues going forward, especially in terms of whether to continue to work on them within the Doha Round framework or not.

In other areas, a number of WTO members reached agreement in July 2015 to expand coverage of and liberalize tariffs on information and communications technology (ICT) products under the WTO Information Technology Agreement. Efforts also continued in 2015 toward securing the needed majority of members to bring the WTO Agreement on Trade Facilitation into force. Finally, a group of WTO members continued negotiations toward completing a plurilateral Agreement on Environmental Goods.

**WTO dispute settlement:** During 2015, WTO members filed 13 requests for WTO dispute settlement consultations in new disputes, compared with 14 in 2014. Sixteen new dispute settlement panels were established during 2015.

The United States was the complainant in 2 of the 13 requests filed during 2015, and the named respondent in 1. The two new requests filed by the United States during 2015 concerned (1) measures taken by China that provide subsidies contingent on export performance to enterprises in several industries in China, and (2) China’s value-added tax exemption for certain types of domestically produced aircraft. The United States was the named respondent in 1 new dispute filed by Indonesia during 2015 concerning U.S. countervailing duty and antidumping measures on certain coated paper products from Indonesia.

## OECD, APEC, TISA, and TIFAs

**Organisation for Economic Co-operation and Development (OECD) developments:** The 34 OECD members held their ministerial council meeting on June 3–4, 2015, in Paris, France. The meeting focused on how to promote economic growth and job creation through public and private investment. The OECD Trade Committee and its Working Parties continued to work on developing trade-related measures (e.g., the Services Trade Restrictiveness Index, Trade Facilitation Indicators), as well as the OECD-WTO Trade in Value Added database and global value chains analysis. The Working Parties also worked on other subjects, such as trade-related international regulatory cooperation, export controls, and competitiveness in raw materials industries, as well as trade and investment by state enterprises.

**Asia-Pacific Economic Cooperation (APEC) developments:** Under the Philippines' leadership in 2015, cooperation among APEC member economies focused on “promoting and advancing inclusive growth in the Asia-Pacific region” by pursuing the following four priorities: (1) investing in human capital development; (2) fostering small and medium-sized enterprises' participation in regional and global markets; (3) building sustainable and resilient communities; and (4) enhancing the regional economic integration agenda.

In 2015, highlights of progress made in advancing APEC's objectives included the acceptance of the Agreement on Trade Facilitation by 11 APEC economies; the launch of the APEC Trade Repository, a one-stop online source of APEC economy and trade information; substantial progress made by member economies in reducing the applied tariff rates to 5 percent or less for each of the 54 goods subheadings on the APEC list of environmental goods; the establishment of a Model E-Port Network and related technical support mechanisms to share best practices in applying information technology to improve maritime port efficiency; the extension of the validity period of the APEC Business Travel Card from three to a maximum of five years from September 1, 2015; and the launch of a Collective Strategic Study on Issues Related to the Realization of the Free Trade Area of the Asia-Pacific, among others. In 2015, APEC economies also made progress in achieving a 10 percent improvement in supply chain performance.

**Trade in Services Agreement (TISA):** Negotiations toward a Trade in Services Agreement continued in 2015 among 23 participants. Areas discussed in the negotiations included delivery services, direct selling services, domestic regulation and transparency, electronic commerce, energy services, environmental services, financial services, government procurement services, localization requirements, patient mobility, professional services, telecommunications services, temporary entry of businesspersons, trade rules and disciplines, and transport services (air, maritime, and road).

**Trade and Investment Framework Agreements (TIFAs):** As of yearend 2015, the United States had entered into 53 TIFAs. During that year, the United States signed a TIFA with Armenia and renewed negotiations about a TIFA with Mongolia. A number of TIFA Council meetings also took place in 2015, including those with Pakistan, Ukraine, Indonesia, and Bangladesh.

## U.S. Free Trade Agreements

**U.S. free trade agreements (FTAs) in force in 2015:** The United States was a party to 14 FTAs involving a total of 20 countries as of December 31, 2015. Starting with the most recent, these included the U.S.-Panama Trade Promotion Agreement (TPA) (which entered into force in 2012); the U.S.-Colombia TPA (2012); the U.S.-Korea FTA, or KORUS (2012); the U.S.-Oman FTA (2009); the U.S.-Peru TPA (2009); a multiparty FTA with several Central American countries and the Dominican Republic (CAFTA-DR) that includes the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua (entered into force 2006–07) and Costa Rica (2009); the U.S.-Bahrain FTA (2006); the U.S.-Morocco FTA (2006); the U.S.-Australia FTA (2005); the U.S.-Chile FTA (2004); the U.S.-Singapore FTA (2004); the U.S.-Jordan FTA (2001); the North American Free Trade Agreement (NAFTA), with Canada and Mexico (1994); and the U.S.-Israel FTA (1985).

**FTA negotiations:** In 2015, the United States continued to participate in negotiations for two regional FTAs—the Trans-Pacific Partnership (TPP) negotiations with 11 Pacific Rim partners, and the Transatlantic Trade and Investment Partnership (TTIP) negotiations with the EU.

Following additional rounds of talks during 2015, the 12 TPP countries announced the successful conclusion of their negotiations on October 5, 2015. The TPP trade ministers signed the final agreement text on February 4, 2016. The next step toward TPP implementation is for the agreement to be approved in accordance with the applicable legal procedures of each party. Besides establishing new commitments among the TPP parties, USTR reports that the TPP agreement in certain cases will broaden or improve upon commitments in existing U.S. FTAs with TPP members Canada, Mexico, Australia, Chile, Peru, and Singapore. Associated with the TPP agreement is a joint declaration by the macroeconomic policy authorities of the 12 TPP countries that addresses unfair currency practices through commitments made to promote transparency and accountability in macroeconomic and exchange rate policies.

The United States and the EU held four formal rounds of TTIP negotiations in 2015. Talks covered a variety of areas, including market access for goods and services; investment liberalization; horizontal (across sectors) regulatory issues, including sanitary and phytosanitary issues, technical barriers to trade, and regulatory coherence; regulatory compatibility in nine selected sectors; and various topics in the rules area, including customs and trade facilitation,

IPRs, competition, state-owned enterprises, small and medium-sized enterprises, and state-to-state dispute settlement.

**FTA merchandise trade flows with FTA partners:** Two-way merchandise trade (exports and imports) between the United States and its 20 FTA partners amounted to \$1.5 trillion, accounting for 41.2 percent of total U.S. merchandise trade with the world in 2015. The NAFTA countries—Canada and Mexico—continued to dominate U.S. trade with FTA partners in 2015, accounting for 74.6 percent of such trade, or \$1.1 trillion. U.S. exports to NAFTA countries totaled \$516.4 billion in 2015, down 6.6 percent from 2014; however, U.S. imports from NAFTA countries fell 8.1 percent to \$590.0 billion in 2015. As a result, the U.S. merchandise trade deficit with its NAFTA partners fell 17.6 percent to \$73.5 billion in 2015.

Total U.S. two-way trade with FTA partners other than the NAFTA countries amounted to \$376.8 billion in 2015, down 5.4 percent from 2014. U.S. exports to these FTA partners fell 8.0 percent to \$195.0 billion in 2015, while U.S. imports fell 2.5 percent to \$181.8 billion in 2015. The United States registered a merchandise trade surplus with these FTA partners of \$13.2 billion in 2015, down from \$25.3 billion in 2014.

The value of U.S. imports entered under FTAs totaled \$371.9 billion in 2015, down \$42.6 billion or 10.3 percent from 2014. These imports accounted for 16.6 percent of total U.S. imports from the world and 48.2 percent of total imports from FTA partners in 2015. Canada was responsible for the largest decline in U.S. imports entered under FTAs in 2015, reflecting lower world prices and reduced U.S. demand for imported energy-related products and other commodities. FTA imports from Canada fell by \$33.8 billion or 19.4 percent to \$140.5 billion in 2015.

**NAFTA developments:** All of NAFTA's provisions were implemented by the United States, Canada, and Mexico as of January 1, 2008, with the exception of the NAFTA cross-border trucking provisions, which were implemented in January 2015 following the successful completion of a pilot program. At the end of 2015, four complaints remained active under Articles 14 and 15 of the North American Agreement on Environmental Cooperation, three of which were submitted in 2015. In 2015, two complaints were submitted under the North American Agreement on Labor Cooperation, one against the United States and the other against Mexico.

**NAFTA dispute settlement:** In 2015, there were four active cases under Chapter 11 (investor-state disputes) filed against the United States, three of which were filed by Canadian investors and one by Mexican investors. There were seven cases filed by U.S. investors, six of them against Canada and one against Mexico. In addition, at the end of 2015, the NAFTA Secretariat listed five review cases under Chapter 19 (Review and Dispute Settlement in Anti-dumping and Countervailing Duty Matters). Three of them challenged the Mexican agency's determinations

on products from the United States, and two challenged U.S. agencies' determinations on products from Canada and Mexico.

## Trade Activities with Major Trading Partners

### European Union

The EU as a single entity continued to be the United States' largest merchandise trading partner. Two-way U.S. merchandise trade (exports and imports) with the EU was valued at \$698.7 billion, accounting for 18.7 percent of total U.S. merchandise trade. U.S. exports to the EU were \$272.7 billion, ranking the EU second to Canada, while U.S. merchandise imports from the EU were \$426.0 billion, second to China. As a result, the U.S. merchandise trade deficit with the EU was \$153.3 billion, up from \$142.1 billion in 2014. Leading U.S. exports to the EU included civilian aircraft, engines, and parts; medicaments (medicines); refined petroleum products; blood fractions (e.g., antiserum) and vaccines; medical instruments; and passenger motor vehicles. Leading U.S. imports were passenger motor vehicles; medicaments; refined petroleum products; turbojets (engines) and parts; and airplanes and other aircraft (of an unladen weight above 15,000 kilograms) and parts. The EU was also the United States' largest trading partner in terms of services in 2015, accounting for 32.7 percent of total trade in private services. The United States registered a trade surplus in services with the EU of \$49.3 billion in 2015, down from \$58.2 billion in 2014.

The major focus of the U.S.-EU trade relationship in 2015 was negotiations to advance the TTIP agreement. The Transatlantic Economic Council also continued its work in parallel to TTIP. Another notable development in 2015 was a ruling by the European Court of Justice that effectively invalidated the U.S.-EU Safe Harbor Agreement, which governs protection of EU personal data flows to the United States.

### China

In 2015, China surpassed Canada to become the United States' largest single-country trading partner based on two-way merchandise trade, accounting for 16.0 percent of total U.S. merchandise trade. The U.S. merchandise trade deficit with China, which rose by 6.6 percent, or \$22.6 billion, to \$365.7 billion in 2015, remained higher than the U.S. merchandise trade deficit with any other trading partner. U.S. merchandise exports to China amounted to \$116.2 billion, and U.S. merchandise imports from China amounted to \$481.9 billion in 2015. Leading U.S. exports were civilian aircraft, engines, and parts; soybeans; passenger motor vehicles; processors or controllers; grain sorghum; and waste and scrap metal. Leading U.S. imports were computers and parts; cellphones; telecommunications equipment; toys; electrical static converters; and video game consoles and machines.

In addition, in 2015, China was the United States' fourth-largest single-country trading partner based on two-way private services trade, accounting for 5.2 percent of total U.S. services trade. The U.S. services trade surplus with China increased by 4.8 percent, from \$27.8 billion in 2014 to \$29.1 billion in 2015.

China's compliance with its WTO commitments remained a focus of U.S.-China trade relations in 2015. Top bilateral trade issues between the two countries were China's IPR protection and enforcement; China's ICT security policy; and access to China's medical devices and pharmaceuticals market, among others. In 2015, the United States and China also held the inaugural meeting of the annual U.S.-China Strategic Agricultural Innovation Dialogue in Washington, DC. This series of meetings will focus on the policy and regulatory framework for agricultural technologies.

## Canada

Canada was the United States' second largest single-country merchandise trading partner in 2015 after China, falling from the top position it held in 2014 and previous years. U.S. merchandise trade with Canada fell by 12.9 percent to \$575.2 billion in 2015, accounting for 15.4 percent of total U.S. trade. The decline in oil prices was largely responsible for the drop in bilateral trade. Both U.S. exports and imports with Canada shrank significantly, but U.S. imports from Canada fell more sharply, resulting in a trade deficit of \$15.2 billion that was less than half the value of the 2014 deficit. U.S. exports to Canada amounted to \$280.0 billion in 2015, and U.S. imports from Canada totaled \$295.2 billion. Leading U.S. merchandise exports to Canada included passenger motor vehicles; crude petroleum; civilian aircraft, engines, and parts; motor vehicles for goods transport; and refined petroleum products. Leading U.S. imports from Canada included crude petroleum; passenger motor vehicles; natural gas; and refined petroleum products.

Canada remained the United States' second-largest single-country trading partner in services in 2015, after the United Kingdom. Two-way private services trade was valued at \$86.9 billion, accounting for 7.5 percent of U.S. trade in private services with the world. The United States ran a services trade surplus with Canada of \$27.0 billion in 2015, down 13.6 percent from \$31.3 billion in 2014.

In trade policy matters, no major movement toward a renewal or renegotiation of the U.S.-Canada Softwood Lumber Agreement was evident in the months following its expiration in October 2015. The expired agreement contained a one-year grace period for renegotiation in which no trade litigation may be filed. Also, in December 2015, the U.S. Congress repealed U.S. country of origin labeling requirements for beef and pork, helping to settle a longstanding WTO dispute-settlement case with Canada and others regarding these measures.

## Mexico

In 2015, Mexico was the United States' third-largest single-country merchandise trading partner. With total two-way merchandise trade valued at \$531.1 billion, Mexico accounted for 14.2 percent of U.S. trade with the world. U.S. merchandise exports to Mexico totaled \$236.4 billion in 2015, and U.S. merchandise imports from Mexico amounted to \$294.7 billion, resulting in a merchandise trade deficit of \$58.4 billion, up from \$53.8 billion in 2014. In 2015, leading U.S. exports to Mexico included refined petroleum products; computer parts and accessories; parts and accessories for motor vehicles; telecommunications equipment; and civilian aircraft, engines, and parts. Leading U.S. imports from Mexico included passenger motor vehicles; computers; motor vehicles for goods transport; crude petroleum; color TV reception apparatus; and telecommunications equipment. The United States had a services trade surplus of \$8.9 billion with Mexico in 2015, down from \$10.3 billion in 2014.

U.S.-Mexican trade relations are governed in large part by NAFTA, as well as a new High Level Economic Dialogue established in 2013. In 2015, under these frameworks, the two countries focused on issues including modernizing border infrastructure, addressing cross-border trucking, and strengthening energy regulatory cooperation. The two countries also established the United States-Mexico Energy Business Council in 2015 to strengthen the economic ties between the energy industries of both countries.

## Japan

In 2015, Japan was the United States' fourth-largest single-country merchandise trading partner. Two-way U.S. merchandise trade with Japan was valued at \$193.6 billion, accounting for 5.2 percent of total U.S. merchandise trade. U.S. merchandise exports to Japan were \$62.5 billion and U.S. merchandise imports from Japan were \$131.1 billion, resulting in a merchandise trade deficit of \$68.6 billion in 2015; this represented a 2.2 percent increase over the \$67.2 billion deficit recorded in 2014. Leading U.S. merchandise exports to Japan included civilian aircraft, engines, and parts; corn; certain medicaments; machines for the production of semiconductor devices or electronic integrated circuits; and medical instruments. Leading U.S. imports from Japan included passenger motor vehicles; parts of airplanes or helicopters; gearboxes and other parts and accessories for motor vehicles; and parts for printers and copying machines. In addition, the United States ran a services trade surplus of \$16.6 billion with Japan in 2015, down from \$17.8 billion in 2014.

Economic dialogue between the United States and Japan in 2015 centered on trying to conclude the TPP negotiations. In particular, the two sides held bilateral negotiations in parallel to TPP negotiations on issues related to passenger motor vehicles and insurance, as well as other nontariff measures in areas such as express delivery, transparency, government

procurement, and sanitary and phytosanitary measures. These issues were resolved and incorporated into the final TPP agreement, which was officially concluded in October 2015.

## Republic of Korea

In 2015, the Republic of Korea (South Korea) was the United States' sixth-largest single-country merchandise trading partner after Germany. Two-way U.S. merchandise trade with South Korea was valued at \$115.3 billion in 2015, accounting for 3.1 percent of U.S. merchandise trade with the world. U.S. merchandise exports to South Korea were valued at \$43.5 billion, and U.S. merchandise imports from South Korea totaled \$71.8 billion. This resulted in a trade deficit of \$28.3 billion in 2015, a 13.1 percent increase from \$25.0 billion in 2014. Leading U.S. exports to South Korea during the year included civilian aircraft, engines, and parts; processors or controllers; machines for the production of semiconductor devices or electronic integrated circuits; corn; and passenger vehicles. Leading U.S. imports to South Korea during the year included passenger vehicles; cellphones; refined petroleum products; parts and accessories for computers; and electronic integrated circuits. The United States ran a services trade surplus with South Korea of \$13.4 billion in 2015, up from \$12.5 billion in 2014.

U.S.-South Korea trade relations in 2015 focused on the KORUS FTA and on South Korea's interest in joining TPP negotiations.

## Taiwan

In 2015, Taiwan was the United States' ninth-largest single-economy trading partner, and accounted for 1.8 percent of U.S. trade with the world. U.S. two-way merchandise trade with Taiwan amounted to \$66.6 billion in 2015, a slight decrease of 0.9 percent from \$67.3 billion in 2014. U.S. merchandise exports to Taiwan amounted to \$25.9 billion, a 2.8 percent decrease from \$26.7 billion in 2014; U.S. merchandise imports from Taiwan amounted to \$40.7 billion, a 0.3 percent increase from \$40.6 billion in 2014. As a result, the U.S. merchandise trade deficit with Taiwan grew by 6.2 percent, or \$0.9 billion, rising from \$13.9 billion in 2014 to \$14.8 billion in 2015. Leading U.S. exports to Taiwan included civilian aircraft, engines, and parts; machines for the production of semiconductor devices or electronic integrated circuits; ammunition; memory chips; processors or controllers; electronic integrated circuits; other agricultural products such as soybeans, corn, and wheat; and ferrous waste and scrap. Leading U.S. imports from Taiwan included electronic integrated circuits; memory chips; parts and accessories for computers; cellphones; telecommunications equipment; and processors or controllers. The United States ran a services trade surplus with Taiwan in 2015 that totaled \$4.3 billion, compared to \$5.0 billion the year before.

In 2015, U.S.-Taiwan trade relations focused on access to Taiwan's agricultural market and Taiwan's agricultural biotechnology regulations.

## India

In 2015, India was the United States' 10th-largest single-country merchandise trading partner. Two-way merchandise trade with India was valued at \$66.3 billion in 2015, accounting for 1.8 percent of total U.S. merchandise trade with the world. U.S. merchandise exports to India were \$21.5 billion and U.S. merchandise imports from India were \$44.7 billion, resulting in a U.S. merchandise trade deficit with India of \$23.2 billion in 2015, slightly down from \$23.6 billion in 2014. Top U.S. exports to India were nonindustrial diamonds; nonmonetary gold; civilian aircraft, engines, and parts; coal; and almonds. Leading U.S. imports from India were nonindustrial diamonds; certain medicaments; refined petroleum products; jewelry; and frozen shrimp. India was the United States' seventh-largest single-country partner for services and continued to be the only top U.S. trading partner with which the United States had a services trade deficit in 2015. The services trade deficit with India rose 14.3 percent in 2015, to \$6.8 billion.

In 2015, the United States and India continued dialogue on improving bilateral trade and investments through the U.S.-India Trade Policy Forum and other bilateral meetings. IPR protection is among the top bilateral trade issues between the two countries.

## Brazil

In 2015, Brazil was the United States' 12th-largest single-country merchandise trading partner, dropping from the 9th position in 2014. Two-way merchandise trade between the United States and Brazil decreased by 19.0 percent to \$59.1 billion, which represented 1.6 percent of total U.S. merchandise trade with the world. This steep decline was most likely due to a recession in Brazil, which affected Brazil's demand for U.S. exports, and the lower price of crude oil, which affected trade in both directions. U.S. exports to Brazil in 2015 were \$31.7 billion, while U.S. imports from Brazil were \$27.4 billion. As a result, the United States recorded a merchandise trade surplus with Brazil of \$4.3 billion, down from \$11.9 billion in 2014. Leading U.S. exports to Brazil included civilian aircraft, engines, and parts; refined petroleum products; certain medicaments; and telecommunications equipment. Leading U.S. imports from Brazil included crude petroleum; airplanes and other aircraft of unladen weight exceeding 15,000 kg; unroasted coffee; and semi-finished iron or non-alloy steel products. In 2015, the U.S. trade surplus in services with Brazil slightly declined from \$19.6 billion in 2014 to \$19.2 billion in 2015.

In 2015, the United States and Brazil held various bilateral official meetings, such as the U.S.-Brazil Commercial Dialogue and the Brazil-U.S. Business Summit. At these meetings, they continued discussing topics such as trade facilitation, standards and conformity assessment, and economic cooperation.

## Summary of 2015 Trade Agreement Activities

### January

**1:** A fourth round of tariff cuts is made under the U.S.-Korea Free Trade Agreement (KORUS FTA).

**5:** Following the completion of the three-year U.S.-Mexico Cross-Border Long-Haul Trucking Pilot Program, the U.S. Department of Transportation submits to Congress a report that shows that Mexican carriers demonstrate a level of safety at least as high as their American and Canadian counterparts.

**6:** The U.S.-Mexico High Level Economic Dialogue is held in Washington, DC, to discuss energy and climate change cooperation and regulatory cooperation, among other topics.

**15:** As a result of the successful completion of the pilot program, the Federal Motor Carrier Safety Administration begins accepting applications from Mexico-domiciled motor carriers interested in conducting long-haul operations beyond the U.S. commercial zones.

**16:** The WTO Dispute Settlement Body (DSB) adopts the Appellate Body (AB) and dispute panel reports in the complaint by China regarding U.S. countervailing duty measures on certain products from China (DS437).

**21–24:** The World Economic Forum annual meeting is held in Davos, Switzerland.

**23:** USTR delivers the United States' letter of acceptance of the WTO Trade Facilitation Agreement to WTO Director-General Roberto Azevêdo in Davos, Switzerland.

**25–27:** President Obama travels to India for bilateral meetings with Indian Prime Minister Modi to discuss expanding trade and investment, among other things.

**26:** The WTO DSB adopts the AB and dispute panel reports in a complaint by the United States regarding Argentina's measures affecting the import of goods (DS444).

**26:** India appeals the WTO DSB panel report in the complaint by the United States regarding India's import measures on certain agricultural products (DS430).

**26–30:** The fourth round of negotiations on the Environmental Goods Agreement (EGA) takes place in Geneva, Switzerland. Discussions feature products for renewable energy.

## January—continued

**26–1:** Chief negotiators from the 12 Trans-Pacific Partnership (TPP) countries meet in New York City. Progress is made on market access for goods, and discussions are held on intellectual property, investment, non-conforming measures, state-owned enterprises, rules of origin, environment, and financial services.

## February

**2–6:** The eighth round of U.S.-EU negotiations on the Transatlantic Trade and Investment Partnership (TTIP) agreement takes place in Brussels, Belgium.

**9–13:** The 11th round of Trade in Services Agreement (TISA) negotiations takes place in Geneva, Switzerland. Issues of interest include financial services, telecommunications, and domestic regulations.

**11:** The United States requests WTO dispute settlement consultations with China over China's measures related to progress involving demonstration bases and common service platforms (DS489).

**12:** USTR Froman meets with Brazil's Minister of Development, Industry, and Trade, Armando Monteiro, in Washington, DC, to discuss a comprehensive strategic agenda under the Commercial Dialogue.

**17:** The U.S.-Algeria Trade and Investment Framework Agreement (TIFA) Council meeting is held in Algiers, Algeria.

**20:** The U.S.-Morocco Free Trade Agreement (FTA) Joint Committee meeting is held in Rabat, Morocco.

**23:** The WTO DSB establishes a dispute panel requested by the EU to examine conditional U.S. tax incentives for large civil aircraft (DS487).

**25:** USTR Froman signs a U.S.-East African Community (EAC) Cooperation Agreement on Trade Facilitation, Sanitary and Phytosanitary (SPS) Measures, and Technical Barriers to Trade (TBT) and hosts a ministerial meeting with EAC ministers in Washington, DC.

**27:** A U.S. government report is released on labor issues in Honduras related to the U.S.-Central America-Dominican Republic FTA (CAFTA-DR).

## March

**2:** USTR releases President Obama's *2015 Trade Policy Agenda* and the *2015 Annual Report*.

**5–6:** The United States hosts South African officials to discuss issues regarding the renewal of the African Growth and Opportunity Act (AGOA), including agriculture and SPS.

**9–15:** TPP chief negotiators meet in Hawaii to discuss market access and legal issues.

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

## March—continued

**12:** The U.S.-Pakistan TIFA Council meets to review progress under the bilateral Joint Action Plan.

**13:** Indonesia requests WTO dispute settlement consultations with the United States over antidumping and countervailing measures on coated paper from Indonesia (DS491).

**16–20:** The fifth round of the EGA negotiations takes place in Geneva, Switzerland, focusing on products for environmental monitoring, analysis and assessment, and resource efficiency, as well as environmentally preferable products.

**25:** The WTO DSB establishes a dispute panel requested by South Korea regarding U.S. antidumping measures on oil country tubular goods from South Korea (DS488).

**26:** The third meeting of the CAFTA-DR Free Trade Commission is held in Santo Domingo, Dominican Republic.

## April

**1:** USTR releases three reports on foreign trade measures: the *2015 National Trade Estimate Report (NTE)*, *2015 Report on Sanitary and Phytosanitary (SPS) Measures*, and *2015 Report on Technical Barriers to Trade (TBT)*.

**13:** The 12th round of TISA negotiations takes place in Geneva, Switzerland. Discussions focus on financial services, telecommunications, disciplines concerning

domestic services regulations, and temporary movement of professionals.

**15:** The second meeting of the U.S.-South Africa TIFA Council convenes to discuss market access, eliminating barriers to U.S. agricultural goods, improving South Africa's business climate and investment policies, and intellectual property rights (IPR) protection.

**20–24:** The ninth round of U.S.-EU negotiations on the TTIP agreement takes place in New York City.

**22:** The WTO DSB establishes a dispute panel requested by the United States to examine China's measures related to demonstration bases and common service platforms programs (DS489).

**22:** The WTO DSB adopts the AB and dispute panel reports in the complaint by Vietnam regarding U.S. antidumping measures on shrimp from Vietnam (DS429).

**23–26:** TPP chief negotiators meet in Chevy Chase, MD to discuss market access, intellectual property, rules of origin, investment, and textiles.

**30:** USTR releases its *2015 Special 301 Report* on the adequacy and effectiveness of U.S. trading partners' protection and enforcement of IPR.

## May

**4–10:** The sixth round of the EGA negotiations is held in Geneva, Switzerland, to review the substantive list of product nominations developed in previous negotiation rounds.

**7:** The United States and Armenia sign a TIFA agreement.

**14–28:** TPP chief negotiators meet on the island of Guam. Main topics of discussion include intellectual property, textiles, rules of origin, investment, state-owned enterprises, labor, e-commerce, and market access.

**18:** The fifth round of the U.S.-Mongolia TIFA negotiations is held in Ulaanbaatar, Mongolia. Discussions focus on increasing cooperation on legal and regulatory frameworks and implementing the U.S.-Mongolia Transparency Agreement.

**20:** The WTO DSB establishes a dispute panel requested by the United States to examine Indonesia's measures on imports of horticultural products, animals, and animal products (DS478).

**22:** The U.S. Senate passes the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, which would provide new trade agreements authority to the President potentially through July 1, 2021.

**23–24:** The Asia-Pacific Economic Cooperation (APEC) Ministers Responsible

for Trade Meeting is held in Boracay, the Philippines.

**26–28:** TPP ministers meet in the Philippines for negotiations following the APEC and chief negotiators meetings.

**28–29:** The fifth meeting of the U.S.-Ukraine Trade and Investment Council is held in Kyiv, Ukraine.

**29:** The WTO DSB adopts the AB and dispute panel reports in the complaint by Canada and Mexico regarding U.S. country of origin labeling (COOL) requirements (DS384, DS386).

## June

**2:** USTR releases the *Leveling the Playing Field* report detailing tariff barriers that will be addressed in the TPP, with a focus on leveling the playing field for U.S. workers and businesses by gaining access to new markets.

**2:** A hearing is held on the U.S. labor enforcement case against Guatemala regarding its obligations under article 16.2.1(a) of CAFTA-DR.

**3–4:** The Organization for Economic Cooperation and Development (OECD) holds its annual Ministerial Meeting in Paris, France.

**5:** USTR announces country-specific reallocations of the fiscal year (FY) 2015 in-quota quantity of the WTO tariff-rate quota (TRQ) for imported raw cane sugar.

## June—continued

**5:** The United States and South Africa reach an agreement that lifts South African antidumping duties on a large amount of U.S. poultry exports and resolves other outstanding disagreements over SPS measures affecting U.S. chicken, beef, and pork.

**8-12:** The United States and China exchange negative-list offers at the 19th Bilateral Investment Treaty (BIT) negotiating round in Beijing, China.

**9:** The Environmental Affairs Council meeting under the U.S.-Peru Trade Promotion Agreement is held in Lima, Peru.

**11:** The 10th meeting of the U.S.-Chile Free Trade Commission under the U.S.-Chile Free Trade Agreement is held in Washington, DC.

**15-22:** The seventh round of EGA negotiations is held in Geneva, Switzerland, to continue discussions on the list of product groups nominated in previous rounds.

**18:** The United States signs a memorandum of understanding on IPR with Paraguay during the U.S.-Paraguay Partnership Dialogue in Washington, DC.

**19:** The WTO DSB adopts the AB and dispute panel reports in the complaint by the United States regarding India's measures on imports of certain agricultural products (DS430).

**23-24:** The seventh U.S.-China Strategic and Economic Dialogue is held in Washington, DC.

**29:** President Obama signs into law the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, which provides new Trade Promotion Authority, as well as the Trade Preferences Extension Act of 2015, which includes the extension of the Generalized System of Preferences (GSP), African Growth and Opportunity Act (AGOA), Haitian Hemispheric Opportunity through Partnership and Encouragement Act (HOPE II), and Trade Adjustment Assistance (TAA).

**30:** The United States and Peru establish an environmental secretariat to receive public submissions concerning environmental enforcement, providing an outlet for the public to voice views and concerns relating to the environment under the U.S.-Peru Trade Promotion Agreement.

## July

**1:** The United States Export-Import Bank's charter expires.

**6:** The 13th round of TISA negotiations takes place in Geneva, Switzerland, to discuss financial services, telecommunications, disciplines concerning domestic services regulations, and the temporary movement of professionals.

**10:** The Environmental Affairs Council under CAFTA-DR meets in Guatemala City, Guatemala.

**July—continued**

**13–17:** The United States and the EU participate in the 10th round of TTIP negotiations in Brussels, Belgium.

**14–17:** WTO members meet for a new round of negotiations to expand the Information Technology Agreement (ITA).

**23:** USTR initiates an out-of-cycle review of South Africa’s eligibility to be a beneficiary of AGOA.

**24:** The United States and 54 partners agree to expand the products covered by the ITA by eliminating tariffs on an additional list of 201 products.

**24–27:** TPP Chief Negotiators meet in Maui, HI, to discuss rules related to financial services, state-owned enterprises, legal issues, and trade in industrial goods, agriculture, and textiles.

**27–31:** The eighth round of the EGA negotiations takes place in Geneva, Switzerland. Participants identify their support for priority products and draft a text of the agreement.

**31:** TPP Trade Ministers release a joint statement reporting they had made “significant progress” and that they would continue to work on resolving “a limited number of remaining issues” to successfully conclude the TPP negotiations.

**August**

**18:** USTR determines Curaçao eligible for CBTPA.

**22:** USTR initiates annual reviews of the GSP and the AGOA.

**22–24:** USTR Froman hosts talks between the 10 ASEAN Economic Ministers in Kuala Lumpur, Malaysia, to deepen trade and investment ties between the United States and countries in the region.

**24–27:** USTR Froman attends the 2015 U.S.-Sub-Saharan Africa Trade and Economic Cooperation Forum (the 14th AGOA Forum) in Libreville, Gabon.

**25:** U.S. and Mexican officials inaugurate the West Rail Bypass International Bridge in Brownsville, TX. The bridge is the first new international rail crossing between the United States and Mexico in 105 years, connecting Brownsville, TX, and Matamoros, Tamaulipas. Crossing times between both countries for passenger and cargo vehicles will be reduced, boosting regional economic development.

**27:** The inaugural meeting of the U.S.-Economic Community of West African States (ECOWAS) TIFA Council is held to discuss progress on reducing trade barriers within ECOWAS and deepening U.S.-ECOWAS trade, as well as the status of the West Africa-EU Economic Partnership Agreement.

## August—continued

**31:** The WTO DSB adopts the dispute panel report in the complaint by Argentina regarding U.S. import measures on animals, meats, and other animal products from Argentina (DS447).

## September

**15–16:** The United States and six other WTO members meet in Geneva, Switzerland, to discuss what possible outcomes from the Doha Round could be achieved by the December ministerial meeting in Nairobi, Kenya.

**16–22:** The ninth round of the EGA is held. Negotiators split products into two lists based on the level of support for their inclusion in the final agreement.

**18:** The U.S.-Indonesia TIFA Council meets to discuss a report on the status of the Regional Comprehensive Economic Partnership negotiations to which Indonesia is a party, and a report on the status of TPP.

**22:** USTR Froman hosts EU Commissioner for Trade Cecilia Malmström for meetings on the TTIP negotiations in Washington, DC.

**22:** U.S. and Indian officials meet for the U.S.-India Strategic and Commercial Dialogue in Washington, DC.

**24:** The United States hosts China at the inaugural meeting of the annual U.S.-China Strategic Agricultural Innovation Dialogue in Washington, DC.

**26–29:** TPP Chief Negotiators meet in Atlanta, GA, in what is to be their final round of TPP negotiations.

**28:** The WTO DSB establishes a dispute panel requested by Indonesia to examine U.S. antidumping and countervailing measures on coated paper from Indonesia (DS491).

**30:** The President announces the graduation of Seychelles, Venezuela, and Uruguay from the GSP program based on income as of January 1, 2017; the addition of certain cotton products to the GSP program for least-developed beneficiary developing countries; and the granting of new competitive need limitation (CNL) waivers and the revocation of CNL waivers for certain products from certain countries.

**30–1:** TPP Trade Ministers meet in Atlanta, GA, to conclude negotiations.

## October

**1:** U.S. and Taiwan officials meet at the ninth TIFA Council meeting in Taipei, Taiwan, to discuss Taiwan's efforts to fulfill TIFA commitments, including on IPR, agricultural, and pharmaceutical issues.

**5:** The United States and 11 other Pacific Rim nations announce they have reached a final agreement on the TPP.

**October—continued**

**6–13:** The 14th round of TISA negotiations takes place in Geneva, Switzerland.

Discussions focus on financial services, domestic regulation and transparency, telecommunications, e-commerce, localization, and delivery services.

**12:** The 2006 Canada-United States Softwood Lumber Agreement officially expires.

**15:** U.S. and Mexican officials announce a cargo pre-inspection pilot program that aims to facilitate trade between the two nations. The program began operations at the Laredo International Airport in Laredo, TX, and the Mesa de Otay Customs Facility in Baja California.

**19–23:** The 11th round of TTIP negotiations is held in Miami, FL.

**28–4:** The United States and China hold the 22nd round of negotiations for a bilateral investment treaty (BIT) in Qingdo, China.

**29:** USTR Froman hosts the 9th ministerial-level meeting of the U.S.-India Trade Policy Forum in Washington, DC.

**29–4:** The 10th round of the EGA negotiations takes place in Geneva, Switzerland. Discussions focus on selecting environmental products to which the agreement would apply, practical implications for customs, and the protocol adopting the EGA into the WTO agreement.

**November**

**4:** The 12th meeting of the U.S.-Paraguay Joint Council on Trade and Investment is held in Asunción, Paraguay, to discuss several bilateral issues, including IPRs.

**5:** The United States and least-developed countries (LDCs) agree on a 17-year extension of a waiver exempting LDCs from implementing WTO obligations on the protection of pharmaceutical patents and undisclosed clinical test data.

**5:** Macroeconomic policy authorities of the 12 TPP countries release a joint declaration on the TPP agreement that addresses unfair currency practices by promoting transparency and accountability on macroeconomic and exchange rate policies.

**5:** Text of the TPP agreement is released to the public. President Obama notifies Congress of the Administration's intent to sign the TPP agreement.

**6:** The United States suspends benefits to South African agricultural products under AGOA.

**9:** The United States and South Korea convene a meeting of the Automotive Working Group under the KORUS FTA in Geneva, Switzerland.

**10:** The U.S.-Korea Environmental Affairs Council meeting under the KORUS FTA is held in Seoul, South Korea.

## **November—continued**

**12:** The fifth meeting of the U.S.-Peru Free Trade Commission takes place in Washington, DC.

**16–17:** The APEC Ministerial Meeting is held in Manila, the Philippines.

**17:** The first meeting of the U.S.-Armenia TIFA Council takes place in Yerevan, Armenia, to discuss IPRs, customs clearances, technical barriers to trade, sanitary measures, investment promotion efforts, private sector engagement, government procurement, the WTO Trade Facilitation Agreement, and environmental and labor issues.

**18–19:** The APEC Economic Leaders' Meeting is held in Manila, the Philippines.

**21–23:** The United States and China hold the 26th session of the U.S.-China Joint Commission on Commerce and Trade (JCCT) in Guangzhou, China.

**23:** The second meeting of the U.S.-Bangladesh Trade and Investment Cooperation Forum Agreement Council is held. Discussions include labor rights and workplace safety concerns, capital controls, and market access.

**25:** USTR announces that it will hold a hearing in January 2016 on several Country Practices Reviews of worker rights under the GSP.

**29–4:** The 15th round of the TISA negotiations is held in Geneva, Switzerland,

to discuss domestic regulation, transparency in legislative processes, and financial services.

**30–4:** The 11th round of the EGA negotiations is held in Geneva, Switzerland, to continue discussions on the final list of goods to be included in the agreement.

## **December**

**7:** Arbitration in the complaint by Canada and Mexico regarding U.S. COOL requirements (DS384, DS386) determines that nullification and impairment of trade benefits were caused by these requirements.

**8:** The United States requests WTO dispute settlement consultations with China over tax measures affecting domestically produced aircraft (DS501).

**8–11:** USTR Froman travels to the United Kingdom and Belgium for meetings on TTIP.

**15:** Arbitration in the complaint by Vietnam over U.S. antidumping measures on shrimp from Vietnam (DS429) determines the reasonable period of time to implement the DSB decisions to be 15 months from adoption of the AB and dispute panel reports.

**15–19:** The WTO's 10th Ministerial Conference is held in Nairobi, Kenya.

**16:** The United States and WTO partners announce final agreement on the landmark expansion of ITA.

**December – continued**

**16:** The U.S. Congress lifts the 40-year ban on exports of U.S. crude oil.

**17:** USTR announces findings of the *Special 301 Out-of-Cycle Review of Notorious Markets for 2015*.

**17:** USTR publishes a notice requesting comments on the negotiated EGA.

**18:** The U.S. Congress repeals U.S. COOL requirements for beef and pork, in anticipation of forthcoming WTO

authorization for Canada and Mexico to suspend tariff concessions in dispute cases DS384 and DS386.

**21:** The WTO DSB authorizes Canada and Mexico to suspend tariff concessions to the United States concerning COOL requirements (DS384, DS386).

**23:** USTR releases its *2015 Report to Congress on China's WTO compliance*.

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



# Chapter 1

## Introduction and Overview of U.S. Trade

### Scope and Approach of the Report

This report provides factual information on the operation of the U.S. trade agreements program and its administration for calendar year 2015. Trade agreement activities during 2015 include the administration of U.S. trade laws and regulations; U.S. participation in the World Trade Organization (WTO), the Organisation for Economic Co-operation and Development (OECD), and the Asia-Pacific Economic Cooperation forum; U.S. negotiation of and participation in free trade agreements (FTAs) and trade and investment framework agreements; and trade-related bilateral developments with major trading partners. This report also includes an overview of the international economic and trade environment within which U.S. trade policy was conducted in 2015.

### Sources

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

The *Year in Trade 2015* report, as with past reports, relies on U.S. Census Bureau (U.S. Census) data for the U.S. merchandise trade statistics presented throughout the report. Most tables in the report present U.S. merchandise trade statistics using “total exports” and “general imports” as measures,<sup>2</sup> except for data on U.S. imports entered with a claim of eligibility under trade

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

preference programs and free trade agreements. Such data require an analysis of U.S. “imports for consumption”—goods that have been cleared by U.S. Customs and Border Protection to enter the customs territory of the United States with required duties paid.<sup>3</sup> Most of the merchandise trade data used in this report can be accessed using the USITC’s DataWeb database (<https://dataweb.usitc.gov/>).

Chapters 1 and 6 also offer data on services trade. The information on services trade is based on data for cross-border trade in private services, which exclude government sales and purchases of services. The source of these data is the Bureau of Economic Analysis (BEA) of the U.S. Department of Commerce (USDOC or Commerce).

## Organization of the Report

The rest of this chapter provides an overview of U.S. trade and includes relevant information on the economies of the United States and major trading partners to help explain trends in U.S. trade in 2015. Chapter 2 covers the administration of U.S. trade laws and regulations in 2015, including tariff preference programs such as the Generalized System of Preferences (GSP). Chapter 3 focuses on U.S. participation in the WTO, including developments in major WTO dispute settlement cases during 2015. Chapter 4 covers 2015 developments at the OECD and the Asia-Pacific Economic Cooperation forum, as well as negotiations on an agreement on trade in services and developments with trade and investment framework agreements. Chapter 5 describes U.S. negotiation of and participation in FTAs, and chapter 6 covers trade-related bilateral developments in 2015 with major U.S. trading partners.

## Overview of the U.S. and Global Economies in 2015

### The U.S. Economy in 2015

The level of U.S. imports and exports of goods and services depends on the strength of the U.S. and global economies, respectively. For example, a rapidly growing U.S. economy increases U.S. demand for imports. In 2015, the overall picture of economic growth in the U.S. economy

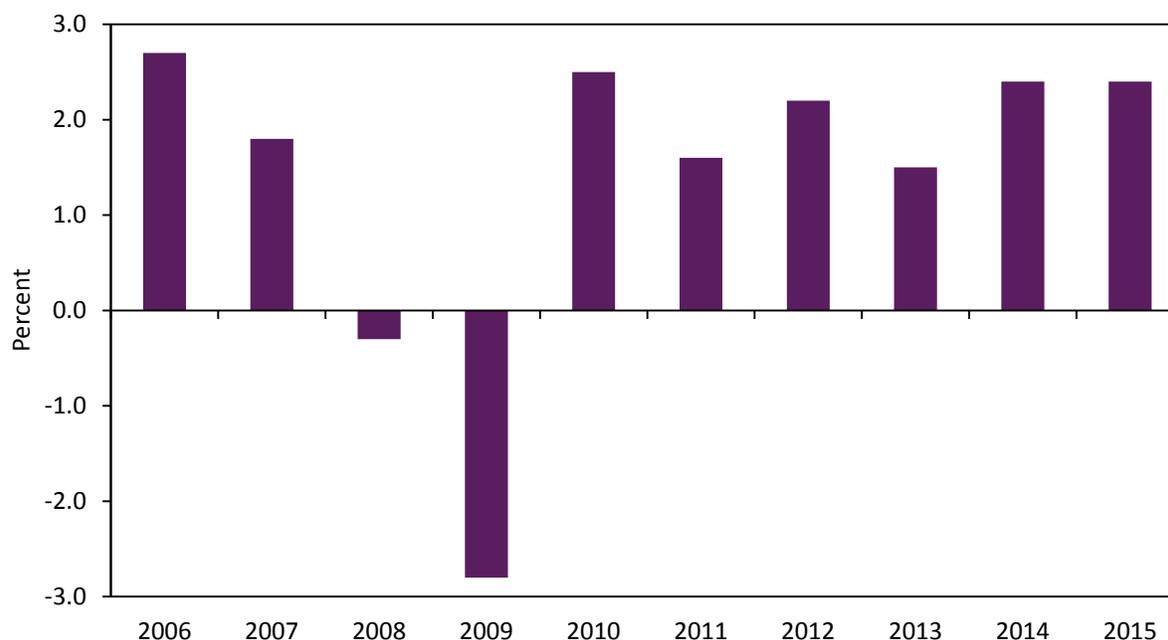
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such merchandise enters the U.S. customs territory immediately or is entered into bonded warehouses or FTZs under U.S. Customs custody.

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

remained largely unchanged from 2014. U.S. real gross domestic product (GDP) increased 2.4 percent in 2015, identical to the growth rate in 2014 (figure 1.1).<sup>4</sup>

**Figure 1.1** U.S. real gross domestic product, percentage change, 2006–15



Source: USDOC, BEA, “Gross Domestic Product: Fourth Quarter and Annual 2015 (Third Estimate),” March 25, 2016; USDOC, BEA, “Gross Domestic Product: Fourth Quarter and Annual 2015 (Second Estimate),” February 26, 2016, table 7.

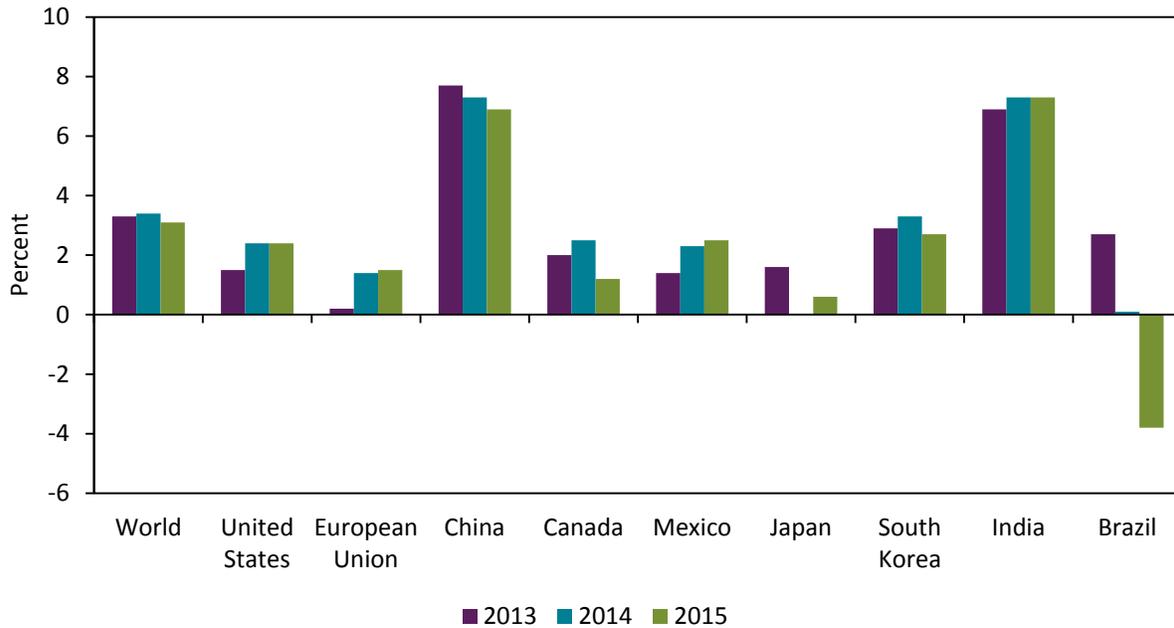
## Global Economic Trends in 2015

Global economic growth slowed but remained moderate, declining to 3.1 percent in 2015 from 3.4 percent in 2014 and 3.3 percent in 2013 (figure 1.2). Many factors influenced global economic growth during 2015, most notably lower world prices for energy and other commodities; a continued U.S. economic recovery and appreciation of the U.S. dollar against several major currencies; and a gradual slowdown and rebalancing of China’s economy away from investment and export-oriented manufacturing toward domestic consumption and services.<sup>5</sup>

<sup>4</sup> Real GDP is a measure of the value of the goods and services produced by the nation’s economy less the value of the goods and services used up in production, adjusted for price changes. USDOC, BEA, “Gross Domestic Product: Fourth Quarter and Annual 2015 (Third Estimate),” March 25, 2016, table 2.

<sup>5</sup> IMF, “World Economic Outlook Update,” January 19, 2016, 1.

**Figure 1.2** Economic growth trends in the world, the United States, and selected economies, 2013–15



Sources: USDOC, BEA, “Gross Domestic Product: Fourth Quarter and Annual 2015 (Second Estimate),” February 26, 2016, table 7; OECD, “Country Statistic Profile: European Union 2015,” (accessed March 30, 2016); IMF, “World Economic Outlook Update,” January 19, 2016 <http://www.imf.org/external/pubs/ft/weo/2016/update/01/pdf/0116.pdf>; IMF, *World Economic Outlook: Adjusting to Lower Commodity Prices*, October 2015, table A.

Note: EU 2015 data is for the Euro area. 2015 data for South Korea is a projection.

Growth performance by specific major U.S. trading partners diverged widely during 2013–15, affecting both their bilateral trade with the United States and their exchange rates against the U.S. dollar. For example, Canada and Mexico—both energy exporters with economies that are heavily linked to that of the United States—experienced differing growth trends during 2014–15. Canada’s growth fell sharply during 2015, largely as a result of that country’s declining energy sector output and lower world energy prices.<sup>6</sup> Mexico, by contrast, experienced an increase, although small, in 2015. The drag from Mexico’s declining energy sector output and lower world energy prices was offset by the benefits from the country’s export-based manufacturing sector (linked to the U.S. economy) and a depreciating exchange rate that helped boost exports to its main trade partners, including the United States.<sup>7</sup>

Several other important U.S. trading partners, including South Korea, the European Union (EU), Japan, and Brazil, experienced economic growth at or below the world average during 2013–15. South Korea’s economic growth largely tracked the world average, reflecting that country’s

<sup>6</sup> EIU, “Country Report: Canada,” March 2016, 9. Canada ranked as the fifth-largest energy producer in the world in 2015 after the United States, China, Russia, and Saudi Arabia. EIU, “Industry Report—Energy: Canada,” 2016, 2.

<sup>7</sup> EIU, “Country Report: Mexico,” March 2016, 6

reliance on export-oriented manufacturing and foreign demand to power its growth.<sup>8</sup> Economic growth in the EU, Japan, and Brazil remained significantly below the world average during 2013–15. While there were substantial differences in economic performance among EU countries, slow growth in the EU as a whole was the result of structural economic problems in several countries, such as high levels of public and private debt and high unemployment.<sup>9</sup> Japan remained in a protracted period of low economic growth due to longstanding economic problems, such as an aging population and resulting labor shortages that limit industrial output; low private consumption and weak domestic demand; and slower economic growth in key export markets.<sup>10</sup> Brazil's economy, heavily dependent on oil and mining exports, sharply contracted in 2015 as a result of low world energy and commodity prices, declining investment, rising inflation, and the economic repercussions of a lengthy domestic political and fiscal crisis.<sup>11</sup>

Economic growth in China and India continued to significantly outperform the world average in 2015, but the two countries were on distinctly different growth paths. China's economic growth slowed from 7.7 percent in 2013 to 6.9 percent in 2015<sup>12</sup> as the country continued to rebalance its economy away from export-oriented manufacturing and investment to becoming a more domestic consumption- and service-based economy.<sup>13</sup> Given China's extensive linkages to international supply chains and its relatively high GDP per capita of \$14,543, the effects of its economic slowdown were transmitted globally. China's lower demand for imports added downward pressure on global commodity prices and reduced export opportunities for countries that had oriented themselves around supplying that demand.<sup>14</sup> India's economic growth, in contrast, accelerated from 6.9 percent in 2013 to 7.3 percent in 2015—one of the highest growth rates in the world that year. India's strengthened economic performance was aided by a lower energy import bill and an expanding services sector. However, higher growth in India had limited spillover into the global economy. India has notably fewer linkages to the global economy, a relatively small manufacturing sector, significant infrastructure bottlenecks that undermine productivity, and a per capita income that, at \$6,079, is too low to spur strong demand for imports.<sup>15</sup>

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<sup>8</sup> EIU, "Country Report: South Korea," March 2016, 7.

<sup>9</sup> OECD, *Economic Outlook*, November 2015, 122–25.

<sup>10</sup> *Ibid.*, 166–70; OECD, "OECD Economic Surveys: Japan," April 2015, 4.

<sup>11</sup> EIU, "Country Report: Brazil," February 2016, 8.

<sup>12</sup> EIU, "Country Report: China," February 2016, 12, 35.

<sup>13</sup> IMF, "World Economic Outlook Update," January 19, 2016, 1.

<sup>14</sup> *Ibid.*; EIU, "Country Report: China," February 2016, 12, 35, and March 2016, 10.

<sup>15</sup> EIU, "Country Report: India," March 2016, 7, 11, 13.

## Exchange Rate Trends

In 2015, the U.S. dollar continued its appreciation against the broad dollar index, rising by 10.0 percent from January 2, 2015, to December 31, 2015.<sup>16</sup> U.S. dollar appreciation reflected both the relatively robust U.S. economic performance, compared to that of other major trading partners, and global investors' shift into U.S. dollar-denominated assets, which increased global demand for U.S. dollars and thereby contributed to U.S. dollar appreciation. This shift reflected investors' concerns about economic risks in other countries—such as China's economic slowdown, lagging growth in the EU countries and in Japan, and slower growth in energy-exporting countries due to declining global energy prices.<sup>17</sup>

By yearend 2015, the dollar had appreciated against a number of major currencies: 18.0 percent against the Canadian dollar, 16.1 percent against the Mexican peso, 10.6 percent against the euro, 4.4 percent against the Chinese yuan, 4.2 percent against the UK pound, and 0.1 percent against the Japanese yen (figure 1.3). The appreciation of the dollar against the Canadian dollar and the Mexican peso became noticeable after May, partly due to the steep fall in oil prices that hit both countries' exports of crude petroleum, and partly due to the market expectation of an interest rate hike by the U.S. Federal Reserve, which materialized on December 16, 2015.<sup>18</sup> The European Central Bank's quantitative easing program, on the other hand, could have contributed to the decline of the euro against the dollar in 2015.<sup>19</sup> The appreciation of the U.S. dollar could affect U.S. trade by making U.S. products and services more expensive in foreign markets and thus discouraging U.S. exports, while making foreign products and services cheaper in the U.S. market, encouraging more imports.

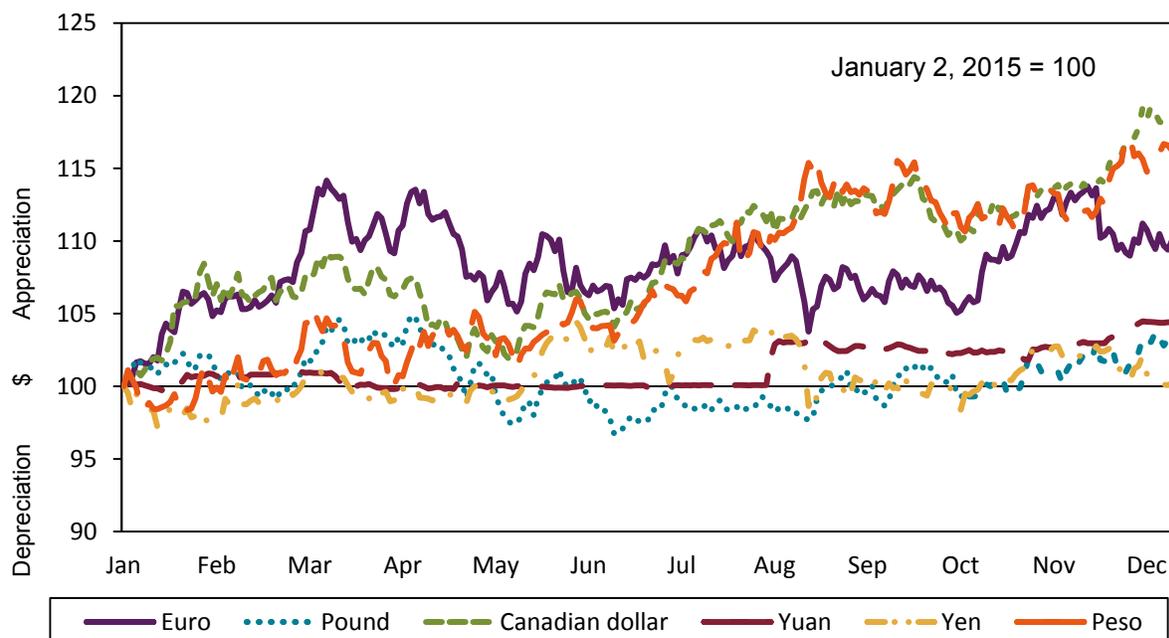
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<sup>16</sup> The broad dollar index is a weighted average of the foreign exchange values of the U.S. dollar against the currencies of a large group of major U.S. trading partners. Dollar appreciation is measured as the increase in the broad dollar index from January 2, 2015, to December 31, 2015. U.S. Federal Reserve, "Foreign Exchange Rates," n.d. (accessed April 13, 2016).

<sup>17</sup> Fischer, "The Transmission of Exchange Rate Changes," November 12, 2015; IMF, *World Economic Outlook: Adjusting to Lower Commodity Prices*, October 2015, 6.

<sup>18</sup> FT, "Mexican Peso Hits Record Low—What Now?" July 2, 2015.

<sup>19</sup> FT, "Quantitative Easing and the Decline of the Euro," March 13, 2015.

**Figure 1.3** Indexes of U.S. dollar exchange rates for selected major foreign currencies, daily, 2015<sup>a</sup>

Source: U.S. Federal Reserve Board, "Foreign Exchange Rates," n.d. <https://www.federalreserve.gov/datadownload/Choose.aspx?rel=H10> (accessed April 13, 2016).

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

## Balance of Payments<sup>20</sup>

The U.S. current-account deficit—the combined balances of trade in goods and services, income, and net unilateral current transfers—rose to \$484.1 billion (preliminary) in 2015 from \$389.5 billion in 2014.<sup>21</sup> The 2015 current-account deficit was equivalent to 2.7 percent of current-dollar (nominal) GDP in 2015, up from 2.2 percent of GDP in 2014.<sup>22</sup> The 2015 deficit

<sup>20</sup> This section of the report relies on trade data reported by the BEA. The merchandise trade data reported by the BEA is derived from U.S. Census data, which the BEA then adjusts to bring it in line with the concepts and definitions used to prepare the international and national accounts (balance of payments basis). The merchandise trade data reported in all other sections of the report rely solely on U.S. Census data. The services trade data in this section use BEA data on U.S. cross-border trade in private services as well as transfers under U.S. military agency sales contracts and U.S. government purchases of miscellaneous services. Under the criteria used to calculate the BEA's national accounts data, cross-border services trade occurs when firms in one country provide services to consumers in another country, with people, information, or money crossing U.S. boundaries in the process. U.S. firms also provide services to foreign consumers through affiliated companies abroad. Cross-border services trade is recorded as exports or imports in international balance of payments data, whereas the income generated through affiliate transactions is recorded as investment income. For more information on goods and services data, see USDOC, ITA, "Trade Data Basics" (accessed March 31, 2016).

<sup>21</sup> USDOC, BEA, "U.S. International Transactions: Fourth Quarter and Year 2015," March 17, 2015.

<sup>22</sup> Ibid.

was the largest U.S. current-account deficit since 2008, when it totaled \$690.8 billion.<sup>23</sup> The increase in the current-account deficit was due to two separate trends in 2015: a rise in the merchandise trade deficit, and decreases both in the surplus in services trade and in the surplus on primary income (investment income and compensation).<sup>24</sup>

The U.S. trade deficit for goods and services increased from \$508.3 billion in 2014 to \$539.8 billion in 2015. The trade deficit on goods rose from \$741.5 billion in 2014 to \$759.3 billion in 2015. Meanwhile, the trade surplus on services fell from \$233.1 billion in 2014 to \$219.6 billion in 2015.<sup>25</sup> Trends in U.S. trade in goods and services in 2015 are described in more detail below.

## U.S. Trade in Goods in 2015<sup>26</sup>

The value of U.S. merchandise exports totaled \$1,504.6 billion in 2015, down by 7.2 percent (\$115.9 billion) from \$1,620.5 billion in 2014 (figure 1.4 and appendix table A.1). U.S. merchandise imports totaled \$2,241.7 billion in 2015, down 4.5 percent (\$106.0 billion) from \$2,347.7 billion in 2014 (figure 1.4 and appendix table A.2). Because U.S. exports declined more than U.S. imports, the U.S. merchandise trade deficit expanded to \$737.1 billion in 2015 from \$727.2 billion in 2014.

In 2015, the price of crude petroleum fell substantially from the 2014 level,<sup>27</sup> affecting the value of U.S. trade in crude petroleum as well as refined petroleum products (see below).<sup>28</sup> Crude petroleum and refined petroleum products account for an important share of U.S. trade with the world, as well as with certain trading partners in particular, such as Canada. Indeed, largely because of the big fall in the value of petroleum-related trade with Canada, Canada's rank as the largest U.S. single-country trading partner dropped to second after China in 2015. Also, crude petroleum has been an important U.S. import under three trade preference

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<sup>23</sup> USDOC, BEA, "International Data: International Transactions Tables" (accessed March 30, 2016).

<sup>24</sup> Ibid. The balance on primary income is primary income receipts (including income receipts on U.S.-owned assets abroad and compensation of U.S. employees abroad) less primary income payments (including income payments on foreign-owned assets in the United States and compensation of foreign employees in the United States).

<sup>25</sup> USDOC, BEA, "U.S. International Transactions: Fourth Quarter and Year 2015," March 17, 2015.

<sup>26</sup> The U.S. merchandise trade data in this report use total exports and general imports as reported by U.S. Census, except for imports entered under FTA and trade preference program provisions, which use U.S. imports for consumption. For further information about these terms, see USDOC, ITA, "Trade Data Basics" (accessed March 31, 2016).

<sup>27</sup> The spot price of West Texas Intermediate crude oil dropped from \$95.14 per barrel on January 2, 2014, to \$37.13 per barrel on December 31, 2015, a steep 61.0 percent decline. EIA, "Spot Prices for Crude Oil and Petroleum Products," May 4, 2016.

<sup>28</sup> The decline in U.S. imports of crude petroleum was also affected by a decline in U.S. demand for imported crude stemming from an increase in domestic crude oil production. The weekly U.S. field production of crude oil rose from 8,145,000 barrels per day at the beginning of 2014 to 9,202,000 barrels per day at the end of 2015. EIA, "Weekly U.S. Field Production of Crude Oil," n.d. (accessed May 12, 2016).

programs—GSP (for least-developed beneficiary developing countries only), the African Growth and Opportunity Act (AGOA), and the Caribbean Basin Economic Recovery Act (CBERA). Thus declines in the price of crude petroleum also contributed to declines in the value of U.S. imports under these programs in 2015.<sup>29</sup>

**Figure 1.4** U.S. merchandise trade with the world, 2013–15



Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 11, 2016).

## U.S. Merchandise Trade by Product Category

### Exports

The overall drop in the value of U.S. merchandise exports in 2015 was reflected in export decreases in all but one of the 12 broad merchandise sectors defined by the Commission (appendix table A.1).<sup>30</sup> Energy-related products, which accounted for 7.4 percent of the value of U.S. exports in 2015, experienced the largest decline—down by 30.6 percent (\$49.2 billion) from \$160.9 billion in 2014 to \$111.7 billion in 2015. This decline reflected, in part, the effects

<sup>29</sup> There were no imports of crude petroleum under GSP in 2015 because imports of crude from Angola, the former crude supplier under GSP, entered under AGOA rather than GSP, albeit at a much lower value in 2015.

<sup>30</sup> The HTS 8-digit subheadings included in each USITC digest sector can be found in USITC, “Frequently Asked Questions,” *Shifts in U.S. Merchandise Trade, 2014*, June 2015.

[https://www.usitc.gov/research\\_and\\_analysis/trade\\_shifts\\_2014/digest\\_hts8\\_dir\\_5\\_23\\_2014.pdf](https://www.usitc.gov/research_and_analysis/trade_shifts_2014/digest_hts8_dir_5_23_2014.pdf).

of lower global energy prices during the year.<sup>31</sup> Transport equipment continued to rank as the largest U.S. export sector in 2015, accounting for 21.7 percent of merchandise exports during the year. However, exports of transport equipment fell by 3.0 percent (\$10.0 billion) from \$336.3 billion in 2014 to \$326.3 billion in 2015. Footwear products, which accounted for less than 0.5 percent of the value of U.S. exports in 2015, was the only sector that experienced an increase—a marginal increase of 0.2 percent from 2014, which left the value of U.S. footwear exports in 2015 virtually unchanged at less than \$1.5 billion. Leading products exported in all merchandise sector categories in 2015 by HTS 6-digit subheading (HTS 6) included civilian aircraft, engines, and parts; refined petroleum products; passenger motor vehicles; certain medicaments (medicine); and nonmonetary gold (appendix A.3).

## Imports

The overall decrease in the value of U.S. merchandise imports in 2015 was accounted for by just two of the 12 merchandise sector categories—energy-related products and minerals and metals (appendix table A.2). Imports of energy-related products fell by 44.7 percent (\$157.1 billion) from \$351.6 billion in 2014 to \$194.5 billion in 2015, reflecting primarily a \$120.9 billion decline in imports of crude petroleum.<sup>32</sup> This decline primarily resulted from the continued increase in U.S. domestic production of crude petroleum (and consequent reduced demand for imports), as well as lower crude petroleum prices during the year.<sup>33</sup> Energy-related products accounted for 8.7 percent of the value of merchandise imports in 2015, down from 15.0 percent in 2014. Imports of minerals and metals fell by 7.9 percent (\$16.1 billion) from \$205.0 billion in 2014 to \$188.9 billion in 2015, reflecting reduced global demand and decreasing world prices in 2015.<sup>34</sup> Minerals and metals accounted for 8.4 percent of merchandise imports in 2015, down marginally from 8.7 percent of imports in 2014.

Imports in the other 10 sector categories increased. Imports of electronic products totaled \$448.9 billion in 2015, up 2.5 percent from \$437.9 billion in 2014, while imports of transportation equipment totaled \$425.4 billion, up 5.6 percent from \$403.0 billion in 2014. The electronics products sector, which has ranked as the largest import sector since 2012,

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<sup>31</sup> By volume, total U.S. petroleum product exports (including crude oil) increased from 1.5 billion barrels in 2014 to 1.7 billion barrels in 2015. USEIA, “This Week in Petroleum: U.S. Petroleum Product,” March 16, 2016; USEIA, “Petroleum and Other Liquids: Exports” (accessed March 26, 2016). For additional information on U.S. energy exports in 2015, see USEIA, “Monthly Energy Review,” February 2016.

<sup>32</sup> By volume, U.S. imports of crude petroleum declined 1.5 percent to 2.7 billion barrels. Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 18, 2016).

<sup>33</sup> EIA, “Spot Prices for Crude Oil and Petroleum Products,” May 4, 2016, [http://www.eia.gov/dnav/pet/pet\\_pri\\_spt\\_s1\\_d.htm](http://www.eia.gov/dnav/pet/pet_pri_spt_s1_d.htm); EIA, “Weekly U.S. Field Production of Crude Oil,” n.d. <https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=PET&s=WCRFPUS2&f=W> (accessed May 12, 2016).

<sup>34</sup> USGS, “Value of U.S. Mineral Production Decreased in 2015,” January 28, 2016.

accounted for 20.0 percent of the value of total merchandise imports in 2015, followed by transportation equipment, at 19.0 percent. Top products imported in 2015 in all merchandise sectors included crude petroleum, passenger motor vehicles, cellphones, certain medicaments, telecommunications equipment, and computers (appendix table A.4).

## U.S. Merchandise Trade with Leading Partners

Table 1.1 shows U.S. trade with selected major trading partners, ranked by total trade (exports plus imports) in 2015. In 2015, the EU remained the United States' top trading partner in terms of two-way merchandise trade, followed by China (which replaced Canada as the second-largest U.S. trading partner in 2015), Canada, and Mexico. Canada was the leading market for U.S. exports, and China was the leading source of U.S. imports. (For U.S. trade with the top 15 single-country U.S. trading partners, including the EU member states listed separately, see appendix tables A.5–A.7.)

**Table 1.1** U.S. merchandise trade with major trading partners and the world, 2015 (million dollars)

Major trading partner	U.S. total exports	U.S. general imports	Trade balance	Two-way trade (exports plus imports)
EU	272,688	426,006	-153,318	698,693
China	116,186	481,881	-365,695	598,067
Canada	280,017	295,190	-15,174	575,207
Mexico	236,377	294,741	-58,364	531,118
Japan	62,472	131,120	-68,648	193,592
South Korea	43,499	71,827	-28,329	115,326
Taiwan	25,929	40,708	-14,779	66,637
India	21,530	44,741	-23,212	66,271
Brazil	31,666	27,405	4,260	59,071
All others	414,235	428,044	-13,809	842,279
Total	1,504,597	2,241,664	-737,066	3,746,261

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed February 12, 2015).

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

U.S. merchandise exports to all major trading partners fell in 2015 from 2014 (table 1.2). Several factors contributed to this decline. Low or slowing growth in several major trading partners dampened their demand for U.S. products, while appreciation of the U.S. dollar against the currencies of many major trading partners made U.S. exports less globally competitive. Among the largest declines in value were a \$32.4 billion decline in exports to Canada (down by 10.4 percent), a \$10.8 billion decline in exports to Brazil (down by 25.4 percent), and a \$7.5 billion decline in exports to China (down by 6.1 percent). Canada, the EU, and Mexico remained the largest markets in 2015, accounting for 19 percent, 18 percent, and 16 percent of U.S. exports, respectively (figure 1.5).

**Table 1.2** U.S. merchandise trade with major trading partners and the world, 2014–15 (million dollars)

Major trading partner	Exports				Imports			
	2014	2015	change 2014–15	% change 2014–15	2014	2015	change 2014–15	% change 2014–15
EU	276,142	272,688	-3,454	-1.3	418,201	426,006	7,805	1.9
China	123,676	116,186	-7,490	-6.1	466,754	481,881	15,127	3.2
Canada	312,421	280,017	-32,404	-10.4	347,798	295,190	-52,608	-15.1
Mexico	240,249	236,377	-3,872	-1.6	294,074	294,741	667	0.2
Japan	66,827	62,472	-4,355	-6.5	134,004	131,120	-2,884	-2.2
South Korea	44,471	43,499	-978	-2.2	69,518	71,827	2,309	3.3
Taiwan	26,670	25,929	-741	-2.8	40,581	40,708	127	0.3
India	21,608	21,530	-78	-0.4	45,244	44,741	-503	-1.1
Brazil	42,429	31,666	-10,763	-25.4	30,537	27,405	-3,132	-10.3
All others	466,038	414,233	-51,806	-11.1	500,974	428,044	-72,930	-14.6
Total	1,620,532	1,504,597	-115,935	-7.2	2,347,685	2,241,664	-106,021	-4.5

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed March 1, 2016).

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

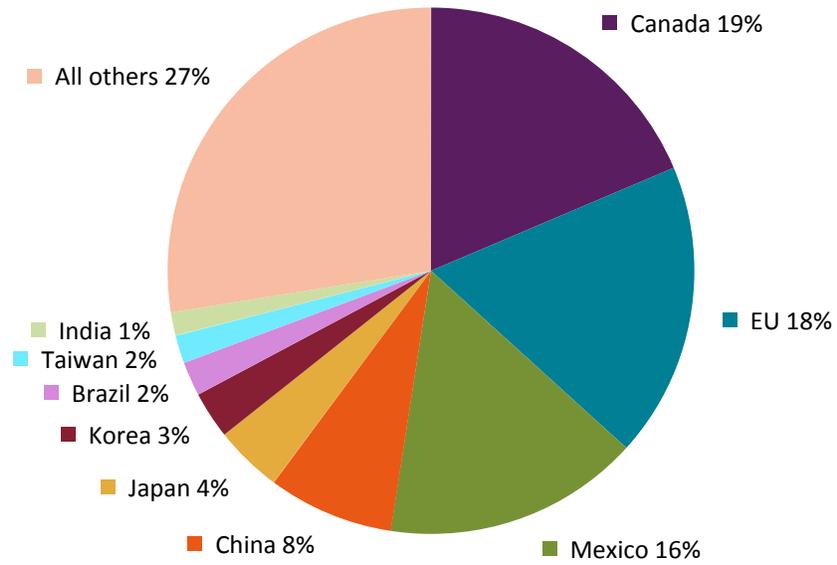
A \$52.6 billion decline in imports from Canada (down by 15.1 percent) accounted for almost half the overall decline in U.S. merchandise imports in 2015 (table 1.2). The fall in imports from Canada reflected lower world prices and reduced U.S. demand for Canadian energy-related products and other commodities. The \$3.1 billion decline in imports from Brazil (down by 10.3 percent) was also mostly accounted for by energy-related products. These declines more than outweighed the \$15.1 billion increase in U.S. imports from China (up by 3.2 percent) and the \$7.8 billion increase in imports from the EU (up by 1.9 percent). China and the EU remained the largest sources of imports in 2015, accounting for 22 percent and 19 percent of U.S. imports, respectively. Canada and Mexico each accounted for 13 percent of U.S. imports in 2015 (figure 1.6).

## U.S. Trade with FTA Partners

In 2015, two-way total merchandise trade (total exports plus general imports) between the United States and its 20 FTA partners amounted to \$1,483.2 billion, accounting for 39.6 percent of total U.S. merchandise trade with the world.<sup>35</sup> This was slightly lower than in 2014, when two-way merchandise trade between the United States and its FTA partners totaled \$1,593.0 billion, or 40.1 percent of total U.S. merchandise trade. U.S. imports entered under FTAs fell 10.3 percent to \$371.9 billion in 2015, accounting for 16.6 percent of total U.S. imports from the world and 48.2 percent of total imports from FTA partners in 2015.

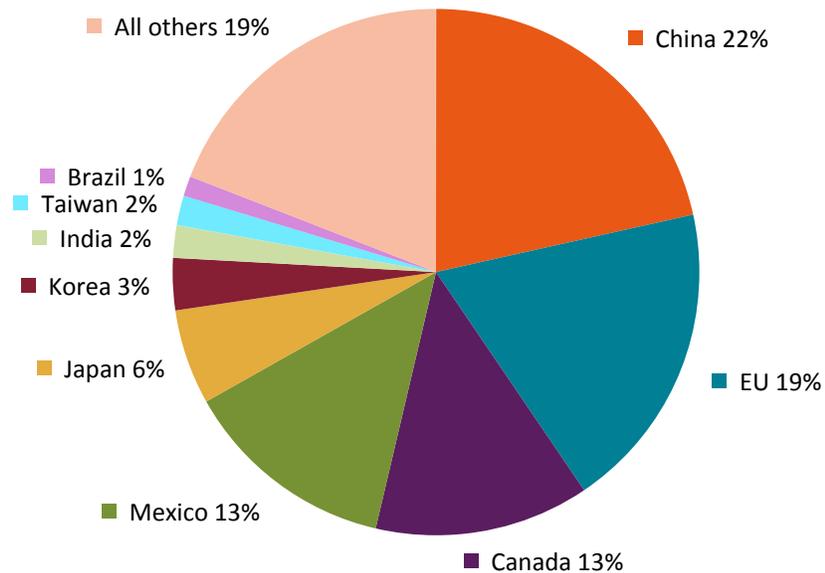
<sup>35</sup> U.S. trade with its FTA partners is discussed in chapter 5.

**Figure 1.5** Leading U.S. merchandise export markets, by share, 2015



Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed March 29, 2016).  
 Note: Because of rounding, figures may not add up to 100 percent.

**Figure 1.6** Leading U.S. merchandise import sources, by share, 2015



Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed March 29, 2016).  
 Note: Because of rounding, figures may not add up to 100 percent.

## U.S. Imports under Trade Preference Programs

The value of U.S. imports for which eligibility was claimed under trade preference programs was much smaller than U.S. imports claiming eligibility under FTAs. U.S. imports under trade preference programs fell from \$33.0 billion in 2014 to \$27.4 billion in 2015; they accounted for 1.2 percent of total U.S. imports during 2015. Imports that claimed eligibility under the U.S. GSP program totaled \$17.4 billion in 2015; imports under AGOA totaled \$8.0 billion; imports under the CBERA and the Caribbean Basin Trade Partnership Act totaled \$1.5 billion; and imports under the Haiti initiatives totaled \$0.5 billion.<sup>36</sup>

## U.S. Trade in Services in 2015<sup>37</sup>

The U.S. surplus in cross-border trade of private services (hereafter “services”) decreased 6.7 percent in 2015 to \$220.9 billion (figure 1.7).<sup>38</sup> U.S. exports of services were virtually unchanged from the previous year at \$690.1 billion in 2015, while U.S. imports grew 3.5 percent (\$15.8 billion) to reach \$469.1 billion in 2015. Growth occurred in 5 of the top 10 services export categories in 2015, including travel services (0.6 percent), professional and management consulting services (11 percent, also the fastest-growing category in that year), and maintenance and repair services not included elsewhere (n.i.e.) (7.7 percent). In contrast, U.S. imports of services decreased in only 2 of the top 10 categories: insurance services (3.5 percent) and charges for the use of intellectual property n.i.e. (7.0 percent).<sup>39</sup> Appendix tables A.8 and A.9 provide data on U.S. trade in private services by product category.

## U.S. Services Trade by Product Category

### Exports

Travel services<sup>40</sup> led U.S. services exports in 2015, accounting for 25.8 percent of the total, followed by charges for the use of intellectual property n.i.e. (18.3 percent) and financial

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<sup>36</sup> U.S. imports under preferential trade programs are discussed in chapter 2.

<sup>37</sup> This section uses BEA data on U.S. cross-border trade in private services. It excludes BEA data on imports and exports of government goods and services.

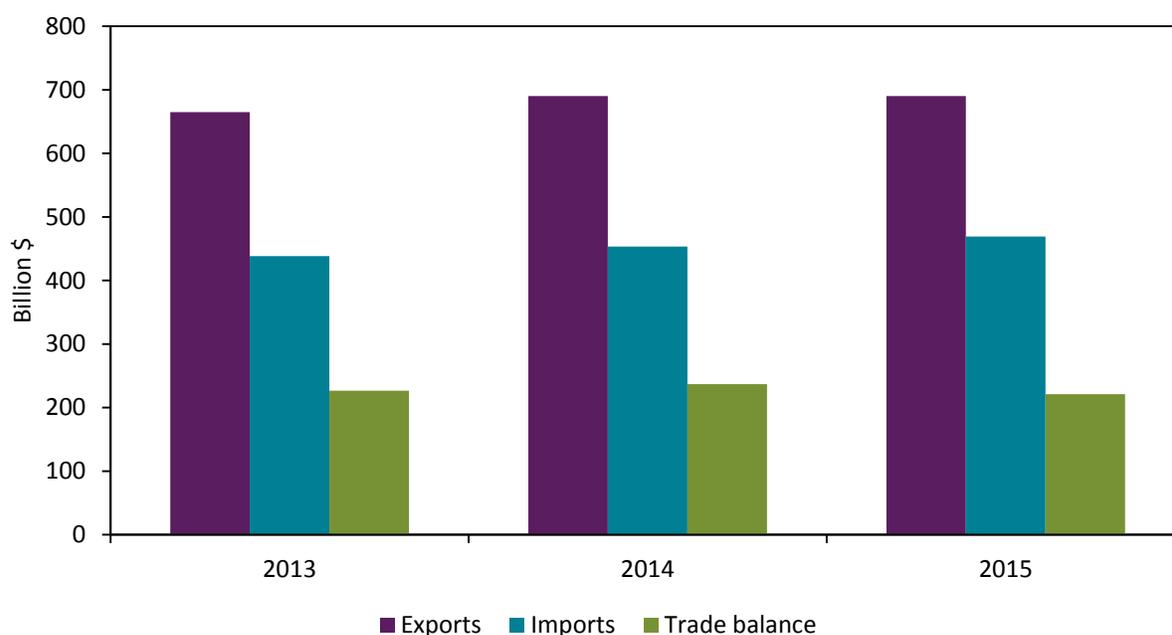
<sup>38</sup> USDOC, BEA, International Transactions data, “Table 3.1. U.S. International Trade in Services,” March 17, 2016.

<sup>39</sup> U.S. exports of charges for the use of intellectual property “not included elsewhere” (n.i.e.), which the BEA previously labeled as “royalties and license fees,” include payments by foreigners to U.S. owners of intellectual property, such as trademarks and franchise fees, computer software, industrial processes, and audiovisual products.

<sup>40</sup> Travel services comprise purchases of goods and services made by U.S. residents traveling abroad (U.S. imports of travel services) and by foreign travelers in the United States (U.S. exports of travel services). These goods and services include food, lodging, recreation, gifts, entertainment, local transportation in the country of travel, and other items incidental to a foreign visit.

services (12.5 percent) (appendix table A.8). Although overall growth in U.S. services exports was stagnant in 2015, and lower than the 3.8 percent recorded in 2014, growth rates for some individual services sectors were higher than in the previous year. For instance, exports of insurance services grew 7.2 percent in 2015, well ahead of the 2.1 percent recorded in 2014. However, exports declined in several sectors in 2015 after having experienced increases in 2014, including air passenger fares<sup>41</sup> (-11.4 percent in 2015 compared to 4.5 percent in 2014), charges for the use of intellectual property (-3.2 percent in 2015), and financial services (-1.2 percent in 2015).

**Figure 1.7** U.S. private cross-border services trade with the world, 2013–2015<sup>a</sup>



Source: USDOC, BEA, International Transactions data, "Table 1.2., U.S. International Transactions, Expanded Detail," March 17, 2016.

<sup>a</sup> Data for 2015 are preliminary.

## Imports

Travel services (25.7 percent total imports) and insurance services (10.3 percent) led U.S. cross-border services imports in 2015 (appendix table A.9). Among the top 10 services categories, 8 saw increases in imports in 2015, including travel services (which grew the fastest at 8.7 percent); technical, trade-related, and other business services<sup>42</sup> (8.1 percent); and research and

<sup>41</sup> Air passenger fares are recorded separately from travel services. While the overall number of air passengers actually increased in 2015, lower fuel costs resulting from the decline in the price of oil allowed airlines to pass on savings to air travelers in the form of lower passenger fares. USDOL, BLS, "Import and Export Air Passenger Fares Decrease," January 19, 2016; IATA, "Air Passenger Market Analysis," January 2016.

<sup>42</sup> Technical, trade-related, and other business services include construction, architectural and engineering services, waste treatment, operational leasing, trade-related, and other business services.

development services (6.2 percent). By contrast, imports of insurance services fell for the second consecutive year, declining 3.5 percent in 2015, while charges for the use of intellectual property n.i.e. also decreased 7.0 percent.

## U.S. Services Trade with Leading Partners

The EU was the United States' largest export market for services in 2015, as well as its largest foreign supplier of services (table 1.3), accounting for \$214.0 billion (31.0 percent) of total U.S. exports and \$164.7 billion (35.1 percent) of total U.S. imports that year (figures 1.8 and 1.9).<sup>43</sup> Canada and Japan were the second- and third-largest U.S. services trading partners in 2015. The United States also maintained large trade surpluses with almost all of its leading trade partners, including the EU (\$49.3 billion), China (\$29.1 billion), Canada (\$27.0 billion), Brazil (\$19.2 billion), and Japan (\$16.6 billion). India was the only leading services trade partner with which the United States recorded a trade deficit, \$6.8 billion (compared to \$6.0 billion in 2014). The U.S. services trade deficit with India has been largely driven by U.S. imports of computer and information services from that country.<sup>44</sup>

**Table 1.3** U.S. private services trade with major trading partners and the world, 2015 (million dollars)

Major trading partner	U.S. exports	U.S. imports	Trade balance	Two-way trade (exports plus imports)
EU	214,007	164,717	49,290	378,724
Canada	56,970	29,926	27,044	86,896
Japan	42,998	26,369	16,629	69,367
China	44,873	15,784	29,089	60,657
Mexico	30,401	21,509	8,892	51,910
India	16,839	23,668	-6,829	40,507
Brazil	27,659	8,453	19,206	36,112
South Korea	22,139	8,743	13,396	30,882
Australia	17,928	6,877	11,051	24,805
Singapore	14,347	6,714	7,633	21,061
Taiwan	11,998	7,733	4,265	19,731
All others	189,896	148,615	41,281	338,511
Total	690,055	469,108	220,947	1,159,163

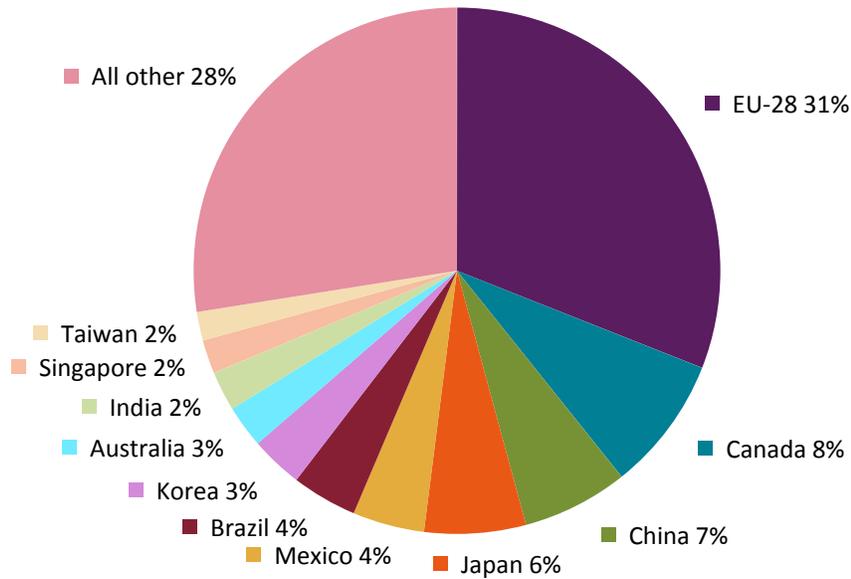
Source: USDOC, BEA, International Transactions data, "Table 1.3., U.S. International Transactions, Expanded Detail by Area and Country," and "Table 3.1., U.S. International Trade in Services," March 17, 2016.

Note: Private services are total U.S. services minus government services.

<sup>43</sup> The United Kingdom (an EU member) was the largest single-country exporter and importer of U.S. private services in 2015.

<sup>44</sup> For example, in 2014 U.S. exports of computer services to India were \$754 million, while U.S. imports of computer services were nearly \$10.6 billion. USDOC, BEA, *Survey of Current Business*, October 2015, table 2.2.

**Figure 1.8** Leading U.S. export markets for private services, by share, 2015<sup>a</sup>

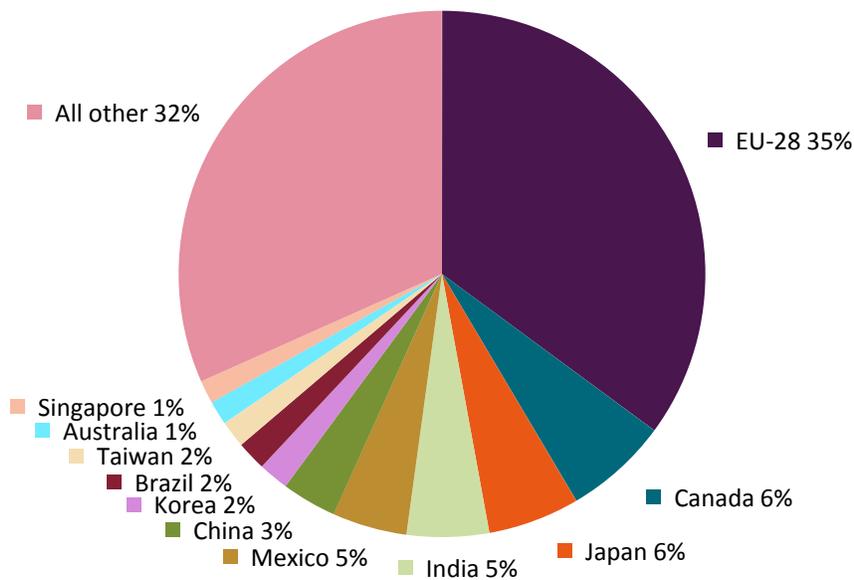


Source: USDOC, BEA, International Transactions data, “Tables 1.3., U.S. International Transactions, Expanded Detail by Area and Country,” March 17, 2016.

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

<sup>a</sup>Data for 2015 are preliminary.

**Figure 1.9** Leading U.S. import sources for private services, by share, 2015<sup>a</sup>



Source: USDOC, BEA, International Transactions data, “Tables 1.3., U.S. International Transactions, Expanded Detail by Area and Country,” March 17, 2016.

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

<sup>a</sup>Data for 2015 are preliminary.



## Chapter 2

# Administration of U.S. Trade Laws and Regulations

This chapter surveys activities related to the administration of U.S. trade laws during 2015, covering import relief laws, laws against unfair trade practices, trade adjustment assistance programs, and tariff preference programs. Tariff preference programs encompass the U.S. Generalized System of Preferences (GSP), the African Growth and Opportunity Act (AGOA), and the Caribbean Basin Economic Recovery Act (CBERA), including initiatives aiding Haiti.

## Import Relief Laws

### Safeguard Actions

This section covers safeguard actions under provisions administered by the Commission, including the global safeguards provided for in sections 201–204 of the Trade Act of 1974,<sup>45</sup> and the safeguards provided for in various bilateral free trade agreements (FTAs) involving the United States.

The Commission conducted no new safeguard investigations during 2015, and no U.S. safeguard measures under these provisions were in effect during any part of 2015.

## Laws against Unfair Trade Practices

### Section 301 Investigations

Section 301 of the Trade Act of 1974 is the principal U.S. statute for addressing unfair foreign practices affecting U.S. exports of goods or services.<sup>46</sup> Section 301 may be used to enforce U.S. rights under bilateral and multilateral trade agreements and to respond to unjustifiable, unreasonable, or discriminatory foreign government practices that burden or restrict U.S. commerce. Interested persons may petition the Office of the United States Trade Representative (USTR) to investigate foreign government policies or practices, or USTR may initiate an investigation itself.

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<sup>45</sup> 19 U.S.C. §§ 2251–2254.

<sup>46</sup> Section 301 refers to sections 301–310 of the Trade Act of 1974, as amended (19 U.S.C. §§ 2411–2420).

If the investigation involves a trade agreement and consultations do not lead to a mutually acceptable resolution, section 303 of the Trade Act of 1974 requires USTR to use the dispute settlement procedures available under the subject agreement. If the matter is not resolved by the conclusion of the investigation, section 304 of the Trade Act of 1974 requires USTR to determine whether the practices in question fulfill any of three conditions: (1) they deny U.S. rights under a trade agreement; (2) they are unjustifiable, and burden or restrict U.S. commerce; or (3) they are unreasonable or discriminatory, and burden or restrict U.S. commerce. If the practices fulfill either of the first two conditions, USTR must take action.<sup>47</sup> If the practices fulfill the third condition—that is, if they are unreasonable or discriminatory, and they burden or restrict U.S. commerce—USTR must determine whether action is appropriate and, if so, what type of action to take.<sup>48</sup> The time period for making these determinations varies according to the type of practices alleged.

### Section 301 Investigations

USTR received no petitions under section 301 during 2015 and had only one ongoing investigation during the year, relating to European Union (EU) measures concerning meat and meat products.<sup>49</sup> The case concerned various meat hormone directives of the EU, which prohibit the use of certain hormones that promote growth in farm animals. The United States had successfully challenged the EU measures at the World Trade Organization (WTO), and in 1999, imposed additional ad valorem duties of 100 percent on about \$117 million in imports from the EU in retaliation.<sup>50</sup>

After a series of consultations aimed at resolving the dispute, on May 13, 2009, the United States and the EU signed a memorandum of understanding (MOU).<sup>51</sup> Under the MOU, the EU agreed to open a tariff-rate quota (TRQ)<sup>52</sup> with an in-quota tariff rate of zero for beef produced

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<sup>47</sup> Section 301(a) of the Trade Act of 1974, as amended (19 U.S.C. § 2411(a)).

<sup>48</sup> Section 301(b) of the Trade Act of 1974, as amended (19 U.S.C. § 2411(b)).

<sup>49</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 181.

<sup>50</sup> 64 Fed. Reg. 40638 (July 27, 1999); WTO, *European Communities—Measures Concerning Meat and Meat Products* (DS26, DS48) (accessed April 2, 2016).

<sup>51</sup> *Memorandum of Understanding between the United States of America and the European Commission Regarding the Importation of Beef From Animals Not Treated with Certain Growth-Promoting Hormones and Increased Duties Applied by the United States to Certain Products of the European Communities*, May 13, 2009. For more information on the three-phase MOU, see USITC, *The Year in Trade 2009*, July 2010, 5-5.

<sup>52</sup> A TRQ is a trade restriction that imposes a relatively low “in-quota” tariff on imports until the quota level (sometimes an annual allocation) is met. Any imports beyond the quota level are subject to a higher over-quota tariff.

without growth-promoting hormones (i.e., “high-quality beef”)<sup>53</sup> in the amount of 20,000 metric tons,<sup>54</sup> and the United States agreed to reduce the scope of the retaliation list.<sup>55</sup>

The MOU further provided that the parties could enter a second phase under which the EU would increase the TRQ to 45,000 metric tons beginning in August 2012, and the United States would lift the remaining additional duties.<sup>56</sup> The United States and the EU entered into the second phase of the MOU beginning August 1, 2012, and the EU increased the TRQ for high-quality beef to 45,000 metric tons.<sup>57</sup> The MOU provided that the second phase would continue for one year. In August 2013, the United States and the EU agreed to extend the second phase of the MOU for two additional years, until August 2, 2015, thereby maintaining the TRQ for high-quality beef at 45,000 metric tons. Although the second phase of the MOU ended in August 2015, the TRQ for high-quality beef for the 2015/2016 quota year opened on July 1, 2015, at the same level.<sup>58</sup>

According to USTR, in 2015 it continued to monitor EU implementation of the MOU and other developments affecting market access for U.S. beef products. USTR states that it will consider additional actions under section 301 of the Trade Act “if EU implementation and other developments do not proceed as contemplated.”<sup>59</sup>

## Special 301

The Special 301 law<sup>60</sup> requires that the USTR annually identify and issue a list of foreign countries that deny adequate and effective protection of intellectual property rights (IPRs), or deny fair and equitable market access to U.S. persons who rely on IPR protection.<sup>61</sup> Under the statute, a country denies adequate and effective IPR protection if the country does not allow foreign persons “to secure, exercise, and enforce rights related to patents, process patents, registered trademarks, copyrights and mask works.”<sup>62</sup>

<sup>53</sup> Article VI of the U.S.-EU Beef MOU defines “high-quality beef.”

<sup>54</sup> U.S.-EU Beef MOU, Art. II(1).

<sup>55</sup> U.S.-EU Beef MOU, Art. II(3); 74 Fed. Reg. 40864 (August 13, 2009).

<sup>56</sup> U.S.-EU Beef MOU, Arts. I(2), II(4), and IV(2). The USTR terminated the imposition of the remaining additional duties in May 2011. For more background, see USITC, *The Year in Trade 2011*, July 2012, 2–3.

<sup>57</sup> Regulation (EU) No. 464/2012 of the European Parliament and of the Council, *OJ L* 149, June 8, 2012, 1.

<sup>58</sup> U.S. government officials, email messages to USITC staff, April 5, 2016.

<sup>59</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 182.

<sup>60</sup> The Special 301 law is set forth in section 182 of the Trade Act of 1974, as amended (19 U.S.C. § 2242).

<sup>61</sup> “Persons who rely on IPR protection” means persons involved in “(A) the creation, production or licensing of works of authorship . . . that are copyrighted, or (B) the manufacture of products that are patented or for which there are process patents.” Section 182(d)(1) of the Trade Act of 1974, as amended (19 U.S.C. § 2242(d)(1)).

<sup>62</sup> Section 182(d)(2) of the Trade Act of 1974, as amended (19 U.S.C. § 2242(d)(2)). Section 901(a)(2) of the Semiconductor Chip Protection Act (17 U.S.C. § 901(a)(2)) defines “mask work” as a “series of related images,

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Under the statute, a country denies fair and equitable market access if it denies access to a market for a product that is protected by a copyright or related right, patent, trademark, mask work, trade secret, or plant breeder's right through the use of laws and practices that violate international agreements or that constitute discriminatory nontariff trade barriers.<sup>63</sup> A country may be found to deny adequate and effective IPR protection even if it is in compliance with its obligations under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement).<sup>64</sup>

In addition, the Special 301 law directs the USTR to identify and list so-called priority foreign countries.<sup>65</sup> Priority foreign countries are countries that have the most onerous or egregious acts, policies, or practices with the greatest adverse impact (actual or potential) on the relevant U.S. products.<sup>66</sup> Such countries must be designated as priority foreign countries unless they are entering into good-faith negotiations, or making significant progress in bilateral or multilateral negotiations to provide adequate and effective IPR protection.<sup>67</sup> The identification of a country as a priority foreign country triggers a section 301 investigation,<sup>68</sup> unless the USTR determines that the investigation would be detrimental to U.S. economic interests.<sup>69</sup>

In addition to identifying priority foreign countries as required by statute, the USTR has adopted a practice of naming countries to a “watch list” or a “priority watch list” when the countries’ IPR laws and practices fail to provide adequate and effective IPR protection, but the deficiencies do not warrant listing the countries as priority foreign countries.<sup>70</sup> The priority watch list identifies countries with significant IPR problems that warrant close monitoring and bilateral consultation. If a country on the priority watch list makes progress, it may be moved to the watch list or removed from any listing. On the other hand, a country that fails to make progress may be raised from the watch list to the priority watch list, or from the priority watch list to the list of priority foreign countries.

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however fixed or encoded—(A) having or representing the predetermined, three-dimensional pattern of metallic, insulating, or semiconductor material present or removed from the layers of a semiconductor chip product; and (B) in which series the relation of the images to one another is that each image has the pattern of the surface of one form of the semiconductor chip product.”

<sup>63</sup> Section 182(d)(3) of the Trade Act of 1974, as amended (19 U.S.C. § 2242(d)(3)).

<sup>64</sup> Section 182(d)(4) of the Trade Act of 1974, as amended (19 U.S.C. § 2242(d)(4)).

<sup>65</sup> Section 182(a)(2) of the Trade Act of 1974, as amended (19 U.S.C. § 2242(a)(2)).

<sup>66</sup> Section 182(b)(1) of the Trade Act of 1974, as amended (19 U.S.C. § 2242(b)(1)).

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

<sup>68</sup> Section 182(f)(2) of the Trade Act of 1974, as amended (19 U.S.C. § 2242(f)(2)).

<sup>69</sup> Section 302(b)(2)(B) of the Trade Act of 1974, as amended (19 U.S.C. § 2412(b)(2)(B)).

<sup>70</sup> 79 Fed. Reg. 78133 (December 29, 2014).

In the 2015 Special 301 review, the USTR examined the adequacy and effectiveness of IPR protection in 72 countries.<sup>71</sup> In conducting the review, the USTR focused on a wide range of issues and policy objectives, including:

- the need for adequate and effective IPR protection and enforcement, including market access for persons relying on IPR;
- inadequate trade secret protection in China, India, and elsewhere;
- “indigenous innovation” policies that may unfairly disadvantage U.S. rights holders in China;
- copyright piracy over the Internet in Brazil, China, India, and Russia;
- trademark counterfeiting and copyright piracy, and the need to establish deterrent penalties and effective criminal and border enforcement;
- market access barriers that appear to impede access for U.S. entities that rely on IPR protection, including the pharmaceutical and medical device industries;
- the unauthorized use of unlicensed software by foreign governments;
- digital, Internet, and broadcast piracy, as well as implementation of the World Intellectual Property Organization (WIPO) Internet treaties;<sup>72</sup>
- inadequate protection and enforcement of trade secrets, as well as concerns about trade secret theft, particularly in China, and compulsory technology transfer; and
- incomplete implementation of the TRIPS Agreement by developed and developing countries.<sup>73</sup>

No country was identified as a priority foreign country in the *2015 Special 301 Report*. The report identified 13 countries on the priority watch list: Algeria, Argentina, Chile, China,

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<sup>71</sup> USTR, *2015 Special 301 Report*, April 30, 2015; USTR, “USTR Releases Annual Special 301 Report,” April 30, 2015.

<sup>72</sup> The WIPO Internet treaties include the WIPO Copyright Treaty, adopted in Geneva on December 20, 1996, and the WIPO Performances and Phonograms Treaty, adopted in Geneva on December 20, 1996. See USTR, *2015 Special 301 Report*, April 30, 2015, 18.

<sup>73</sup> USTR, *2015 Special 301 Report*, April 30, 2015; USTR, “USTR Releases Annual Special 301 Report,” April 30, 2015.

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Ecuador, India, Indonesia, Kuwait, Pakistan, Russia, Thailand, Ukraine, and Venezuela.<sup>74</sup> In addition, the report identified 24 countries on the watch list.<sup>75</sup>

In keeping China on the priority watch list, the report highlighted the need for greater protection and enforcement of all forms of IPR in that country, including patents, trademarks, copyrights, trade secrets, and pharmaceutical test data. It noted U.S. concerns about measures that appear to require telecommunications business operators and Internet service providers to disclose proprietary intellectual property relating to information and communications technology (ICT) products, services, and technologies, and it noted concerns about measures that govern the use of ICT products, services, and technologies by financial institutions operating in China. In addition, the report noted concerns about trade secret theft, compulsory licensing, online piracy, the widespread availability of counterfeit goods, and “indigenous innovation” policies and related industrial policies in China that may disadvantage U.S. rights holders.<sup>76</sup>

India remained on the priority watch list in 2015. While recognizing the increased bilateral engagement on IPR concerns, the report noted continuing concerns about copyright protection and enforcement; the alignment of India’s patent law with international standards; inadequate trade secret protection; online copyright piracy; trademark counterfeiting, including counterfeiting of pharmaceuticals; optical disc piracy; video piracy; compulsory technology transfer, especially in the ICT sector; and market access barriers in the pharmaceutical and medical device industries.<sup>77</sup>

As part of the annual Special 301 process, USTR also issues a separate report on so-called notorious markets. USTR defines notorious markets as online or physical marketplaces that are reported to engage in or facilitate substantial copyright piracy and trademark counterfeiting.<sup>78</sup> Such markets have been the subject of enforcement actions or, according to USTR, may merit further investigations. In the words of USTR, “Commercial-scale trademark counterfeiting and copyright piracy cause significant financial losses for rights holders and legitimate businesses,

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<sup>74</sup> *Ibid.*, 3.

<sup>75</sup> The countries on the 2015 watch list are Barbados, Belarus, Bolivia, Brazil, Bulgaria, Canada, Colombia, Costa Rica, the Dominican Republic, Egypt, Greece, Guatemala, Jamaica, Lebanon, Mexico, Paraguay, Peru, Romania, Tajikistan, Trinidad and Tobago, Turkey, Turkmenistan, Uzbekistan, and Vietnam. USTR, *2015 Special 301 Report*, April 30, 2015, 4.

<sup>76</sup> USTR, *2015 Special 301 Report*, April 30, 2015, 32–43.

<sup>77</sup> *Ibid.*, 45–52.

<sup>78</sup> 80 Fed. Reg. 54651 (September 10, 2015).

undermine critical U.S. comparative advantages in innovation and creativity to the detriment of American workers, and can pose significant risks to consumer health and safety.”<sup>79</sup>

USTR published two reports on notorious markets in 2015. In September 2014, USTR solicited public comments for the *2014 Out-of-Cycle Review of Notorious Markets Report*,<sup>80</sup> which was issued on March 5, 2015.<sup>81</sup> The 2014 report listed over 20 online markets and 11 countries with physical marketplaces that reportedly engage in or facilitate commercial-scale trademark counterfeiting and copyright piracy. In September 2015, USTR solicited public comments for the *2015 Out-of-Cycle Review of Notorious Markets Report*,<sup>82</sup> which was issued on December 17, 2015.<sup>83</sup> The 2015 report listed over 20 online markets and 9 countries with physical marketplaces, including markets in China and India, which reportedly engage in or facilitate commercial-scale trademark counterfeiting and copyright piracy.<sup>84</sup> In the 2015 report, USTR also expressed concerns over new reports of notorious physical markets in Turkey, the United Arab Emirates, Kuwait, Vietnam, and Spain.<sup>85</sup>

## Antidumping and Countervailing Duty Investigations and Reviews

### Antidumping Duty Investigations

The U.S. antidumping law is found in Title VII of the Tariff Act of 1930, as amended.<sup>86</sup> This law offers relief to U.S. industries that are materially injured by imports that are dumped, or sold, at “less than fair value” (LTFV). The U.S. government provides a remedy by imposing a special additional duty on LTFV imports.

Antidumping duties are imposed when (1) the U.S. Department of Commerce (USDOC) has determined that imports are being, or are likely to be, sold at LTFV in the United States, and (2) the Commission has determined that a U.S. industry is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded by reason of such imports. (Such a conclusion is called an “affirmative

<sup>79</sup> USTR, *2015 Out-of-Cycle Review of Notorious Markets*, December 2015, 1.

<sup>80</sup> 79 Fed. Reg. 58026 (September 26, 2014).

<sup>81</sup> USTR, “Notorious Markets List Focuses Fight,” March 5, 2015; USTR, *2014 Out-of-Cycle Review of Notorious Markets*, March 5, 2015.

<sup>82</sup> 80 Fed. Reg. 54651 (September 10, 2015).

<sup>83</sup> USTR, “Notorious Markets List Spotlights Fight,” December 17, 2015; USTR, *2015 Out-of-Cycle Review of Notorious Markets*, December 2015.

<sup>84</sup> These 9 countries are China, Nigeria, Paraguay, Brazil, Indonesia, Argentina, India, Mexico, and Thailand. USTR, *2015 Out-of-Cycle Review of Notorious Markets*, December 2015, 18–22.

<sup>85</sup> USTR, *2015 Out-of-Cycle Review of Notorious Markets*, December 2015, 18.

<sup>86</sup> 19 U.S.C. § 1673 et seq.

determination.”) Investigations are generally initiated on the basis of a petition filed with the USDOC and the Commission by or on behalf of a U.S. industry. The USDOC and the Commission each make preliminary determinations and, if the Commission preliminary is affirmative, each make final determinations during the investigation process.

In general, imports are considered to be sold at LTFV when a foreign firm sells merchandise in the U.S. market at a price that is lower than the “normal value” of the merchandise.<sup>87</sup> Generally, normal value is the price the foreign firm charges for a comparable product sold in its home market.<sup>88</sup> Under certain circumstances, the foreign firm’s U.S. sales price may also be compared with the price the foreign firm charges in other export markets or with the firm’s cost of producing the merchandise, taking into account the firm’s “selling, general, and administrative expenses,” as well as its profit. Under the law, this latter basis for comparison is known as constructed value.<sup>89</sup> Finally, where the producer is located in a non-market-economy country, a comparison is made between U.S. prices and a “surrogate” normal value (its factors of production, as valued by use of a “surrogate” country).<sup>90</sup>

In all three instances, the amount by which normal value exceeds the U.S. price is the “dumping margin.” The duty specified in an antidumping duty order reflects the weighted average dumping margins found by the USDOC, both for the specific exporters it examined and for all other exporters.<sup>91</sup> This rate of duty (in addition to any ordinary customs duty owed) will be applied to subsequent imports from the specified producers/exporters in the subject country, but it may be adjusted if the USDOC receives a request for an annual review.<sup>92</sup>

The Commission instituted 43 new antidumping investigations and made 17 final determinations in 2015.<sup>93</sup> As a result of affirmative final USDOC and Commission determinations, in 2015, the USDOC issued 14 antidumping duty orders on 8 products from 7 countries (table 2.1). The status of all antidumping investigations active at the Commission during 2015—including, if applicable, the date of final action—is presented in appendix table

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<sup>87</sup> 19 U.S.C. § 1677(35)(A); see also 19 U.S.C. § 1677a(a) (defining export price), § 1677a(b) (defining constructed export price).

<sup>88</sup> 19 U.S.C. § 1677b.

<sup>89</sup> 19 U.S.C. § 1677b(a)(4), § 1677b(e).

<sup>90</sup> 19 U.S.C. § 1677b(c).

<sup>91</sup> 19 U.S.C. § 1677(35)(B); 19 U.S.C. § 1673d(c).

<sup>92</sup> 19 U.S.C. § 1675(a).

<sup>93</sup> Data reported here and in the following two sections (“Countervailing Duty Investigations” and “Reviews of Outstanding Antidumping and Countervailing Duty Orders/Suspension Agreements”) reflect the total number of investigations. In other Commission reports, these data are grouped by product because the same investigative team and all of the parties participate in a single grouped proceeding, and the Commission generally produces one report and issues one opinion containing its separate determinations for each investigation.

A.10. A list of all antidumping duty orders and suspension agreements (agreements to suspend investigations)<sup>94</sup> in effect as of the end of 2015 appears in appendix table A.11.

**Table 2.1** Antidumping duty orders that became effective during 2015<sup>a</sup>

Trade partner	Product	Range of dumping margins (percent)
China	Boltless steel shelving units	17.55–112.68
China	Calcium hypochlorite	210.52
China	Crystalline silicon photovoltaic products	6.68–238.95 <sup>b</sup>
China	Melamine	363.31
China	Passenger vehicle and light truck tires	14.35–87.99 <sup>c</sup>
China	Steel wire rod	106.19–110.25
Korea	Steel nails	11.80
Korea	Welded line pipe	2.53–6.23
Malaysia	Steel nails	2.66–39.35
Oman	Steel nails	9.10
Taiwan	Crystalline silicon photovoltaic products	11.45–27.55
Taiwan	Steel nails	2.24
Turkey	Welded line pipe	6.66–22.95
Vietnam	Steel nails	323.99

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

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

<sup>b</sup> The antidumping duty rate was amended on August 14, 2015, and November 23, 2015.

<sup>c</sup> The antidumping duty rate was amended on August 10, 2015.

## Countervailing Duty Investigations

The U.S. countervailing duty law is also set forth in Title VII of the Tariff Act of 1930, as amended. It provides for the imposition of special additional duties to offset (“countervail”) foreign subsidies on products imported into the United States.<sup>95</sup> In general, procedures for such investigations are similar to those under the antidumping law. Petitions are filed with the USDOC (the administering authority) and with the Commission. Before a countervailing duty order can be issued, the USDOC must find that a countervailable subsidy exists. In addition, the Commission must make an affirmative determination that a U.S. industry is materially injured or threatened with material injury, or that the establishment of an industry is materially retarded, because of the subsidized imports.

<sup>94</sup> An antidumping investigation may be suspended if exporters accounting for substantially all of the imports of the merchandise under investigation agree either to eliminate the dumping or to cease exports of the merchandise to the United States within six months. In extraordinary circumstances, an investigation may be suspended if exporters agree to revise prices to completely eliminate the injurious effect of exports of the merchandise in question to the United States. A suspended investigation is resumed, assuming it was not continued after the suspension agreement was issued, if USDOC determines that the suspension agreement has been violated. See 19 U.S.C. § 1673c.

<sup>95</sup> A subsidy is defined as a financial benefit given by an authority (a government of a country or any public entity within the territory of the country) to a person, in which the authority either (1) provides a financial contribution, (2) provides any form of income or price support within the meaning of Article XVI of the GATT 1994, or (3) makes a payment to a funding mechanism to provide a financial contribution, or entrusts or directs a private entity to make a financial contribution, if providing the contribution would normally be vested in the government and the practice does not differ in substance from practices normally followed by governments. See 19 U.S.C. § 1677(5)(B).

The Commission instituted 23 new countervailing duty investigations and made 12 final determinations during 2015. USDOC issued 9 countervailing duty orders on 9 products from 4 countries in 2015 as a result of affirmative USDOC and Commission determinations (table 2.2). The status of all countervailing duty investigations active at the Commission during 2015, and, if applicable, the date of final action, is presented in appendix table A.12. A list of all countervailing duty orders and suspension agreements<sup>96</sup> in effect at the end of 2015 appears in appendix table A.13.

**Table 2.2** Countervailing duty orders that became effective during 2015<sup>a</sup>

Trade partner	Product	Range of countervailable subsidy rates (percent)
Canada	Supercalendered paper	17.87-20.18
China	Boltless steel shelving units	12.40-80.39
China	Calcium hypochlorite	65.85
China	Crystalline silicon photovoltaic products	27.64-49.21
China	Melamine	154.00-156.90
China	Passenger vehicle and light truck tires	20.73-116.73 <sup>b</sup>
China	Steel wire rod	178.46-193.31
Turkey	Welded line pipe	1.31-152.20
Vietnam	Steel nails	288.56-313.97

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

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

<sup>b</sup> The countervailing duty rate was amended on August 10, 2015.

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

Section 751(a) of the Tariff Act of 1930 requires the USDOC, if requested, to conduct annual reviews of outstanding antidumping duty and countervailing duty orders to ascertain the amount of any net subsidy or dumping margin and to determine compliance with suspension agreements.<sup>97</sup> Section 751(b) also authorizes the USDOC and the Commission, as appropriate, to review certain outstanding determinations and agreements after receiving information or a petition that shows changed circumstances.<sup>98</sup> Where a changed-circumstances review is directed to the Commission, the party that is asking to have an antidumping duty order or countervailing duty order revoked or a suspended investigation terminated has the burden of

<sup>96</sup> A countervailing duty investigation may be suspended if the government of the subsidizing country or exporters accounting for substantially all of the imports of the merchandise under investigation agree to eliminate the subsidy, to completely offset the net subsidy, or to cease exports of the merchandise to the United States within six months. In extraordinary circumstances, an investigation may be suspended if the government of the subsidizing country or exporters agrees to completely eliminate the injurious effect of exports of the merchandise in question to the United States. A suspended investigation is resumed, assuming it had not previously been continued after issuance of the suspension agreement, if USDOC determines that the suspension agreement has been violated. See 19 U.S.C. § 1671c.

<sup>97</sup> 19 U.S.C. § 1675(a).

<sup>98</sup> 19 U.S.C. § 1675(b).

persuading the Commission that circumstances have changed enough to warrant revocation.<sup>99</sup> On the basis of either the USDOC's or the Commission's review, the USDOC may revoke an antidumping duty or countervailing duty order in whole or in part, or may either terminate or resume a suspended investigation. No changed-circumstances investigations were conducted at the Commission during 2015.

Section 751(c) of the Tariff Act of 1930 requires both the USDOC and the Commission to conduct sunset reviews of existing antidumping duty and countervailing duty orders and suspension agreements five years after their publication. These reviews are intended to determine whether revoking an order or terminating a suspension agreement would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy and to material injury.<sup>100</sup> During 2015, the USDOC and the Commission instituted 56 sunset reviews of existing antidumping and countervailing duty orders or suspended investigations,<sup>101</sup> and the Commission completed 55 reviews. As a result of affirmative determinations by the USDOC and the Commission, 49 antidumping duty and countervailing duty orders were continued. Appendix table A.14 lists, by date and action, the reviews of antidumping duty and countervailing duty orders and suspended investigations completed in 2015.<sup>102</sup>

## Section 704 and 734 Investigations

Sections 704 and 734 of the Tariff Act of 1930 authorize USDOC to suspend countervailing duty and antidumping duty investigations by entering into suspension agreements. Sections 704(b) and 734(b) permit USDOC to enter into agreements to eliminate or offset completely the countervailable subsidies at issue or to completely eliminate sales at LTFV, or to cease exports altogether. Alternatively, under sections 704(c) and 734(c), USDOC may enter into suspension agreements that do not completely eliminate the countervailable subsidies at issue or completely eliminate sales at LTFV, but instead eliminate the injurious effect of subject imports. Sections 704(h) and 734(h) of the Tariff Act of 1930 require the Commission to conduct a review of a suspension agreement entered by USDOC under sections 704(c) and 734(c) of the Tariff Act, if requested by certain domestic interested parties when the petitioning party "is a party to the investigation." Upon receipt of a review petition, the Commission must, within 75 days after the date on which the petition is filed with it, determine whether the injurious effect of imports of the subject merchandise is eliminated completely by the agreement. If the

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<sup>99</sup> 19 U.S.C. § 1675(b)(3).

<sup>100</sup> 19 U.S.C. § 1675(c).

<sup>101</sup> One of these instituted reviews was subsequently terminated and the outstanding order revoked because a domestic industry did not request that it be continued. The revoked antidumping duty order was on Woven Electric Blankets from China.

<sup>102</sup> For detailed information on reviews instituted, as well as Commission action in all reviews, see the Commission's website section "Sunset Review Database" at <https://pubapps2.usitc.gov/sunset/>.

Commission's determination is negative, the investigation must be resumed on the date the Commission publishes its notice of that determination as if USDOC's affirmative preliminary determination had been made on that date.

On December 19, 2014, USDOC, signatory Mexican producers/exporters of sugar and the government of Mexico signed final agreements suspending the antidumping and countervailing duty investigations on *Sugar from Mexico* under sections 704(c) and 734(c) of the Tariff Act of 1930. On January 8, 2015, Imperial Sugar Co. and AmCane Sugar LLC, domestic sugar producers that described themselves as "destination refiners," filed petitions with the Commission for review under sections 704(h) and 734(h).<sup>103</sup> The Commission determined on March 24, 2015, under sections 704(h) and 734(h) of the Tariff Act, that agreements the USDOC entered into with Mexican exporters of sugar and the government of Mexico suspending antidumping and countervailing duty investigations concerning *Sugar from Mexico* completely eliminated the injurious effect of the imports in question.<sup>104</sup>

### Section 129 Investigations

Section 129 of the U.S. Uruguay Round Agreements Act (URAA) establishes a procedure by which the Administration may respond to an adverse WTO panel or Appellate Body report concerning U.S. obligations under the WTO agreements on Safeguards, Antidumping, or Subsidies and Countervailing Measures. Section 129 establishes a mechanism that permits the USTR to request that the agencies concerned—the USDOC and the Commission—issue a consistency or compliance determination, where such action is appropriate, to respond to the recommendations in a WTO panel or Appellate Body report.<sup>105</sup>

On December 8, 2014, the WTO Appellate Body issued its report on the dispute entitled *United States—Countervailing Measures on Certain Hot-Rolled Carbon Steel Flat Products from India* (DS436), and on December 19, 2014, the WTO Dispute Settlement Body (DSB) adopted that report. On January 16, 2015, the United States informed the DSB of its intent to bring its measures, involving the USDOC and the Commission, into conformity with the Appellate Body report. Regarding USDOC measures, on September 23, 2015, USDOC commenced section 129

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<sup>103</sup> These are the first petitions that the Commission has ever received under sections 704(h) and 734(h) of the Tariff Act of 1930.

<sup>104</sup> 80 Fed. Reg. 16426 (March 27, 2015). On January 16, 2015, Imperial and AmCane also submitted timely requests with the USDOC to continue the antidumping and countervailing duty investigations on Sugar from Mexico. The investigations were resumed on May 4, 2015, and the Commission completed and filed its affirmative final determinations with the USDOC on November 6, 2015. 80 Fed. Reg. 70833 (November 16, 2015).

<sup>105</sup> 19 U.S.C. § 3538; see also Statement of Administrative Act submitted to the Congress in connection with the Uruguay Round Agreements Act, 353.

proceedings to comply with the DSB recommendations and rulings in DS436.<sup>106</sup> On November 6, 2015, the Commission received a written request from the USTR to issue a consistency determination under section 129(a)(4) of the URAA that would render the Commission's countervailing duty (CVD) determination regarding imports of certain hot-rolled steel from India in inv. no. 701-TA-405 not inconsistent with the recommendations and rulings of the DSB. The Commission instituted a section 129 proceeding effective November 6, 2015.<sup>107</sup> Both the USDOC and Commission proceedings were pending as of December 31, 2015.<sup>108</sup>

## Section 337 Investigations

Section 337 of the Tariff Act of 1930, as amended,<sup>109</sup> prohibits certain unfair practices in import trade. The unfair practice most frequently investigated by the Commission is patent infringement. In this context, section 337 prohibits the importation into the United States, the sale for importation, and the sale within the United States after importation of articles that infringe a valid and enforceable United States patent, provided that an industry in the United States, relating to articles protected by the patent concerned, exists or is in the process of being established.<sup>110</sup> Similar requirements govern investigations involving infringement of registered trademarks, registered copyrights, registered mask works, and registered vessel hull designs. In addition, the Commission has general authority to investigate other unfair methods of competition and unfair acts in the importation and sale of products in the United States (such as products manufactured abroad using stolen U.S. trade secrets), the threat or effect of which is to destroy or injure a U.S. industry, to prevent the establishment of a U.S. industry, or to restrain or monopolize trade and commerce in the United States.<sup>111</sup> The Commission may institute an investigation on the basis of a complaint or on its own initiative.<sup>112</sup>

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<sup>106</sup> 80 Fed. Reg. 57336 (September 23, 2015).

<sup>107</sup> 80 Fed. Reg. 75132 (December 1, 2015).

<sup>108</sup> On March 7, 2016, the Commission issued a Section 129 Consistency Determination rendering its findings with respect to injury in the underlying CVD proceeding on hot-rolled steel from India consistent with the DSB recommendations and rulings in DS436. USITC, "Hot-Rolled Steel Products from India," March 2016. On April 14, 2016, USDOC issued a section 129 compliance determination with respect to subsidization and the calculation of CVD rates consistent with the DSB recommendations and rulings in DS436. See 81 Fed. Reg. 27412 (May 6, 2016).

<sup>109</sup> 19 U.S.C. § 1337.

<sup>110</sup> Section 337 also covers articles that are made, produced, processed, or mined under, or by means of, a process covered by the claims of a valid and enforceable United States patent. 19 U.S.C. § 1337(a)(1)(B)(ii).

<sup>111</sup> Other unfair methods of competition and unfair acts have included common-law trademark infringement, trade dress infringement, trademark dilution, false advertising, and false designation of origin. ("Trade dress," in general terms, is a product's total appearance and image, including features such as size, texture, shape, color or color combinations, and graphics.) Unfair practices that involve the importation of dumped or subsidized merchandise must be pursued under antidumping or countervailing duty provisions, not under section 337.

<sup>112</sup> 19 U.S.C. § 1337(b)(1).

## Chapter 2: Administration of U.S. Trade Laws and Regulations

If the Commission determines that a violation exists, it can issue an exclusion order directing U.S. Customs and Border Protection (U.S. Customs) to block the subject imports from entry into the United States, in addition to cease and desist orders directing the violating parties to stop engaging in the unlawful practices. The orders enter into force unless disapproved for policy reasons by the USTR<sup>113</sup> within 60 days of issuance.<sup>114</sup>

During calendar year 2015, there were 88 active section 337 investigations and ancillary proceedings, 42 of which were instituted that year. Of these 42 new proceedings, 36 were new section 337 investigations and 6 were new ancillary (secondary) proceedings relating to previously concluded investigations. In 28 of the new section 337 investigations instituted in 2015, patent infringement was the only type of unfair act alleged. Of the remaining 8 investigations, 1 involved allegations of patent infringement and trademark infringement; 1 involved allegations of patent infringement and trade dress infringement; 3 involved allegations of patent infringement and false advertising; 1 involved allegations of patent infringement and trade secret misappropriation; 1 involved allegations of patent infringement and copyright infringement; and 1 involved allegations of trademark infringement.

The Commission completed a total of 46 investigations and ancillary proceedings under section 337 in 2015, including 1 remand proceeding, 1 remand enforcement proceeding, 1 modification proceeding, and 10 rescission (cancellation) proceedings. In addition, 2 general exclusion orders, 5 limited exclusion orders, and 17 cease and desist orders were issued during 2015. The Commission terminated 20 investigations without determining whether there had been a violation. Fourteen of these investigations were terminated on the basis of settlement agreements and/or consent orders.

The section 337 investigations active in 2015 continued to involve a broad spectrum of products. As in prior years, technology products predominated, with approximately 27 percent of the active proceedings involving computer and telecommunications equipment, 10 percent involving consumer electronics, and 8 percent involving memory products or integrated circuits. However, automotive, transportation, and other manufacturing products were at issue in about 13 percent of the active proceedings, small consumer items were at issue in about 8 percent of the proceedings, and pharmaceuticals and medical devices were at issue in about 7 percent of the proceedings. The remaining approximately 27 percent of the active proceedings involved a

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<sup>113</sup> 19 U.S.C. § 1337(j). Although the statute reserves the review for the President, since 2005 this function has been officially delegated to the USTR. 70 Fed. Reg. 43251 (July 26, 2005).

<sup>114</sup> Section 337 investigations at the Commission are conducted before an administrative law judge in accordance with the Administrative Procedure Act, 5 U.S.C. §§ 551 et seq. The judge conducts an evidentiary hearing and makes an initial determination, which is transmitted to the Commission for review. If the Commission finds a violation, it must determine the appropriate remedy, the amount of any bond to be collected while its determination is under review by the USTR, and whether public-interest considerations preclude issuing a remedy.

wide variety of other types of articles, including printing products, lighting products, chemical compositions, table saws, height-adjustable desks, air mattresses, aquarium fittings, woven textiles, and arrowheads.

At the close of 2015, 42 section 337 investigations and related proceedings were pending at the Commission. Commission activities involving section 337 proceedings in 2015 are presented in appendix table A.15. As of December 31, 2015, there were 94 exclusion orders based on violations of section 337 in effect. Appendix table A.16 lists the investigations in which these exclusion orders were issued. For additional detailed information concerning 337 investigations instituted since October 1, 2008, see the Commission’s 337Info database, found at <https://pubapps2.usitc.gov/337external>.

## Trade Adjustment Assistance

The United States provides trade adjustment assistance (TAA) to aid U.S. workers and firms adversely affected by import competition or by U.S. production moving to foreign countries.<sup>115</sup> On June 29, 2015, President Obama signed into law the Trade Preferences Extension Act (TPEA), which amended and reauthorized TAA for six years.<sup>116</sup> The main TAA programs in effect in 2015 were TAA for Workers, administered by the U.S. Department of Labor (USDOL), and TAA for Firms, administered by USDOC. A third program, TAA for Farmers, was also reauthorized by Congress through the TPEA of 2015,<sup>117</sup> but the U.S. Congress did not appropriate funding for new participants for fiscal year (FY) 2015. As a result, USDA did not accept any new petitions or applications for benefits in FY 2015.<sup>118</sup>

Selected developments in the TAA programs for workers and firms during FY 2015 are summarized below.<sup>119</sup> The most current information on each of the TAA programs, including

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<sup>115</sup> TAA was first established by the Trade Expansion Act of 1962 (Pub. L. 87-793) and subsequently expanded and reauthorized numerous times. In 2011, the Trade Adjustment Assistance Extension Act (TAAEA) of 2011 (Pub. L. 112-40), which was signed into law on October 21, 2011, extended most TAA provisions through December 31, 2013. CRS, *Trade Adjustment Assistance (TAA) and Its Role*, August 5, 2013, 14–16. On January 1, 2014, the 2011 Amendments to the Trade Act expired and the TAA program began operating under the sunset provisions, referred to as “Reversion 2014.” The TAA program was operated under sunset provisions throughout calendar year 2014. On June 29, 2015, President Obama signed into law the Trade Preferences Extension Act (Pub. L. 114-27). Title IV of the Act—the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015)—amended and reauthorized TAA for six years. USDOL, “Important Legislative Changes to the TAA Program” (accessed March 24, 2016).

<sup>116</sup> Pub. L. 114-27, sect. 403.

<sup>117</sup> The TPEA of 2015 reauthorized the TAA for Farmers Program for fiscal years 2015 through 2021. Pub. L. 114-27, sect. 403.

<sup>118</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 188–89.

<sup>119</sup> FY 2015 ran from October 1, 2014, to September 30, 2015.

the status of authorizing legislation and program funding, is available from the respective administering agencies cited in this report.

## Assistance for Workers

The TAA for Workers program gives federal assistance to eligible workers who have been adversely affected by import competition. The TAA program offers a variety of benefits and services to eligible workers, including training, out-of-area job search and relocation allowances, trade readjustment allowances, and reemployment trade adjustment assistance, as well as assistance with health care premium costs.<sup>120</sup> Current information on provisions of the TAA for Workers program, as well as detailed information on program eligibility requirements, benefits, and available services, is available at the USDOL's Employment and Training Administration (ETA) website for TAA, <https://www.doleta.gov/tradeact/>.

For petitioning workers to be eligible to apply for TAA, the Secretary of Labor must determine that they meet certain criteria relating to the reasons they were separated from their firm, including declining sales or production at their firm and increased imports of like or directly competitive articles.<sup>121</sup> (Workers often apply in groups based on their former firms.) Workers at firms that are or were suppliers to or downstream users of the output of TAA-certified firms may also be eligible for TAA benefits.<sup>122</sup>

During the first part of FY 2015 (beginning October 1, 2014), the TAA for Workers program operated under the sunset provisions, commonly known as "Reversion 2014." On June 29, 2015, President Obama signed into law the Trade Adjustment Assistance (TAA) Reauthorization Act of 2015 (TAARA 2015),<sup>123</sup> which restored the worker group eligibility and benefits established by the Trade Adjustment Assistance Extension Act of 2011 (TAAEA) through June 30, 2021. USDOL announced that it would investigate new petitions filed after June 29, 2015, under the 2015 program certification criteria, which are identical to the 2011 program criteria.<sup>124</sup> Moreover, TAARA 2015 was made retroactive to January 1, 2014, and offered unemployed workers who were separated from their employment on or after January 1, 2014,

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<sup>120</sup> Trade Readjustment Allowances (TRAs) are available to provide income support while eligible workers under the TAA program are participating in full-time training. The amount of each weekly TRA payment is based on the weekly unemployment insurance (UI) benefit amount individual workers already have received. The Reemployment Trade Adjustment Assistance (RTAA) benefits are available if eligible workers are age 50 or older and do not earn more than \$50,000 annually in their new employment. Participation in RTAA allows eligible workers to receive a wage supplement when they accept new employment at a lower wage. USDOL, "TAA Program Certifications, Benefits, and Services under the TAA Reauthorization Act of 2015," n.d. (accessed March 24, 2016).

<sup>121</sup> See 19 U.S.C. § 2272.

<sup>122</sup> Ibid.

<sup>123</sup> USDOL, "Important Legislative Changes to the TAA Program," n.d. (accessed March 24, 2016).

<sup>124</sup> USDOL, "TAA Program Certifications, Benefits, and Services," n.d. (accessed March 24, 2016).

an extended period for filing their petitions, as well as a wider coverage of eligible workers compared to the Reversion 2014 program.<sup>125</sup> The TAARA 2015 also provided that the Reversion 2014 program participants must transition into the TAARA 2015 program, and this transition took effect on September 28, 2015.<sup>126</sup>

The major differences between the TAARA 2015 program and the Reversion 2014 program are as follows:

(1) The TAARA 2015 program offers wider coverage of eligible workers and provides more training funds than the Reversion 2014 program. The Reversion 2014 provisions ended eligibility for service workers and reduced the cap on training funding to the 2002 levels.<sup>127</sup> In comparison, the TAARA 2015 program reinstated eligibility for service workers and increased training funding to a level between those of TAAEA in 2011 and the Reversion 2014 provisions.<sup>128</sup>

(2) The TAARA 2015 program offers a tax credit to help TAA program participants pay for their health insurance premium.<sup>129</sup> This tax credit is not available under the Reversion 2014 program.<sup>130</sup>

In FY 2015, \$507.4 million was allocated to state governments to fund the TAA for Workers program. This included \$235.7 million for “training and other activities,” which includes funds for training, job search allowances, relocation allowances, employment and case management

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<sup>125</sup> USDOL, ETA, “Training and Employment Guidance Letter No. 05-15,” September 4, 2015; “TAA Program Certifications, Benefits, and Services,” n.d. (accessed March 24, 2015). The TAARA 2015 recognized that petitions may not have been filed due to uncertainty about the continuation of the program, as well as the fact that TAARA 2015 provides a wider coverage of eligible workers compared to the Reversion 2014 program (for more details, see the next paragraph of this section). Hence, the TAARA 2015 provides that all certifications of petitions that include workers separated on or after January 1, 2014, and that were filed within 90 days (or by September 27, 2015) after the date of enactment of the Act, will be considered. This date replaces the one-year impact date that applies to certifications of all other petitions. USDOL, ETA, “TAARA 2015 Q&A,” n.d. (accessed March 24, 2016).

<sup>126</sup> USDOL, ETA, “TAARA 2015 Q&A,” n.d. (accessed March 24, 2016).

<sup>127</sup> CRS, *Trade Adjustment Assistance for Workers and the TAA*, August 18, 2015, 11.

<sup>128</sup> *Ibid.*

<sup>129</sup> The tax credit is called “the health coverage tax credit.” This credit pays 72.5 percent of qualified health insurance premiums for eligible individuals and their families. Eligible individuals include eligible TAA recipients, alternative recipients, and reemployment benefits (RTAA) recipients, as well as a family member of an eligible recipient who is deceased or finalized a divorce with that family member. IRS, “Health Coverage Tax Credit,” n.d. (accessed April 6, 2015).

<sup>130</sup> The health care tax credit was available under the 2011 program (established by the Trade Adjustment Assistance Extension Act of 2011). However, the tax credit expired on January 1, 2014, mainly due to its phaseout via the Affordable Care Act. For more background, see USITC, *The Year in Trade 2014*, July 2015, 69.

services, and related state administration; \$241.1 million for trade readjustment allowance benefits; and \$30.6 million for Reemployment Trade Adjustment Assistance benefits.<sup>131</sup>

Groups of workers submitted 1,024 petitions for TAA in FY 2015, up from 990 petitions (an increase of 3.4 percent) filed in FY 2014. The increase was likely mainly due to the fact that certain service sector workers, as well as worker groups whose jobs are adversely affected by trade from countries that are not parties to FTAs with the United States, became eligible for TAA under the TAARA 2015 program and therefore filed their applications in FY 2015. The USDOL certified 413 petitions covering 57,631 workers as eligible for TAA, and denied 162 petitions covering 19,444 workers.<sup>132</sup> The largest number of petitions certified in FY 2015 was in the South census region, followed by the Midwest, the Northeast, and the West (table 2.3).<sup>133</sup> By state, Texas had the most workers certified (7,601 workers), followed by Minnesota (4,406 workers), California (3,430 workers), New York (3,249 workers) and Illinois (3,235 workers).

**Table 2.3** TAA Certifications, FY 2015

Census region	No. of petitions certified	No. of workers covered
South	116	19,229
Midwest	111	18,069
Northeast	105	10,552
West	78	8,859
Puerto Rico	3	922

Source: USDOL, ETA, email message to USITC staff, February 17, 2016.

The majority (77.5 percent, 320 petitions) of the TAA petitions certified during FY 2015 were in the manufacturing sector, covering 49,613 workers, followed by the professional, scientific, and technical services sector (3.9 percent, 16 petitions), and the finance and insurance sector (3.2 percent, 13 petitions). The share of TAA petitions certified during FY 2015 for the manufacturing sector was 10.9 percent higher than the share of petitions certified for the manufacturing sector during FY 2014.

## Assistance for Firms

The TAA for Firms (TAAF) program provides technical assistance to help U.S. firms experiencing a decline in sales and employment to become more competitive in the global marketplace.<sup>134</sup>

<sup>131</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 188.

<sup>132</sup> Petitions are accepted and investigated on a rolling basis throughout the year, and petitions may be withdrawn and investigations terminated at any point. For these reasons, the number of petitions certified and denied for TAA in any fiscal year may not equal the total number of petitions filed in that year. USDOL, ETA, “Petition Filing Frequently Asked Questions (FAQ),” n.d. (accessed March 9, 2015).

<sup>133</sup> The regional classification is based on definitions from the U.S. Census Bureau. See U.S. Census website, [http://www2.census.gov/geo/pdfs/maps-data/maps/reference/us\\_regdiv.pdf](http://www2.census.gov/geo/pdfs/maps-data/maps/reference/us_regdiv.pdf) (accessed April 5, 2016).

<sup>134</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 189.

The TAAF program provides cost-sharing technical assistance to help eligible businesses to create and implement targeted business recovery plans called Adjustment Proposals (APs).<sup>135</sup> The program pays up to 75 percent of the costs of developing the recovery plans, and firms also contribute a share of the cost of creating and implementing their recovery plans.<sup>136</sup> TAARA 2015 authorizes the TAAF Program through FY 2021.<sup>137</sup> Current information on provisions of the TAA for Firms program, as well as detailed information on program eligibility requirements, benefits, and available services, is available at the USDOC's Economic Development Administration (EDA) website for TAA, <http://www.taacenters.org/>.

To be eligible for TAAF, a firm must show that an increase in imports of like or directly competitive articles “contributed importantly” to the decline in sales or production and to the separation or threat of separation of a significant portion of the firm’s workers.<sup>138</sup> Technical assistance in the form of matching funds is provided through a nationwide network of 11 nonprofit or university-affiliated Trade Adjustment Assistance Centers to help U.S. manufacturing, production, and service firms.<sup>139</sup> Matching funds can be applied toward the cost of hiring third-party consultants to help firms and of developing and carrying out adjustment proposals to improve a firm’s market position and competitiveness.<sup>140</sup> Firms generally have up to five years to implement an approved adjustment proposal.<sup>141</sup>

In FY 2015, EDA awarded a total of \$20 million in TAAF program funds to its national network of 11 Trade Adjustment Assistance Centers.<sup>142</sup> During FY 2015, EDA certified 113 petitions for eligibility and approved 120 adjustment proposals.<sup>143</sup> The numbers are both a bit higher than in FY 2014, when EDA certified 105 petitions and approved 107 adjustment proposals.<sup>144</sup>

## Tariff Preference Programs

Three major U.S. tariff preference programs with developing countries were operative during 2015: the U.S. Generalized System of Preferences (GSP); the African Growth and Opportunity Act (AGOA); and the Caribbean Basin Economic Recovery Act (CBERA), including the Caribbean Basin Trade Partnership Act (CBTPA) as well as the Haitian Hemisphere Opportunity through

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<sup>135</sup> USDOC, EDA, “Trade Adjustment Assistance for Firms,” n.d. (accessed April 12, 2016).

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

<sup>137</sup> Pub. L. 114-27, sect. 403.

<sup>138</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 189.

<sup>139</sup> USDOC, EDA, “Trade Adjustment Assistance for Firms,” n.d. (accessed April 12, 2016).

<sup>140</sup> *Ibid.*

<sup>141</sup> *Ibid.*

<sup>142</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 189.

<sup>143</sup> *Ibid.*

<sup>144</sup> Petitions are certified on a rolling basis throughout the year. USDOC, EDA, *Fiscal Year 2014 Annual Report to Congress: Trade Adjustment Assistance*, 13, 24–25, n.d. (accessed April 12, 2016).

Partnership Encouragement Acts of 2006 and of 2008 (the HOPE Acts) and the Haitian Economic Lift Program of 2010 (HELP Act).<sup>145</sup> The value of U.S. imports for which eligibility was claimed under these trade preference programs fell from \$33.0 billion in 2014 to \$27.4 billion in 2015, accounting for 1.2 percent of total U.S. imports during 2015.<sup>146</sup>

### Generalized System of Preferences

The U.S. GSP program authorizes the President to grant duty-free access to the U.S. market for certain products that are imported from designated developing countries and territories.<sup>147</sup> Certain additional products are allowed duty-free treatment when imported only from countries designated as least-developed beneficiary developing countries. The President's authority to provide duty-free treatment under the GSP program expired on July 31, 2013, but was renewed retroactively in 2015. On June 29, 2015, President Obama signed into law a bill that reauthorized GSP retroactively to its date of expiration and covered the period through December 31, 2017.<sup>148</sup> Retroactivity did not apply to those countries which were not covered as of the date of renewal (Russia and Bangladesh).

The GSP program aims to accelerate economic growth in developing countries by offering unilateral tariff preferences. An underlying principle of the GSP program is that the creation of trade opportunities for developing countries encourages broad-based economic development and sustains momentum for economic reform and liberalization. The GSP program also allows U.S. companies to have access to intermediate products from beneficiary countries on generally the same terms that are available to competitors in other developed countries that grant similar trade preferences.<sup>149</sup>

Countries are designated as “beneficiary developing countries” under the GSP program by the President, although they can lose this designation based on petitions alleging improper country practices, including inadequate protection of IPR or internationally recognized worker rights.<sup>150</sup>

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<sup>145</sup> This report does not analyze U.S. tariff preferences provided to goods entered into the customs territory of the United States from U.S. insular possessions (U.S. Virgin Islands, Guam, Johnston Atoll, Midway Islands, and Wake Island) and to products of the Freely Associated States (the Marshall Islands, the Federated States of Micronesia, and Palau). See USITC, *Harmonized Tariff Schedule of the United States 2016*, March 2016, gen. note 3a (iv) and gen. note 10. U.S. insular possessions are defined in 19 C.F.R. § 7.2 (a).

<sup>146</sup> See tables 2.4, 2.5, 2.6, and 2.7. If U.S. importers do not claim this status or some other special status, then duties are charged on their goods using the rates found in the “general rates of duty” column of the Harmonized Tariff Schedule of the United States (HTS).

<sup>147</sup> The program is authorized by Title V of the Trade Act of 1974, as amended, 19 U.S.C. § 2461 et seq.

<sup>148</sup> Pub. L. 114-27, Trade Preferences Extension Act of 2015.

<sup>149</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 44.

<sup>150</sup> The list of current GSP beneficiaries can be found on the USTR's website at <https://ustr.gov/issue-areas/trade-development/preference-programs/generalized-system-preference-gsp/gsp-program-inf>.

Some of these beneficiary developing countries are also designated least-developed beneficiary developing countries (LDBDCs), and as such are eligible for expanded benefits. The President also designates the articles that are eligible for duty-free treatment, but may not designate articles that he determines to be “import-sensitive” in the context of the GSP. Certain articles (for example, footwear, textiles, and apparel) are designated by statute as “import-sensitive” and thus not eligible for duty-free treatment under the GSP program. The statute also provides for graduating countries from the program when they become “high income” and for ending the eligibility of articles, or of articles from certain countries, under certain conditions.

Competitive need limitations (CNLs) are another important part of the GSP program’s structure. CNLs are quantitative ceilings on GSP benefits for each product and beneficiary developing country. The GSP statute provides that a beneficiary developing country will lose its GSP eligibility with respect to a product if the CNLs are exceeded, though waivers may be granted under certain conditions. There are two different CNLs that may apply to U.S. imports of a particular product from a beneficiary developing country during any calendar year. One CNL applies to imports that account for 50 percent or more of the value of total U.S. imports of that product, and the other CNL applies to imports that exceed a certain dollar value (\$170 million in 2015).<sup>151</sup> The act extending the GSP program in 2006 provided that a CNL waiver in effect on a product for five or more years should be revoked if U.S. imports from a specific supplier meet certain “super-competitive” value thresholds.<sup>152</sup>

The following developments with respect to the U.S. GSP program occurred in 2015:

- An accelerated GSP program review was conducted, which resulted in a Presidential Proclamation effective October 1, 2015. The Proclamation added 5 new eligible tariff lines in the Harmonized Tariff Schedule of the United States (HTS) for cotton products from LDBDCs only. Three other products were re-designated as eligible from Ukraine, along with one product from Indonesia. Three products (two from Turkey and one from Indonesia) had CNL waivers revoked that had been in effect for at least 5 years and for which imports were at least 150 percent of the CNL value or percentage level, pursuant to the 2006 statutory provisions. In addition, new CNL waivers were granted to two new products from Thailand. Also, the President announced the graduation of Seychelles, Venezuela, and Uruguay from the GSP program effective January 1, 2017.<sup>153</sup>
- On August 19, 2015, the 2015 GSP annual review was announced. This review will return to the normal GSP review schedule, and will review calendar year 2015 GSP imports,

<sup>151</sup> USTR, *U.S. Generalized System of Preferences (GSP) Guidebook*, October 2015, 12.

<sup>152</sup> 19 U.S.C. § 2463(d)(4)(B)(ii).

<sup>153</sup> Presidential Proclamation 9333, 80 Fed. Reg. 60249 (October 5, 2015).

culminating in a proclamation likely to take effect on July 1, 2016.<sup>154</sup> This proclamation will exclude products that exceeded the CNL level for 2015 unless a waiver is granted.

- On November 25, 2015, the country practices review regarding worker rights in the Philippines was closed without any change to GSP benefits; also, a country practices petition filed by the AFL-CIO regarding worker rights in Thailand was accepted for review. A country practices hearing was held on January 14–15, 2016.<sup>155</sup>

Imports claiming GSP preferences totaled \$17.4 billion in 2015, accounting for 8.4 percent of total U.S. imports from GSP beneficiary countries and 0.8 percent of total U.S. imports (tables 2.4 and A.2). Note that, except for imports from AGOA beneficiary countries, U.S. imports claiming GSP treatment before July 29, 2015, did not actually enter duty free, but importers still claimed GSP status to facilitate receiving refunds in case GSP was renewed and made retroactive. After GSP's retroactive renewal, importers were eligible to receive refunds for duties paid during the lapse.

India was the leading source of imports entered under the GSP program in 2015, followed by Thailand and Brazil, as in recent years (appendix table A.17). Appendix tables A.18 and A.19 show the overall sectoral distribution of GSP benefits, and appendix table A.20 shows the top 25 products imported under the GSP in 2015. The tables show that the value of imports of crude petroleum, formerly the top U.S. import under GSP, dropped from substantial levels in 2013 and 2014 to zero in 2015 under GSP; similar imports under AGOA also declined substantially, as did total U.S. crude petroleum imports in 2015.<sup>156</sup> Note that such imports are eligible for GSP benefits only when received from LDBDCs, and that historically they have been imported primarily from countries that were also AGOA beneficiaries.

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<sup>154</sup> 80 Fed. Reg. 50376 (August 19, 2015).

<sup>155</sup> 80 Fed. Reg. 73868 (November 25, 2015).

<sup>156</sup> For more information on the trend in U.S. petroleum imports in 2015, see chapter 1.

**Table 2.4** U.S. imports for consumption from GSP beneficiaries, 2013–15

Item	2013	2014	2015
Total imports from GSP beneficiaries (million \$)	277,275	261,204	206,149
Total imports under GSP (million \$)	18,504	18,704	17,410
Imports under LDBDC provisions (million \$) <sup>a</sup>	740	871	17
Imports under non-LDBDC provisions (million \$) <sup>b</sup>	17,765	17,833	17,393
Imports under GSP (as a share of all imports from GSP countries)	6.7	7.2	8.4

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed March 29, 2016).

Note: LDBDC = least-developed beneficiary developing country. The President's authority to provide duty-free treatment under the GSP program expired on July 31, 2013, but was renewed retroactively effective July 29, 2015.

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

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

## African Growth and Opportunity Act

The African Growth and Opportunity Act (AGOA or Act) was enacted in 2000 to promote stable and sustainable economic growth and development in sub-Saharan Africa (SSA). In a statement of policy in the Act, Congress expressed support for, among other things, "encouraging increased trade and investment between the United States and sub-Saharan Africa," "reducing tariff and nontariff barriers and other obstacles to sub-Saharan African and United States trade," and "expanding United States assistance to sub-Saharan Africa's regional integration efforts."<sup>157</sup> By providing unilateral preferential trade benefits to eligible beneficiary SSA countries, AGOA aims to promote political and economic reform in SSA, encourage regional economic integration, strengthen private sectors, and enhance commercial and political ties between the United States and SSA, as well as facilitate the development of civil societies, rule of law, and political freedom in SSA countries.<sup>158</sup> On June 29, 2015, President Obama signed into law the Trade Preferences Extension Act of 2015 (TPEA), which extended AGOA for 10 years through September 30, 2025.<sup>159</sup>

AGOA expands on the U.S. GSP program by offering duty-free access to the U.S. market for all GSP-eligible products<sup>160</sup> and for over 1,800 qualifying tariff line-item products from designated SSA countries beyond those eligible under the GSP program.<sup>161</sup> In addition, AGOA authorizes

<sup>157</sup> Trade and Development Act of 2000, 19 U.S.C. § 3701, Title I, sec. 103 (Pub. L. 106-200), 19 U.S.C. § 3702; USDOC, ITA, "Trade and Development Act of 2000," n.d. (accessed April 1, 2016).

<sup>158</sup> Trade and Development Act of 2000, 19 U.S.C. § 3701, Title I, sec. 103 (Pub. L. 106-200), 19 U.S.C. § 3702; USDOC, ITA, "Trade and Development Act of 2000," n.d. (accessed April 1, 2016).

<sup>159</sup> Trade Preferences Extension Act of 2015, 19 U.S.C. § 3721(g), sec.103; U.S. Government Publishing Office, "Trade Preferences Extension Act of 2015," n.d. (accessed April 13, 2016).

<sup>160</sup> The eligibility criteria for GSP and AGOA designation substantially overlap, and countries must be GSP eligible in order to receive AGOA's trade benefits. USDOC, ITA, "AGOA: General Country Eligibility Provisions," n.d. (accessed April 13, 2016). Countries are designated separately for the two programs (see HTS, general notes 4 and 16).

<sup>161</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 193.

duty-free treatment to certain textile and apparel articles made in qualifying beneficiary SSA countries.<sup>162</sup> In 2015, approximately 7,000 tariff lines were designated as covering products eligible for duty-free treatment under AGOA.<sup>163</sup>

AGOA authorizes the President to designate an SSA country as an AGOA beneficiary country if the President determines the country meets the eligibility requirements set forth in section 104(a) of the Act.<sup>164</sup> The Act also requires the President to review annually whether SSA countries are, or remain, eligible for AGOA benefits based on the eligibility criteria.<sup>165</sup> Moreover, compared to the Act, the recent TPEA offers additional tools for the President to promote compliance with AGOA eligibility criteria. First, TPEA offers greater flexibility for the President to “withdraw, suspend, or limit” the AGOA benefits to a beneficiary SSA country if the President determines that “withdrawing, suspending, or limiting such duty-free treatment would be more effective in promoting compliance by the country than terminating the designation of the country as a beneficiary SSA country.”<sup>166</sup> Second, according to USTR, TPEA improves transparency and participation in the AGOA review process and creates a public petition process to review an SSA country’s AGOA eligibility.<sup>167</sup> Third, TPEA expands the annual review process and authorizes the President to initiate an “out-of-cycle review” process at any time concerning an SSA country’s AGOA eligibility.<sup>168</sup>

In 2015, 39 SSA countries were designated as eligible for AGOA benefits.<sup>169</sup> Of these countries, 28 countries were eligible for AGOA textile and apparel benefits for the whole or part of

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<sup>162</sup> This benefit is also extended through September 30, 2025, by the Trade Preferences Extension Act of 2015.

<sup>163</sup> This includes around 5,000 tariff lines currently covered by the U.S. Generalized System of Preferences (GSP), plus a further 1,800 tariff lines added under the AGOA legislation. In addition, imports could also qualify for benefits under the AGOA apparel and textile provisions. AGOA.info, “AGOA Product Eligibility,” n.d. (accessed April 1, 2016).

<sup>164</sup> 19 U.S.C. § 3703(a). 19 U.S.C. § 3706 lists a total of 49 SSA countries, or their successor political entities, as potential AGOA beneficiaries. Thirty-one of these are LDBDCs under the GSP. See general note 4(b) to the HTS.

<sup>165</sup> 19 U.S.C. § 2466a(a)(2).

<sup>166</sup> Pub. L. 114-27, Trade Preferences Extension Act of 2015.

<sup>167</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 193.

<sup>168</sup> See section 105(c) of Pub. L. 114-27, Trade Preferences Extension Act of 2015, amending section 506A of the Trade Act of 1974 (19 U.S.C. § 2466a).

<sup>169</sup> Thirty-nine countries were eligible for AGOA benefits in 2015; however, the following 40 countries were listed in general note 16 of the HTS as designated AGOA beneficiaries during 2015: Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Comoros, Republic of the Congo, Côte d’Ivoire, Djibouti, Ethiopia, Gabon, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Malawi, Mali, Madagascar, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, South Africa, Swaziland, Tanzania, Togo, Uganda, and Zambia. USITC, *Harmonized Tariff Schedule of the United States (HTS) 2015*, January 2015, 186. In June 2014, the President terminated the designation of Swaziland as an AGOA beneficiary, effective January 1, 2015, mainly because of its lack of progress on eligibility criteria related to worker rights; Proclamation No. 9145 (June 26, 2014).

2015.<sup>170</sup> Of the countries in the latter group, all but one (South Africa) were also eligible for additional textile and apparel benefits for lesser-developed beneficiary countries (LDBC) for the whole or part of 2015.<sup>171</sup> Notable among these extra benefits is the third-country fabric provision for LDBC, which allows beneficiary countries to use non-U.S., non-AGOA fabrics in apparel exports under AGOA.<sup>172</sup>

Guinea-Bissau regained its AGOA eligibility on January 1, 2015.<sup>173</sup> Meanwhile, in 2014, the President terminated the designation of Swaziland, The Gambia, and South Sudan as AGOA beneficiaries, effective January 1, 2015.<sup>174</sup> The designations of The Gambia and South Sudan were terminated because, under section 506A(a)(3) of the Trade Act of 1974, the President determined that they were “not making continued progress in meeting the requirements described in section 506A(a)(1) of the 1974 Act.”<sup>175</sup> The President terminated the designation of Swaziland “after years of engaging with the Government of the Kingdom of Swaziland on concerns about its implementation of the AGOA criteria related to worker rights.”<sup>176</sup> In addition, the regular annual review on AGOA eligibility in 2015 resulted in the withdrawal of Burundi’s AGOA eligibility, effective January 1, 2016, due primarily to concerns related to human rights, governance, and rule of law issues.<sup>177</sup>

Another notable AGOA review case in 2015 was an out-of-cycle review of South Africa’s AGOA eligibility, which was initiated on July 21, 2015, and required by the TPEA legislation.<sup>178</sup> On November 5, 2015, the President determined that South Africa had not made continual progress toward the elimination of several longstanding barriers to U.S. trade and investment, including unwarranted barriers to U.S. poultry, pork, and beef exports to South Africa.<sup>179</sup> On January 11, 2016, the President issued a proclamation announcing that the United States would

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<sup>170</sup> Twenty-eight countries were listed in the HTS as eligible to receive AGOA apparel benefits as of January 1, 2015. The countries included Benin, Botswana, Burkina Faso, Cameroon, Cape Verde, Chad, Côte d’Ivoire, Ethiopia, Ghana, Guinea, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, South Africa, Tanzania, Uganda, and Zambia. The Gambia and Swaziland were eligible for AGOA textile and apparel benefits in 2014, but they both lost their AGOA eligibility starting January 2015, and hence also lost their eligibility for AGOA textile and apparel benefits. USITC, *HTS 2015*, January 2015, chapter 98, subchapter XIX, U.S. note 1. For more background, see USITC, *The Year in Trade 2014*, July 2015, 75.

<sup>171</sup> USDOC, ITA, “AGOA Preferences: Country Eligibility, Apparel Eligibility, and Textile Eligibility,” January 8, 2016.

<sup>172</sup> USITC, *HTS 2015*, January 2015, chapter 98, subchapter XIX, U.S. note 2(a) through 2(e).

<sup>173</sup> Proclamation No. 9223 (December 23, 2014).

<sup>174</sup> Proclamation No. 9145 (June 26, 2014); Proclamation No. 9223 (December 23, 2014); USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 195.

<sup>175</sup> Proclamation No. 9223 (December 23, 2014).

<sup>176</sup> USTR, “President Obama Removes Swaziland,” June 26, 2014.

<sup>177</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 193–94; Proclamation No. 9383 (December 21, 2015).

<sup>178</sup> USTR, “U.S. to Suspend African Growth and Opportunity Act (AGOA) Benefits,” November 2015.

<sup>179</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 194.

suspend the application of duty-free treatment for all AGOA-eligible goods in the agricultural sector from South Africa. The effective date for the suspension was set at March 15, 2016, to allow South Africa time to implement actions to resolve the outstanding barriers to U.S. trade.<sup>180</sup>

In 2015, the value of U.S. imports that entered free of duty from AGOA beneficiary countries under AGOA (including GSP) was \$9.3 billion, a sum that represented a 35 percent decrease in value from 2014. These imports accounted for 48.4 percent of total imports from AGOA countries in 2015. In 2015, imports entering the United States exclusively under AGOA (excluding GSP) were valued at \$8.0 billion, accounting for 41.7 percent of U.S. imports from AGOA countries (table 2.5).

**Table 2.5** U.S. imports for consumption from AGOA beneficiaries, 2013–15

Item	2013	2014	2015
Total imports from AGOA countries (million \$)	38,205	25,561	19,140
Imports under AGOA, including GSP (million \$) <sup>a</sup>	26,872	14,250	9,271
Imports under AGOA, excluding GSP (million \$)	24,854	11,874	7,980
Imports under AGOA (as a share of all imports from AGOA countries)	70.3	55.7	48.4

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed March 29, 2016).

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

The decline in U.S. imports under AGOA in 2015 mainly reflected a decline in the value and quantity of imports of crude and other petroleum-related products, which dropped by \$3.9 billion from 2014 to 2015. Major petroleum-producing countries in Africa—Nigeria, Angola, Gabon, Chad, and Cameroon—all experienced significant declines in the value of their exports of petroleum-related products to the United States (appendix tables A.21 and A.22).

The major suppliers of duty-free U.S. imports under AGOA in 2015 were Angola (23.0 percent of total AGOA imports), South Africa (21.6 percent), Chad (18.5 percent), Nigeria (17.6 percent), Kenya (5.4 percent), and Lesotho (3.8 percent). These six countries accounted for 89.8 percent of total imports by value under AGOA, an increase of 2.0 percentage points from 2014 (appendix table A.21).

<sup>180</sup> Proclamation No. 9388 (January 14, 2016); USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 194. On March 14, 2016, the President issued another proclamation indicating that based on actions that the Government of South Africa has taken to come into compliance with the requirements under AGOA eligibility, the President has determined that it is no longer necessary to suspend the application of duty-free treatment to agricultural exports from South Africa, so the earlier proclamation 9388 was revoked; Proclamation No. 9406 (March 14, 2016).

Petroleum-related products,<sup>181</sup> mainly crude petroleum, continued to be the leading imports under AGOA. However, though these products accounted for 64.5 percent of the total value of AGOA imports in 2015, that share was down by 11.4 percentage points from 75.9 percent in 2014. The value of U.S. imports of petroleum-related products under AGOA dropped by 43 percent from 2014 to 2015, from \$9.0 billion in 2014 to \$5.1 billion in 2015 (appendix table A.22). The decrease in the value of U.S. imports of petroleum-related products under AGOA was driven primarily by the significant drop in the per-barrel price of crude petroleum, which fell from an average of \$88.7 per barrel in 2014 to \$44.8 per barrel in 2015, as well as increasing U.S. domestic production.<sup>182</sup> U.S. production of crude petroleum increased from 3.2 billion barrels in 2014 to 3.4 billion barrels in 2015;<sup>183</sup> increased U.S. production coupled with stagnant U.S. consumption jointly contributed to the decline in U.S. imports of crude petroleum under AGOA, reflecting the national trend.<sup>184</sup> As a result of lower U.S. and worldwide demand, AGOA crude petroleum-producing countries slowed down production dramatically in 2015 and delayed much-needed repairs to pipelines and wellheads.<sup>185</sup>

Passenger motor vehicles and textile and apparel products were two other major U.S. imports under AGOA, accounting for 16.8 percent and 10.9 percent of the value of total AGOA imports in 2015, respectively (appendix table A.22).<sup>186</sup> U.S. passenger motor vehicle imports under AGOA came exclusively from South Africa, and they increased slightly in value from \$1.30 billion in 2014 to \$1.34 billion in 2015. The increase was principally driven by the increase in U.S. domestic demand for passenger motor vehicles. Vehicle sales in the United States rose by 5.7 percent in 2015 compared to 2014.<sup>187</sup>

Section 105 of AGOA required the President to establish the U.S.-SSA Trade and Economic Cooperation Forum (also known as the AGOA Forum)<sup>188</sup> to discuss trade, investment, and development at an annual ministerial-level meeting with AGOA-eligible countries. The 14th AGOA Forum was held in August 2015 in Gabon.<sup>189</sup> At the forum, U.S. Trade Representative

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<sup>181</sup> Here, petroleum-related products include crude petroleum (HTS 2709.00), light oils (HTS 2710.12), and petroleum oil from bituminous minerals (HTS 2710.19).

<sup>182</sup> GTIS, Global Trade Atlas (accessed April 19, 2016).

<sup>183</sup> EIA, "Crude Oil Production," n.d. (accessed April 19, 2016).

<sup>184</sup> EIA, "Monthly Energy Review," April 2016.

<sup>185</sup> Steyn, "Oil Price Spillover Hits Africa Hard," August 14, 2015.

<sup>186</sup> Here the phrase "U.S. imports of passenger motor vehicles" refers to passenger motor vehicles with spark-ignition engines from 1.5L to 3L (HTS 8703.23). Meanwhile, textile and apparel products refer to the following products: HTS 6203.42, HTS 6205.20, HTS 6110.30, HTS 6104.63, HTS 6204.62, HTS 6105.20, HTS 6109.90, HTS 6204.63, HTS 6103.43, HTS 6104.53, HTS 6104.62, HTS 6203.43, and HTS 6110.20. These products can be found in appendix table A.22, which lists the top 25 products imported under AGOA in 2015.

<sup>187</sup> *Automobile News*, "U.S. Auto Sales Break Record in 2015," January 5, 2016.

<sup>188</sup> 19 U.S.C. § 3704.

<sup>189</sup> U.S. Department of State, "AGOA Forum 2015," n.d. (accessed April 19, 2016).

Michael Froman and senior officials from more than a dozen U.S. government agencies met with numerous African trade ministers, leaders of African regional economic organizations, and representatives of the African and U.S. private sectors and civil society to discuss issues and strategies for advancing trade, investment, and economic development in SSA. They also examined ways to increase two-way U.S.-SSA trade in light of the 10-year extension of AGOA.<sup>190</sup>

During his remarks to Forum delegates, Ambassador Froman stated that the Administration will begin a dialogue with stakeholders on the vision for the U.S.-Africa trade and investment relationship, moving beyond AGOA's unilateral preferences to a "more mature, reciprocal trade and investment relationship."<sup>191</sup> Toward this end, Ambassador Froman announced the launch of a strategic review to identify the building blocks of a more sustainable post-AGOA U.S.-Africa trade and investment partnership. The results will be shared in a report that USTR will send to Congress.<sup>192</sup>

## Caribbean Basin Economic Recovery Act

The Caribbean Basin Economic Recovery Act (CBERA) was enacted in 1983 as part of the Caribbean Basin Initiative. Its goal was to encourage economic growth and development in the Caribbean Basin countries by using duty preferences to promote increased production and exports of nontraditional products.<sup>193</sup> The Caribbean Basin Trade Partnership Act (CBTPA) amended CBERA in 2000 and expanded the list of qualified articles, for eligible countries, to include certain apparel.<sup>194</sup> The CBTPA also extended "NAFTA-equivalent treatment"—that is, rates of duty equivalent to those accorded to goods complying with the rules of origin applicable under the North American Free Trade Agreement (NAFTA)—to a number of other products previously excluded from CBERA. These products included certain tuna; crude petroleum and petroleum products; certain footwear; watches and watch parts assembled from parts originating in countries not eligible for normal trade relations (NTR) rates of duty;<sup>195</sup> and certain handbags, luggage, flat goods, work gloves, and leather wearing apparel. Products that are still excluded from CBERA preferential treatment include textile and apparel products

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<sup>190</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 194.

<sup>191</sup> *Ibid.*

<sup>192</sup> *Ibid.*

<sup>193</sup> For a more detailed description of CBERA, including country and product eligibility, see USITC, *Caribbean Basin Economic Recovery Act, 22nd Report*, September 2015.

<sup>194</sup> Textiles and apparel that were not subject to textile agreements in 1983 are eligible for duty-free entry under the original CBERA provisions, which do not have an expiration date. This category includes only textiles and apparel of silk or non-cotton vegetable fibers, mainly linen and ramie. Textile and apparel goods of cotton, wool, or manmade fibers ("original MFA goods") are not eligible under CBERA. "MFA" stands for the Multifibre Arrangement.

<sup>195</sup> NTR rates of duty, formerly known as most-favored-nation rates, are accorded to countries having NTR status in the United States and are non-discriminatory between trading partners.

not otherwise eligible for preferential treatment under CBTPA (mostly textile products) and above-quota imports of certain agricultural products subject to TRQs (primarily sugar, beef, and dairy products). CBTPA preferential treatment provisions were extended in 2010 through September 30, 2020, while other parts of CBERA have no expiration date.<sup>196</sup> In the section that follows, the term CBERA refers to CBERA as amended by the CBTPA.

At the end of 2015, 17 countries and dependent territories were designated eligible for CBERA preferences<sup>197</sup> and 8 were designated eligible for CBTPA preferences.<sup>198</sup> In 2012, several countries asked to be designated as eligible for benefits under CBERA, CBTPA, or both. The Turks and Caicos Islands requested eligibility under CBERA; Aruba, The Bahamas, Dominica, Grenada, Montserrat, St. Kitts and Nevis, and St. Vincent and the Grenadines, under CBTPA;<sup>199</sup> and Curaçao and Sint Maarten, under both CBERA and CBTPA.<sup>200</sup> (Until 2010, Curaçao and Sint Maarten were members of the now-dissolved Netherlands Antilles.) On December 31, 2013, the President designated Curaçao as a beneficiary country for purposes of CBERA and CBTPA; and on August 18, 2015, USTR determined that imports from Curaçao qualify for the trade benefits of CBTPA.<sup>201</sup>

In 2015, the value of U.S. imports under CBERA fell by 21.9 percent, from \$2.0 billion in 2014 to \$1.5 billion in 2015 (table 2.6).<sup>202</sup> This decrease reflected a decline mostly in the value of U.S. imports of methanol, crude petroleum, and polystyrene, which are major imports from CBERA countries. U.S. imports under CBERA accounted for 22.8 percent of all U.S. imports from CBERA countries in 2015. Trinidad and Tobago continued to be the leading supplier of U.S. imports under CBERA in 2015, accounting for 53.7 percent of the total value. Haiti and The Bahamas were also leading suppliers, accounting for 28.1 and 5.7 percent of the total, respectively (appendix table A.23).

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<sup>196</sup> Certain preferential treatment provisions have been extended to September 30, 2020. These provisions relate to import-sensitive textile and apparel articles from CBERA countries and to textile and apparel articles imported under special rules for Haiti (see section on Haiti below). The extension occurred on May 24, 2010, when the President signed the Haiti Economic Lift Program Act of 2010, Pub. L. 111-171, § 3.

<sup>197</sup> Antigua and Barbuda, Aruba, The Bahamas, Barbados, Belize, Curaçao, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago, and the British Virgin Islands. Countries party to CAFTA-DR are not eligible.

<sup>198</sup> Barbados, Belize, Curaçao, Guyana, Haiti, Jamaica, St. Lucia, and Trinidad and Tobago.

<sup>199</sup> 77 Fed. Reg. 61816 (October 11, 2012).

<sup>200</sup> *Ibid.* In addition, Suriname requested beneficiary status under CBERA and CBTPA in December 2009, and in April 2010, USTR asked for public comments regarding this request. 75 Fed. Reg. 17198 (April 5, 2010).

<sup>201</sup> 80 Fed. Reg. 51650 (August 25, 2015).

<sup>202</sup> Although Sint Maarten was not a designated CBERA beneficiary in 2015, official statistics on U.S. imports under CBERA include imports from Sint Maarten, and they are included in this report.

**Table 2.6** U.S. imports for consumption from CBERA/CBTPA beneficiaries, 2013–15

Item	2013	2014	2015
Total imports from CBERA/CBTPA countries (million \$) <sup>a</sup>	8,997	8,249	6,767
Total imports under CBERA (million \$)	2,369	1,973	1,542
Imports under CBTPA (million \$) <sup>b</sup>	851	589	564
Imports under CBERA excluding CBTPA (million \$) <sup>c</sup>	1,518	1,384	978
Imports under CBERA (as a share of all imports from CBERA countries)	26.3	23.9	22.8

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed March 29, 2016).

<sup>a</sup> Data for 2014 and 2015 include U.S. imports from Curaçao and Sint Maarten.

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

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

Methanol, apparel products, mineral fuels, and polystyrene continued to dominate the list of imports under CBERA in 2015 (appendix table A.24). Of the 25 leading products under CBERA in 2015, 13 were agricultural and food products, which entered under CBERA preferences (accounting for 8.5 percent of total U.S. imports under CBERA in 2015); 3 were knitted apparel entered under CBTPA (26.6 percent); 2 were petroleum and motor fuel products entered under CBTPA (9.6 percent); 2 were organic chemicals entered under CBERA (42.4 percent); and the remaining 5 were miscellaneous products that qualify for benefits under CBERA provisions. Together, these 25 leading imports accounted for 95.6 percent of total U.S. imports under CBERA in 2015.

## Haiti Initiatives

Since 2006, CBERA has been amended several times to expand and enhance trade benefits for Haiti and to give Haitian apparel producers more flexibility in sourcing yarns and fabrics.<sup>203</sup> The Haitian Hemisphere Opportunity through Partnership Encouragement Act of 2006 (HOPE Act)<sup>204</sup> and of 2008 (HOPE II Act)<sup>205</sup> (collectively referred to as HOPE or the HOPE Acts) amended CBERA to expand the rules of origin for inputs to apparel and wire harness automotive components assembled in Haiti and imported into the United States.<sup>206</sup> The HOPE Acts also provided additional trade preferences to attract new jobs in Haiti while offering incentives to

<sup>203</sup> Apparel manufacturing remains a primary provider of employment for Haiti’s economy and accounts for 90 percent of Haiti’s exports to the United States. U.S. industry representative, email to USITC staff, March 3, 2016 and Smith, “IFC Invests \$4 Million in Haitian Apparel,” July 14, 2015. <http://www.just-style.com/pap.aspx?ID=125699>.

<sup>204</sup> Pub. L. 109–432, § 5001 et seq., the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006. 19 U.S.C. § 2703a.

<sup>205</sup> Pub. L. 110–234, § 15401 et seq., the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008.

<sup>206</sup> There were no U.S. imports of wire harness automotive components from Haiti during 2007–15.

encourage the use of U.S. inputs.<sup>207</sup> The Haitian Economic Lift Program of 2010 (HELP Act) extended and expanded existing U.S. trade preferences (especially duty-free treatment for certain qualifying apparel regardless of the origin of inputs) for Haiti that were established under the CBTPA and HOPE Acts through September 30, 2020.<sup>208</sup> On June 29, 2015, President Barack Obama signed into law the Trade Preferences Extension Act of 2015, which extended the HOPE and HELP Acts' trade preferences through September 30, 2025.<sup>209</sup> Extending the trade preferences for Haiti was considered vital for increasing the confidence of investors seeking to establish operations in Haiti's apparel industry.<sup>210</sup>

U.S. imports of apparel from Haiti totaled \$913.7 million in 2015, up 8.4 percent from \$843.1 million in 2014 (table 2.7).<sup>211</sup> Virtually all (99.7 percent) of U.S. imports of apparel from Haiti entered duty free under trade preference programs in 2015. These trade preference programs offer unlimited duty-free treatment for certain apparel products and limited duty-free treatment for other apparel products made from non-originating fabrics up to certain quotas, known as tariff preference levels (TPLs). The programs have been instrumental in helping to revitalize and expand Haiti's apparel industry in recent years.<sup>212</sup> The trade preferences also give U.S. apparel firms a competitive advantage that they can leverage in their overall sourcing strategies, thereby further contributing to the growth of U.S. apparel imports from Haiti.<sup>213</sup>

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<sup>207</sup> GAO, "Letter to the Honorable Max Baucus and the Honorable Dave Camp," December 14, 2012. For more details on the programs under the HOPE Acts, see USITC, *The Year in Trade 2010*, July 2011, 2–21 to 2–22; USITC, *Textiles and Apparel: Effects of Special Rules*, June 2008, i. ES–1, 1–3 to 1–5.

<sup>208</sup> Pub. L. 111–171, § 2, Haiti Economic Lift Program Act of 2010. For more information on this program, see USITC, *The Year in Trade 2011*, July 2012, 2-22 to 2-23 and *The Year in Trade 2010*, July 2011, 2-21 to 2-22.

<sup>209</sup> Pub. L. 114-27, § 301, Extension of Preferential Duty Treatment Program for Haiti.

<sup>210</sup> Sonapi, Parc Industriel de Caracol, *2015 Year End Report*, 15 (accessed March 1, 2016).

<sup>211</sup> Haitian apparel production remains concentrated in high-volume commodity garments that have reasonably predictable consumer demand and few styling changes. Cotton knit shirts and blouses, cotton trousers and pants, and cotton underwear dominated U.S. imports of apparel from Haiti, accounting for 47 percent, 12 percent, and 12 percent, respectively, of the total in 2015.

<sup>212</sup> U.S. government and U.S. apparel industry representatives, email message to USITC staff, March 7, 2016, and March 10, 2016, respectively, and Sonapi, Parc Industriel de Caracol, *2015 Year End Report*, 15 (accessed March 1, 2016).

<sup>213</sup> At least one U.S. producer has been increasing its volume of imports of apparel from Haiti from pre-2010 levels because of additional styles added to the company's production lines in Haiti. U.S. apparel industry representative, email message to USITC staff, March 10, 2016.

**Table 2.7** U.S. imports for consumption of apparel from Haiti, 2013–15

Item	2013	2014	2015
Total apparel imports from Haiti (million \$)	766.0	843.1	913.7
Apparel imports under a trade preference program (million \$)	763.7	837.5	910.6
CBERA/CBTPA (million \$)	341.7	386.0	413.5
HOPE and HELP Acts (million \$)	422.0	451.5	497.2
Share of total apparel imports from Haiti:	(Percent)		
Apparel imports under a trade preference program	99.7	99.3	99.7
CBERA/CBTPA	44.6	45.8	45.2
HOPE and HELP Acts	55.1	53.6	54.4

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed March 9, 2016).

Note: In order to get totals reflecting the sum of the HOPE and HELP Acts via USITC DataWeb, an advanced search using “expert” mode must be performed. Special Import Program “0- No program claimed” and Rate Provision Code “18- Free Special Duty programs” should then be selected. Because of rounding, figures may not add up to totals shown.

Also, since Haiti’s devastating earthquake of 2010, the country and its apparel industry have received financial grants to establish the Caracol Industrial Park, the principal manufacturing hub in northern Haiti, as well as to fund projects in agriculture, water and sanitation, education, employment projects, and private sector development.<sup>214</sup> In December 2015, the Inter-American Development Bank approved a \$41 million grant for the last phase of the Caracol Industrial Park.<sup>215</sup> All of the projected 5,400 new jobs to be created will be in apparel manufacturing,<sup>216</sup> and the project will also help finance construction of factory shells and other infrastructure.<sup>217</sup>

Industry sources note that in 2015, the number of Haiti’s apparel jobs rose to 41,200—the highest level since the signing of the original HOPE Act in 2006.<sup>218</sup> About 60 percent of the growth in jobs occurred in Haiti’s northern region, led by the Caracol Industrial Park and another industrial park, Compagnie de Développement Industriel (CODEVI).<sup>219</sup> Haiti’s apparel job growth is driven principally by investments from the Dominican Republic, the United States, and South Korea.<sup>220</sup> In October 2015, South Korea’s Hansae, one of the world’s biggest apparel manufacturers, announced its intention to reduce its reliance on Vietnam and establish an apparel plant in Haiti’s Sonapi Industrial Park (Port-au-Prince). The plant would employ 5,000 people and potentially start production as early as the second half of 2016.<sup>221</sup> Hansae based its

<sup>214</sup> Sonapi, Parc Industriel de Caracol, *2015 Year End Report*, 7, 10 (accessed March 1, 2016).

<sup>215</sup> Inter-American Development Bank, “Haiti to Create More Jobs with IDB Grant,” December 21, 2015.

<sup>216</sup> Representative of the Inter-American Development Bank, email message to USITC staff, February 5, 2016.

<sup>217</sup> Inter-American Development Bank. “Haiti to Create More Jobs with IDB Grant,” December 21, 2015.

<sup>218</sup> Sonapi, Parc Industriel de Caracol, *2015 Year End Report*, 15 (accessed March 1, 2016).

<sup>219</sup> *Ibid.*

<sup>220</sup> *Ibid.*

<sup>221</sup> Kastner, “Apparel Giant Hansae Turns from Vietnam,” October 20, 2015.

decision on Haiti's low labor costs,<sup>222</sup> which are currently half of those in Vietnam, and Haiti's growing manufacturing competitiveness.<sup>223</sup>

In 2015, Haiti accounted for nearly all (99.5 percent) of U.S. imports of apparel entering under the CBTPA. Almost half (45.2 percent) of total U.S. imports of apparel from Haiti entered under CBTPA provisions in 2015. The value of U.S. imports of apparel entering under the HOPE Acts rose 10.1 percent, from \$451.5 million in 2014 to \$497.2 million in 2015, and represented over half (54.4 percent) of total U.S. apparel imports that entered free of duty from Haiti. Most of the apparel—88.5 percent (\$440.3 million)—imported into the United States under the HOPE Acts entered under tariff preference levels that allow duty-free treatment for certain apparel up to established annual quotas (“restraint limits”).<sup>224</sup> About one-third (\$141.4 million) of these U.S. imports of apparel from Haiti entered under the woven apparel restraint limit in 2015 and just over two-thirds (\$298.8 million) entered under the knit apparel and value-added restraint limits the same year.<sup>225</sup>

Most of the remaining U.S. imports (\$57.4 million) under the HOPE Acts in 2015 entered under the Earned Import Allowance Program (EIAP), a special trade program created under HOPE II in 2008 that allowed the duty-free entry into the United States of certain apparel manufactured in Haiti.<sup>226</sup> In 2015, U.S. imports of apparel from Haiti under the EIAP fell by about 2 percent to \$57.4 million, down from \$58.3 million in 2014. As in previous years, no U.S. imports entered in 2015 under two other HELP provisions added in 2010, affecting HTS 9820.61.45 (certain knit apparel—unlimited quantities) and HTS 9820.63.05 (home goods).

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<sup>222</sup> Although Haiti's minimum wage rates have been rising, its labor rates remain competitive because Haiti's currency, the gourde, has depreciated against the U.S. dollar. D'Sa, “The Haitian Apparel Industry in 2015,” January 7, 2016.

<sup>223</sup> Kastner, “Apparel Giant Hansae Turns from Vietnam,” October 20, 2015.

<sup>224</sup> The tariff preference limits allow certain knit and woven apparel (both of which must be wholly assembled in Haiti), as well as certain apparel for which at least 50–60 percent of the export value added must consist of inputs from Haiti, the United States, or a country with which the United States has an FTA, to enter the United States free of duty, regardless of the source of the fabric.

<sup>225</sup> The fill rates for the restraint limits for woven apparel (HTS subheading 9820.62.05), knit apparel (HTS subheading 9820.61.35), and value-added apparel (HTS subheadings 9820.61.25 and 9820.61.30) were 52.4 percent, 34.5 percent, and 8.4 percent, respectively, for the preferential treatment period October 1, 2014, to September 30, 2015.

<sup>226</sup> The EIAP seeks to encourage the purchase of qualifying fabric (defined as fabric formed in the United States from U.S.-formed yarns) for use in Haitian apparel manufacturing. The EIAP originally provided that for every 3 square meter equivalents of qualifying fabric bought or manufactured by a producer for apparel production in Haiti, a 1-unit credit would be received. The credit could be used toward the duty-free importation of Haitian apparel into the United States that was produced using non-qualifying fabric. However, no apparel from Haiti was exported to the United States under the original 3-for-1 program. In 2010, the HELP Act reduced the EIAP exchange ratio from 3-for-1 to 2-for-1 in an effort to encourage the program's use.



## Chapter 3

# The World Trade Organization

This chapter covers developments in 2015 in the World Trade Organization (WTO). These include the 10th WTO Ministerial Conference; work programs and related items under the WTO General Council; and plurilateral agreements<sup>227</sup> hosted under the auspices of the WTO. The chapter also summarizes developments in major WTO dispute settlement cases during the year.

## Tenth WTO Ministerial Conference

The 10th WTO Ministerial Conference was held in Nairobi, Kenya, December 15–19, 2015.<sup>228</sup> WTO members adopted a number of ministerial decisions—the so-called Nairobi Package—addressing agriculture, cotton, and decisions related to the least-developed countries. The ministerial decisions involving agriculture focused on an agricultural special safeguard mechanism for developing-country members, public stockholding for food security purposes, and a decision to remove export subsidies on nearly all agricultural products. On cotton, the decision prohibited export subsidies and called for a further reduction in domestic support. The ministerial decisions at Nairobi concerning least-developed-country (LDC) issues addressed preferential rules of origin for LDCs and preferential treatment for LDCs regarding services and service suppliers, and promoted these countries’ participation in global services trade.<sup>229</sup>

Although the work done in the WTO during 2015 focused on reaching these decisions successfully, ministers at the conference were unable to reach consensus on how to move forward with the Doha Development Agenda (DDA), which commenced in 2001.<sup>230</sup> In his closing speech to ministers, WTO Director-General Roberto Azevêdo pointed out that “The Ministerial Declaration acknowledges the differing opinions. And it instructs us to find ways to advance negotiations in Geneva. Members must decide . . . about the future of this organization.”<sup>231</sup>

The United States Trade Representative (USTR) released a statement at the end of the conference that noted “While opinions remain divided among the WTO Membership, it is clear that the road to a new era for the WTO began in Nairobi.” He went on to say that in 2016, WTO

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<sup>227</sup> Whereas multilateral rules and commitments by members of the WTO apply to all WTO members, rules and commitments negotiated by WTO members under plurilateral agreements apply only to those members signing the plurilateral agreement.

<sup>228</sup> World Trade Organization (WTO), “Tenth WTO Ministerial Conference, Nairobi, 2015—Nairobi Package,” n.d. (accessed March 24, 2016).

<sup>229</sup> WTO, “Ministerial Conferences—Tenth WTO Ministerial Conference,” n.d. (accessed March 24, 2016).

<sup>230</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 2.

<sup>231</sup> WTO, “DG Azevêdo’s Address to the MC10 Closing Ceremony,” December 19, 2015.

members will “be freed to consider new approaches to pressing unresolved issues and begin evaluating new issues for the organization to consider.”<sup>232</sup>

By the end of the Nairobi conference the United States as well as others—such as Australia, the European Union (EU), Japan, and most other developed-country members—concluded that still unresolved DDA issues were topics for future negotiation but were unlikely to continue under the framework of the DDA, given its lack of conclusion after nearly a decade and a half of negotiations. Examples of unresolved DDA issue areas included agriculture, market access, services, development, intellectual property, and trade rules.<sup>233</sup>

## General Council

### Work Programs, Decisions, Waivers, and Reviews

The WTO General Council held five formal meetings in 2015.<sup>234</sup> By yearend, the council had reviewed progress on implementing the Bali outcomes, and heard development-oriented reports on two work programs, one for small economies and one on electronic commerce. The council also reviewed reports concerning aid for trade. Further, the council agreed to forward to the Ministerial Conference meeting in Nairobi the recommendations from the Council on Trade-Related Aspects of Intellectual Property Rights (TRIPS Council) to continue examination of so-called non-violation complaints under the TRIPS Agreement, as well as to extend the moratorium by members on these complaints through December 31, 2017.<sup>235</sup> The council also heard the seventh periodic report on the development assistance aspects of cotton, noting a general acceleration in the implementation of projects and programs in this area.<sup>236</sup>

The General Council approved three waivers at the end of the year concerning nomenclature changes to WTO schedules of tariff concessions. These resulted from the introduction of three

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<sup>232</sup> USTR, “Statement by Ambassador Michael Froman at the Conclusion,” December 19, 2015.

<sup>233</sup> USDOS, “Results of the Tenth WTO Ministerial Conference,” January 21, 2016, par. 1, 6, 7.

<sup>234</sup> WTO, “The WTO General Council,” n.d. [https://www.wto.org/english/thewto\\_e/gcounc\\_e/gcounc\\_e.htm](https://www.wto.org/english/thewto_e/gcounc_e/gcounc_e.htm) (accessed March 9, 2016).

<sup>235</sup> “Non-violation” complaints, which are possible under WTO agreements for goods and services, happen when a WTO member opens a WTO dispute settlement case even where no agreement or market commitment has been broken, provided that the member can show it has been deprived of an expected benefit due to another member’s action. The TRIPS Council examines the applicability of such complaints to intellectual property rights under the agreement. But members have agreed not to use them under the TRIPS Agreement, and the council continues to extend a moratorium on such complaints with respect to the agreement. WTO, “TRIPS: Issues—‘Non-violation’ Complaints (Article 64.2),” n.d. [https://www.wto.org/english/tratop\\_e/trips\\_e/nonviolation\\_e.htm](https://www.wto.org/english/tratop_e/trips_e/nonviolation_e.htm) (accessed March 28, 2016); WTO, “Briefing Notes—Intellectual Property: Non-violation Complaints,” n.d. [https://www.wto.org/english/tratop\\_e/dda\\_e/status\\_e/nonviolation\\_e.htm](https://www.wto.org/english/tratop_e/dda_e/status_e/nonviolation_e.htm) (accessed March 28, 2016).

<sup>236</sup> WTO, General Council, “Proposed Agenda—30 November–1 December 2015,” WT/GC/W/711, November 27, 2015; WTO, “General Council—Summary of General Council meeting of 30 November 2015,” November 30, 2015.

successive versions of the global Harmonized Commodity Description and Coding System (HS)—HS 2002, HS 2007, and HS 2012. The council also addressed a number of other waivers, including those concerning the Caribbean Basin Economic Recovery Act, the African Growth and Opportunity Act, and the United States’ Former Trust Territories of the Pacific Islands. Other waivers reviewed by the council concerned (1) WTO members’ obligations toward least-developed countries under Article 70.8 and Article 70.9 of the TRIPS Agreement with respect to pharmaceutical products, (2) preferential treatment for least-developed countries, and (3) special treatment for rice by the Philippines.

## Accessions

Membership in the WTO increased to 162 by the end of 2015 (table 3.1). On April 26, 2015, the Seychelles became the 161st WTO member,<sup>237</sup> and on November 30, 2015, Kazakhstan became the 162nd.<sup>238</sup> In addition, Afghanistan and Liberia were invited to accede to the WTO at the Nairobi conference.<sup>239</sup> There were 22 observers to the WTO at yearend 2015 (table 3.2).

## Expansion of the Information Technology Agreement

The original WTO Ministerial Declaration on Trade in Information Technology Products—the so-called Information Technology Agreement (ITA or ITA-I)—was concluded by 29 participants in December 1996 to eliminate tariffs on specific information and communications technology (ICT) products.<sup>240</sup> By the end of 2015, there were 82 participants in the agreement.<sup>241</sup>

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<sup>237</sup> WTO, “Accessions—WTO Welcomes Seychelles as Its 161st Member,” April 27, 2015.

<sup>238</sup> WTO, “Accessions—Kazakhstan Joins the WTO as 162nd Member,” November 30, 2015.

<sup>239</sup> WTO, “Accessions—Ministers Approve Afghanistan’s WTO Membership at MC10,” December 17, 2015.

<sup>240</sup> WTO, Ministerial Conference, “Ministerial Declaration on Trade in Information Technology Products—Singapore, 13 December 1996,” WT/MIN(96)/16, December 13, 1996.

<sup>241</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 109; WTO, “Information Technology: Introduction—Information Technology Agreement—An Explanation,” n.d. (accessed March 3, 2016).

## Chapter 3: The World Trade Organization

**Table 3.1** WTO members in 2015

Albania	Côte d'Ivoire	India	Mozambique	Solomon Islands
Angola	Croatia	Indonesia	Namibia	South Africa
Antigua and Barbuda	Cuba	Ireland	Nepal	South Korea
Argentina	Cyprus	Israel	Netherlands	Spain
Armenia	Czech Republic	Italy	New Zealand	Sri Lanka
Australia	Denmark	Jamaica	Nicaragua	Suriname
Austria	Djibouti	Japan	Niger	Swaziland
Bahrain	Dominica	Jordan	Nigeria	Sweden
Bangladesh	Dominican Republic	Kazakhstan	Norway	Switzerland
Barbados	Ecuador	Kenya	Oman	Taiwan <sup>c</sup>
Belgium	Egypt	Kuwait	Pakistan	Tajikistan
Belize	El Salvador	Kyrgyzstan	Panama	Tanzania
Benin	Estonia	Laos	Papua New Guinea	Thailand
Bolivia	European Union	Latvia	Paraguay	Togo
Botswana	Fiji	Lesotho	Peru	Tonga
Brazil	Finland	Liechtenstein	Philippines	Trinidad and Tobago
Brunei Darussalam	France	Lithuania	Poland	Tunisia
Bulgaria	Gabon	Luxembourg	Portugal	Turkey
Burkina Faso	Gambia	Macao, China	Qatar	Uganda
Burma <sup>a</sup>	Georgia	Macedonia (FYROM) <sup>b</sup>	Romania	Ukraine
Burundi	Germany	Madagascar	Russia	United Arab Emirates
Cabo Verde	Ghana	Malawi	Rwanda	United Kingdom
Cambodia	Greece	Malaysia	Saint Kitts and Nevis	United States of America
Cameroon	Grenada	Maldives	Saint Lucia	Uruguay
Canada	Guatemala	Mali	Saint Vincent and the Grenadines	Vanuatu
Central African Republic	Guinea	Malta	Samoa	Venezuela
Chad	Guinea-Bissau	Mauritania	Saudi Arabia	Vietnam
Chile	Guyana	Mauritius	Senegal	Yemen
China	Haiti	Mexico	Seychelles	Zambia
Colombia	Honduras	Moldova	Sierra Leone	Zimbabwe
Congo, Republic	Hong Kong, China	Mongolia	Singapore	
Congo, Democratic Republic	Hungary	Montenegro	Slovakia	
Costa Rica	Iceland	Morocco	Slovenia	

Source: WTO, "Understanding the WTO: The Organization—Members and Observers," n.d. (accessed March 24, 2016).

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

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

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

**Table 3.2** WTO observers in 2015

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

Source: WTO, "Understanding the WTO: The Organization—Members and Observers," n.d. (accessed March 24, 2016).

Negotiations to expand the ITA-I to new categories of ICT products were concluded in 2015. On July 24, 2015, nearly all the participants in the negotiations agreed to eliminate tariffs on an additional 201 ICT products under a new “ITA-II.”<sup>242</sup> Negotiations on the ITA-II were conducted by 24 WTO members.<sup>243</sup> At the WTO ministerial conference in December 2015, the WTO Director-General said that he will “continue working with the participants of the ITA as they finalize their plans to implement this agreement.”<sup>244</sup>

Participants aim to eliminate tariffs on these 201 products as soon as July 1, 2016, or over a three-year phaseout period ending in July 2019.<sup>245</sup> They plan to eliminate tariffs of up to 30 percent ad valorem on loudspeakers, video game consoles, and software media, such as solid state drives; of up to 25 percent ad valorem on so-called next generation semiconductors and on printer ink cartridges; of up to 10 percent ad valorem on static converters and inductors, and on printed matter and cards that download software and games; and of up to 8 percent ad valorem on computed tomography scanners, global positioning system devices, and magnetic resonance imaging machines. An expanded ITA would also eliminate import duties on additional technology products, such as high-tech medical devices, video cameras, and a number of high-tech ICT testing instruments.<sup>246</sup>

## Agreement on Trade Facilitation

WTO members agreed to a Trade Facilitation Agreement (TFA) in December 2013 at the ninth WTO ministerial conference held in Bali, Indonesia. The agreement creates binding commitments among WTO members to expedite the movement, clearance, and release of goods, including goods in transit; improves cooperation among WTO members between customs and other appropriate authorities on trade facilitation and customs compliance issues; and helps provide technical assistance and capacity building for developing and least-developed country members to implement the agreement’s obligations.<sup>247</sup>

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<sup>242</sup> WTO, “Information Technology: Introduction—Information Technology Agreement,” n.d. (accessed March 3, 2016).

<sup>243</sup> The 24 WTO members are Albania; Australia; Canada; China; Colombia; Costa Rica; the European Union; Guatemala; Hong Kong, China; Iceland; Israel; Japan; Malaysia; Mauritius; Montenegro; New Zealand; Norway; the Philippines; Singapore; South Korea; Switzerland-Liechtenstein; Taiwan; Thailand; and the United States. WTO, Ministerial Conference, “Ministerial Declaration on the Expansion of Trade in Information Technology Products,” WT/MIN(15)/25, December 16, 2015.

<sup>244</sup> WTO, “Information Technology Agreement Press Conference: Remarks,” December 16, 2015.

<sup>245</sup> WTO, “Information Technology Agreement—WTO Members Conclude Landmark,” December 16, 2015.

<sup>246</sup> USTR, “U.S Led Effort Reaches ‘Major Breakthrough,’” July 18, 2015.

<sup>247</sup> WTO, “Agreement on Trade Facilitation—Ministerial Decision of 7 December 2013,” December 11, 2013; WTO, *Annual Report 2015*, May 27, 2015, 40–41.

A Preparatory Committee on Trade Facilitation was established to develop a protocol to add the TFA to existing WTO disciplines. In November 2014, the WTO General Council adopted the Protocol of Amendment to insert the TFA into the WTO Agreement, and opened the TFA for acceptance by members.<sup>248</sup> The TFA will take effect once two-thirds of WTO members have completed their domestic ratification process and deposited their instrument of acceptance with the WTO.<sup>249</sup> At yearend 2015, 35 WTO members,<sup>250</sup> including the United States, had ratified the TFA, as well as the European Union, which did so on behalf of its 28 member states.<sup>251</sup>

## Selected Plurilateral Agreements

### Agreement on Trade in Civil Aircraft

In 2015, the Committee on Trade in Civil Aircraft worked on revising product coverage found in the Annex to the Agreement on Trade in Civil Aircraft to conform the agreement to nomenclature found in the HS 2007. The committee agreed in November 2015 to open for acceptance the Protocol (2015) Amending the Annex to the Agreement on Trade in Civil Aircraft to make these changes. Membership in the agreement remained unchanged in 2015, with 32 signatories.<sup>252</sup>

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<sup>248</sup> WTO, “Trade Facilitation: Agreement—Members Accepting the Protocol,” n.d. (accessed March 22, 2016); WTO, “Trade Facilitation—WTO Members Urged to Start Preparing,” March 4, 2016.

<sup>249</sup> Thereafter, the agreement will take effect for each additional member as it accepts the TFA protocol. WTO, “Trade Facilitation: Agreement—Members accepting the Protocol,” n.d. (accessed March 22, 2016).

<sup>250</sup> As of June 1, 2016, 80 members had ratified the WTO. WTO, “Trade Facilitation: Agreement—Members accepting the Protocol,” n.d. (accessed June 8, 2016).

<sup>251</sup> The European Union signed the TFA on behalf of its 28 member states. The other 35 WTO members signing were Australia; Belize; Botswana; Brunei; Burma; China; Côte d’Ivoire; Grenada; Guyana; Hong Kong, China; Japan; Kenya; Laos; Liechtenstein; Macedonia; Malaysia; Mauritius; New Zealand; Nicaragua; Niger; Norway; Pakistan; Panama; Saint Lucia; Singapore; South Korea; Switzerland; Taiwan; Thailand; Togo; Trinidad and Tobago; Ukraine; the United States; Vietnam; and Zambia.

<sup>252</sup> The 12 signatories are Albania; Canada; Egypt; the European Union; Georgia; Japan; Macao, China; Montenegro; Norway; Switzerland; Taiwan; and the United States. In addition, 20 EU member states are individual signatories in their own right: Austria, Belgium, Bulgaria, Denmark, Estonia, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Romania, Spain, Sweden, and the United Kingdom. The 24 observers to the committee also remained unchanged in 2015: Argentina, Australia, Bangladesh, Brazil, Cameroon, China, Colombia, Gabon, Ghana, India, Indonesia, Israel, Mauritius, Nigeria, Oman, Russia, Saudi Arabia, Singapore, South Korea, Sri Lanka, Trinidad and Tobago, Tunisia, Turkey, and Ukraine. WTO, “Plurilateral Agreement on Trade in Civil Aircraft,” n.d. (accessed March 21, 2016); USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 103–4.

## Agreement on Government Procurement

In 2015, the Committee on Government Procurement made progress implementing the work programs adopted as part of the revised Agreement on Government Procurement (GPA 2014), which entered into force in April 2014.<sup>253</sup> The work programs under the GPA 2014 addressed (1) treatment of small and medium-sized enterprises, (2) sustainable procurement, (3) collection and dissemination of statistical data, (4) exclusions and restrictions in GPA parties' annexes, and (5) safety standards in international procurement. During the year, the parties to the GPA 2014 submitted reports to the committee about these programs, as well as discussed arbitration procedures for resolving disputes over modifications to the agreement brought about by changes in coverage.<sup>254</sup>

At yearend 2015, the 17 parties to the GPA 1994 were Armenia; Aruba; Canada; the EU; Hong Kong, China; Iceland; Israel; Japan; Liechtenstein; Montenegro; New Zealand; Norway; Singapore; South Korea; Switzerland; Taiwan; and the United States, comprising 45 WTO members.<sup>255</sup> By January 2016, the GPA 2014 had entered into force for 16 of the 17 parties except Switzerland, which at present continues to apply the GPA 1994.<sup>256</sup>

## Negotiations on an Environmental Goods Agreement

A group of WTO members opened plurilateral negotiations on July 8, 2014, to eliminate tariffs on certain environmental goods on a most-favored-nation basis once a critical mass of WTO members agreed to implement the agreement.<sup>257</sup> The 14 members initiating negotiations toward an Environmental Goods Agreement (EGA) were Australia; Canada; China; Costa Rica; the EU; Hong Kong, China; Japan; New Zealand; Norway; Singapore; South Korea; Switzerland; Taiwan; and the United States. In early 2015, Iceland, Israel, and Turkey joined the negotiations, raising the number of participants to 17.

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<sup>253</sup> On December 15, 2011, the parties to the original 1994 WTO plurilateral Agreement on Government Procurement (GPA 1994) concluded negotiations to revise the text and expand coverage under the agreement. In March 2012, the parties formally adopted the negotiated revisions to the agreement. On April 6, 2014, the revised agreement (GPA 2014) entered into force, once 10 parties to the original agreement (i.e., two-thirds of the 15 parties at the time) had deposited their formal instruments of acceptance. USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 104–8; WTO, “Government Procurement—Agreement on Government Procurement,” n.d. (accessed March 21, 2016); WTO, “Agreement on Government Procurement—Parties, Observers and Accessions,” n.d. (accessed March 21, 2016).

<sup>254</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 107.

<sup>255</sup> WTO, “Agreement on Government Procurement—Parties, Observers and Accessions,” n.d. (accessed March 21, 2016); USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 104–5.

<sup>256</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 108.

<sup>257</sup> USTR, *2015 Trade Policy Agenda and 2014 Annual Report*, March 2015, 8.

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Three rounds of negotiations were held in 2014;<sup>258</sup> and eight rounds of negotiations, round 4 through 11, held nearly monthly in 2015.<sup>259</sup> The initial list of proposed environmental goods to be covered by the agreement was circulated to participants in April 2015.<sup>260</sup> By yearend 2015, the group had begun to refine the list of products to be covered by the agreement.

The agreement builds on the list of 54 goods first adopted by the Asia-Pacific Economic Cooperation forum for tariff reductions in 2012.<sup>261</sup> Negotiations cover products such as those that might be used for air pollution control; cleaner and renewable energy generation; energy efficiency; environmental monitoring, analysis, and assessment; environmental remediation and clean-up; noise and vibration abatement; resource efficiency; solid and hazardous waste management technologies; and water waste management and water treatment, as well as a category known as “environmentally preferable products.”<sup>262</sup>

In a statement on December 14, 2015, the chair of the negotiations announced that “considerable progress has been achieved in eleven negotiation rounds over eighteen months” and that “EGA members will re-engage early in 2016 to continue on the path towards a positive conclusion.”<sup>263</sup> On December 18, 2015, the Office of the USTR published in the *Federal Register* a notice requesting comments on an environmental review of the EGA, including comments on the topics that should be included in the scope of the review and appropriate methodologies and data sources. USTR looks to complete the review by mid-2016.<sup>264</sup>

## Dispute Settlement Body

This section (1) provides a tally of new requests for consultations filed by WTO members during calendar year 2015 under the WTO Dispute Settlement Understanding (DSU); (2) provides a table that lists the new panels established during calendar year 2015 (involving all WTO members) to review matters raised in complaints under the DSU; and (3) provides short

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<sup>258</sup> For further details, see USITC, *The Year in Trade 2014*, July 2015, note 244.

<sup>259</sup> In 2015, these dates were as follows: round 4 was held January 26–30; round 5, March 16–20; round 6, May 4–8; round 7, June 15–22; round 8, July 27–31; round 9, September 14–18; round 10, October 29–November 4; and round 11, November 30–December 4, 2015. Government of Australia, DFAT, “Environmental Goods Agreement,” n.d. (accessed March 7, 2016); Government of Canada, Global Affairs Canada, “WTO Environmental Goods Agreement (EGA),” March 14, 2016 (last update).

<sup>260</sup> For further details, see USITC, *The Year in Trade 2014*, July 2015, footnotes 248–49.

<sup>261</sup> For more information on the APEC initiative, see the chapter 4 section on APEC.

<sup>262</sup> USDOS, Secretary of State, “WTO Environmental Goods Agreement Negotiations Progressing (State 004282),” January 14, 2015.

<sup>263</sup> WTO, “DG Azevêdo Welcomes Progress,” December 14, 2015; WTO, “Environmental Goods Agreement—Statement by the Chair—The Hon Andrew Robb AO MP,” December 14, 2015.

<sup>264</sup> 80 *Fed. Reg.* 79130, December 18, 2015; *Inside U.S. Trade*, “USTR Aiming to Complete Environmental Review of EGA,” December 23, 2015.

summaries of the procedural and substantive issues in disputes involving the United States that moved to the panel stage during 2015, along with summaries of panel and Appellate Body reports involving the United States that were issued or adopted during 2015.<sup>265</sup>

Box 3.1 provides an overview of the WTO dispute settlement process, and table 3.3 lists the disputes (involving all WTO members) that moved from the consultation stage to the more formal panel litigation stage during 2015. The titles of the disputes listed in table 3.3 also serve as an indication of the types of subject matter that reached the more formal litigation stage during 2015.

### **Box 3.1** Overview of the WTO Dispute Settlement Procedures

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

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

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

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

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

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

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

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

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

<sup>265</sup> For additional information on the WTO dispute settlement process, the DSU, and individual dispute cases, see the WTO, "Dispute Settlement," [http://www.wto.org/english/tratop\\_e/dispu\\_e/dispu\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm).

**Table 3.3** WTO dispute settlement panels established during 2015

Case no.	Complainant	Respondent	Case name	Panel established
DS476	Russia	European Union	European Union and Its Member States—Certain Measures Relating to the Energy Sector	July 20, 2015
DS477	New Zealand	Indonesia	Indonesia—Importation of Horticultural Products, Animals and Animal Products (single panel with DS478)	May 20, 2015
DS478	United States	Indonesia	Indonesia—Importation of Horticultural Products, Animals and Animal Products (single panel with DS477)	May 20, 2015
DS480	Indonesia	European Union	European Union—Anti-dumping Measures on Biodiesel from Indonesia	August 31, 2015
DS482	Taiwan	Canada	Canada—Anti-dumping Measures on Imports of Certain Carbon Steel Welded Pipe from The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu	March 10, 2015
DS483	Canada	China	China—Anti-dumping Measures on Imports of Cellulose Pulp from Canada	March 10, 2015
DS484	Brazil	Indonesia	Indonesia—Measures Concerning the Importation of Chicken Meat and Chicken Products	December 3, 2015
DS485	European Union	Russia	Russia—Tariff Treatment of Certain Agricultural and Manufacturing Products	March 25, 2015
DS486	Pakistan	European Union	European Union—Countervailing Measures on Certain Polyethylene Terephthalate from Pakistan	March 25, 2015
DS487	European Union	United States	United States—Conditional Tax Incentives for Large Civil Aircraft	February 23, 2015
DS488	South Korea	United States	United States—Anti-dumping Measures on Certain Oil Country Tubular Goods from Korea	March 25, 2015
DS489	United States	China	China—Measures Related to Demonstration Bases and Common Service Platforms Programmes	April 22, 2015
DS490	Taiwan	Indonesia	Indonesia—Safeguard on Certain Iron or Steel Products (single panel with DS496)	September 28, 2015
DS491	Indonesia	United States	United States—Anti-dumping and Countervailing Measures on Certain Coated Paper from Indonesia	September 28, 2015
DS492	China	European Union	European Union—Measures Affecting Tariff Concessions on Certain Poultry Meat Products	July 20, 2015
DS495	Japan	South Korea	Korea—Import Bans, and Testing and Certification Requirements for Radionuclides	September 28, 2015
DS496	Vietnam	Indonesia	Indonesia—Safeguard on Certain Iron or Steel Products (single panel with DS 490)	October 28, 2015
DS497	Japan	Brazil	Brazil—Certain Measures Concerning Taxation and Charges	September 28, 2015

Source: Derived from WTO, “Dispute Settlement: The Disputes—Chronological List of Disputes” (accessed March 16, 2015).

The summaries of issues in disputes are based entirely on information in publicly available documents, including summaries published online by the WTO, summaries included in USTR’s *2016 Trade Policy Agenda and 2015 Annual Report*, and summaries included in USTR press releases. They should not be regarded as comprehensive or as reflecting a U.S. government or Commission interpretation of the issues raised or addressed in the disputes or in panel or Appellate Body reports. A table showing procedural developments during 2015 in disputes in which the United States was the complainant or respondent appears in appendix table A.25.

This section focuses on developments during 2015. Several disputes in which panels had been established in 2014 were active throughout 2015, with decisions circulated in early 2016. This was the case with Dispute DS456, India—Certain Measures Relating to Solar Cells and Solar Modules,<sup>266</sup> and Dispute DS464, United States—Anti-dumping and Countervailing Measures on

<sup>266</sup> The panel report was circulated on February 24, 2016. WTO, “Dispute Settlement: DS456; India—Certain Measures Relating to Solar Cells and Solar Modules” (accessed March 18, 2016).

Large Residential Washers from Korea.<sup>267</sup> Some were delayed for other reasons, such as DS471, United States—Certain Methodologies and Their Application to Anti-dumping Proceedings Involving China. (According to the chair of the panel, the delay was due to the unavailability of Secretariat lawyers, with the panel expected to issue its final report to the parties in June 2016.)<sup>268</sup> The panel decisions in these cases will be summarized in the Commission’s 2016 report.

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

Appendix table A.25 sets out a timeline for procedural actions in most of the active WTO dispute settlement cases, including procedural actions at the implementation, compliance, and compensation/retaliation stages. A number of disputes were still active during 2015 well after the panel or Appellate Body report had been adopted, including two high-profile disputes brought by the United States and the European Communities,<sup>269</sup> respectively, against each other’s large civilian aircraft measures.<sup>270</sup> Several other proceedings of note were underway during 2015 after adoption of panel and Appellate Body reports. These involved two disputes relating to U.S. country of origin labeling requirements (COOL);<sup>271</sup> a dispute relating to U.S.

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<sup>267</sup> The panel report was circulated on March 11, 2016. WTO, “Dispute Settlement: DS464; United States—Anti-dumping and Countervailing Measures on Large Residential Washers from Korea” (accessed March 18, 2016).

<sup>268</sup> WTO, “Dispute Settlement: DS471; United States—Certain Methodologies and Their Application to Anti-Dumping Proceedings Involving China” (accessed April 27, 2016).

<sup>269</sup> In this report’s WTO dispute settlement section, the term “European Communities” is used rather than “EU” if the source document—the WTO online summary—uses “European Communities.”

<sup>270</sup> Compliance proceedings begun in 2012 in both disputes remained underway throughout 2015, with panel reports expected in DS316 (brought by the United States against the EU) in 2016, and in DS353 (brought by the EU against the United States) in 2016. See WTO, “Dispute Settlement: DS316; European Communities—Measures Affecting Trade in Large Civil Aircraft” (accessed April 29, 2016); WTO, “Dispute Settlement: DS353; United States—Measures Affecting Trade in Large Civil Aircraft—Second Complaint” (accessed April 29, 2016); and USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, 2016, 66, 76.

<sup>271</sup> WTO, “Dispute Settlement: DS384; United States—Certain Country of Origin Labelling (COOL) Requirements” (accessed April 29, 2016); WTO, “Dispute Settlement: DS386; United States—Certain Country of Origin Labelling Requirements” (accessed April 29, 2016). The disputes involved challenges by Canada and Mexico, respectively, of mandatory U.S. country of origin labeling (COOL) requirements; the respective panels and the Appellate Body

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measures relating to the importation, marketing, and sale of tuna and tuna products;<sup>272</sup> and a dispute relating to China's antidumping and countervailing duties on grain-oriented flat-rolled electrical steel from the United States.<sup>273</sup>

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found that aspects of U.S. requirements violated U.S. obligations under the Technical Barriers to Trade Agreement (TBT) and the General Agreement on Tariffs and Trade (GATT) 1994. The United States sought to bring its labeling requirements into compliance by changing its rule. In August 2013, Canada and Mexico requested the establishment of a compliance panel to consider whether the measure taken by the United States in 2013, including the 2013 "final rule," complies with the DSB recommendations and rulings. A compliance panel was established and its report was circulated to members on October 20, 2014. The compliance panel found that the amended COOL measure violates Article 2.1 of the TBT Agreement because it accords to Canadian and Mexican livestock less favorable treatment than that accorded to U.S. livestock. The United States, Canada, and Mexico each appealed aspects of the decision, and on May 18, 2015, the Appellate Body upheld the compliance panel's findings with respect to Article 2.1 of the TBT Agreement and also upheld the compliance panel's ultimate determination with respect to Article 2.2 of the TBT Agreement. On June 4, 2015, Canada and Mexico sought authorization to suspend certain concessions and other obligations under the covered agreements. On June 16, 2015, the United States objected to the level of suspension of concessions or obligations sought by Canada and Mexico and referred the matter to arbitration under Article 22.6 of the DSU. On December 7, 2015, the decision of the arbitrator was circulated and the arbitrator found the level of nullification or impairment attributable to the amended U.S. COOL measure was, in Canadian dollars, "1,054.759 million annually" for Canada and "U.S. \$227.758 million annually" for Mexico. On December 21, 2015, the DSB granted authorization to Canada and Mexico to suspend concessions consistent with the award of the arbitrator. On December 18, 2015, the President signed legislation repealing the country of origin labeling requirement for beef and pork. According to USTR, this action withdrew the WTO-inconsistent measure and brought the United States into compliance with the WTO's recommendations and rulings in both disputes. See also USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, 2016, 78–80, 80–83.

<sup>272</sup> WTO, "Dispute Settlement: DS381; United States—Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products" (accessed April 29, 2016). The dispute concerned U.S. dolphin-safe labeling provisions and whether they were consistent with U.S. obligations under the GATT 1994 and the Agreement on Technical Barriers to Trade. The Appellate Body found aspects of the U.S. provisions inconsistent with the TBT Agreement. On July 23, 2013, the United States informed the DSB of a change in its dolphin-safe labeling requirements and stated that it had brought its requirements into conformity with the DSB recommendations and rulings. Mexico requested the establishment of a compliance panel, and the panel issued its report on April 14, 2015. The panel found that the amended U.S. dolphin-safe labeling measure was inconsistent with Article 2.1 of the TBT Agreement and Articles I:1 and III:4 of the GATT 1994 and, although the measure was preliminarily justified under Article XX(g) of the GATT 1994, was not applied consistently with the Article XX "chapeau," or introductory paragraph. The United States and Mexico both appealed aspects of the compliance panel's report. The Appellate Body circulated its report on November 20, 2015, and reversed the panel in part. On December 3, 2015, the DSB adopted the Appellate Body report and panel report as modified. On March 10, 2016, Mexico requested authorization of the DSB to suspend concessions or other obligations. On March 22, 2016, the United States objected, and on March 23, 2016, it was agreed at the DSB meeting that the matter be referred to arbitration under Article 22.6 of the DSU. See also USTR, "U.S. Announces Compliance," July 12, 2013; USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, 2016, 77–78.

<sup>273</sup> WTO, "Dispute Settlement: DS414; China—Countervailing and Anti-Dumping Duties on Grain Oriented Flat-rolled Electrical Steel from the United States" (accessed April 29, 2016). On February 13, 2014, the United States requested establishment of a compliance panel, and a panel was composed on March 17, 2014. The United States stated that it was concerned that China failed to (1) objectively examine evidence; (2) base its finding on positive evidence; (3) disclose the "essential facts" underlying its conclusions; and (4) provide an adequate explanation of its re-determination. The compliance panel issued its report on July 31, 2015, and the DSB adopted the report on August 31, 2015. The compliance panel upheld the U.S. claims, and also found that China failed to disclose the

## New Requests for Consultations and New Panels Established

During 2015, WTO members filed 13 requests for WTO dispute settlement consultations in new disputes, which represented a decline from the 14 new requests filed in 2014, the 20 filed in 2013, and the 27 filed in 2012.<sup>274</sup> Of the 13 new requests during 2015, the United States was involved in 3 (as complainant in 2 and as respondent in 1), as compared with 3 of the 14 requests filed in 2014 (as complaint in 1 and respondent in 2) and 5 of the 20 requests filed during 2013. During 2015, the United States, Taiwan, Japan, and Russia each filed two requests for dispute settlement consultations, while China, Indonesia, Pakistan, Ukraine, and Vietnam each filed one. China, Indonesia, and the EU were the named respondent in each of two requests, while the United States, Brazil, India, South Korea, Russia, South Africa, and Ukraine were the named respondent in one request.<sup>275</sup>

Sixteen new dispute settlement panels were established during 2015, including 2 panels established to consider each of 2 similar disputes (table 3.3). The United States was the complaining party in 2 of these panel proceedings, and the responding party in 3. The 16 new panels established in 2015 represent an increase from the 13 panels established in 2014 and the 12 panels established in 2013.

### Requests for Consultations Filed during 2015 in which the United States was the Complaining Party or Named Respondent

The United States was the complaining party in two new disputes filed during 2015. Both disputes concerned measures taken by China. In the first dispute (DS489), filed on February 11, 2015, the United States alleged that certain measures taken by China providing subsidies contingent upon export performance to enterprises in several industries in China are

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essential facts underlying its revised material injury determination. In April 2015, at the compliance panel's meeting with the parties and after the parties had submitted all of their submissions, China's Ministry of Commerce revoked the antidumping and countervailing duties on the steel in question from the United States. See USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, 2016, 58–59.

<sup>274</sup> The number of requests for WTO dispute settlement consultations referred to in this section includes only requests made in connection with new disputes and does not include requests for consultations filed in connection with compliance proceedings after the DSB's adoption of panel and/or Appellate Body reports. In its *2016 Trade Policy Agenda and 2015 Annual Report*, USTR reports a generally declining number of annual filings of requests for dispute settlement. The USTR report states that during the DSB's first 21 years of operation, WTO members filed 501 requests for consultations—22 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, 15 in 2014, and 13 in 2015. USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, 2016, 52. The number of requests shown in the USTR report and in Commission reports may vary based on whether the number is for a calendar year or a fiscal year or due to other factors.

<sup>275</sup> Statistics derived from the WTO's "Chronological List of Disputes Cases."

inconsistent with the WTO Agreement on Subsidies and Countervailing Measures (SCM Agreement). As of the end of 2015, a panel had been established but the panel had not been composed. The issues raised in this dispute are summarized in the next section.<sup>276</sup> In the second dispute (DS501), filed on December 8, 2015, the United States alleged that China's value-added tax exemption for certain types of domestically produced aircraft appears to discriminate against imported aircraft and is inconsistent with Articles III:2, III:4, and X:1 of the General Agreement on Tariffs and Trade (GATT) 1994 and certain paragraphs of China's Protocol of Accession. As of the end of 2015, the matter was in consultations.<sup>277</sup>

The United States was the named respondent in one new dispute (DS491) filed during 2015, by Indonesia on March 13, 2015. The dispute concerned U.S. countervailing duty and antidumping measures on certain coated paper products from Indonesia that Indonesia alleged are inconsistent with the SCM Agreement, the Anti-dumping Agreement, and Article VI of the GATT 1994.<sup>278</sup> When consultations failed to resolve the dispute, Indonesia requested establishment of a panel, which the DSB established on September 28, 2015. As of the end of 2015, the panel had not been composed.<sup>279</sup>

### **Panels Established during 2015 at the Request of the United States**

As shown in table 3.3, the DSB established two new panels in 2015 at the request of the United States. One involved certain measures taken by Indonesia relating to imports of horticultural products, animals, and animal products (DS478), and the second concerned measures by China related to demonstration bases and common service platforms programs (DS489). The issues raised and procedural histories are summarized below.

#### **Indonesia—Importation of Horticultural Products, Animals, and Animal Products (DS478)**

In this dispute, the United States challenged certain measures imposed by Indonesia relating to the importation of horticultural products, animals, and animal products. The United States

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<sup>276</sup> WTO, "Dispute Settlement: DS489; China—Measures Related to Demonstration Bases and Common Service Platforms Programmes" (accessed March 16, 2016).

<sup>277</sup> WTO, "Dispute Settlement: DS501; China—Tax Measures Concerning Certain Domestically Produced Aircraft" (accessed March 16, 2016); see also USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 176.

<sup>278</sup> More specifically, Indonesia alleged that the U.S. measures are inconsistent with certain provisions of Articles 2.1, 2.1(c), 10, 12.7, 15.5, 15.7, and 15.8 of the SCM Agreement and Articles 3.5, 3.7, and 3.8 of the Anti-Dumping Agreement. WTO, "Dispute Settlement: DS491; United States—Anti-Dumping and Countervailing Measures on Certain Coated Paper from Indonesia" (accessed March 16, 2016).

<sup>279</sup> On January 25, 2016, Indonesia requested the Director-General to compose the panel, and he did so on February 4, 2016. WTO, "Dispute Settlement: DS491; United States—Anti-Dumping and Countervailing Measures on Certain Coated Paper from Indonesia" (accessed March 16, 2016).

claimed that the measures are inconsistent with Articles III:4 and XI:1 of the GATT 1994; Article 4.2 of the Agreement on Agriculture; Articles 1.2, 1.5, 1.6, 2.2, 3.2, 3.3, 5.1, and 5.2 of the Import Licensing Agreement; and Articles 2.2 and 2.15 of the Agreement on Preshipment Inspection.<sup>280</sup>

The United States requested consultations with Indonesia on May 8, 2014. When consultations failed to resolve the matter, the United States requested the establishment of a panel on March 18, 2015. On May 20, 2015, the DSB established a single panel to examine this dispute and DS477, which had been brought by New Zealand and which involved similar claims. On October 8, 2015, the Director-General composed the panel.<sup>281</sup>

### **China—Measures Related to Demonstration Bases and Common Service Platforms Programmes (DS489)**

As indicated above, in this dispute the United States challenged certain measures taken by China regarding its “Demonstration Bases” subsidy program, which, according to the United States, provides prohibited export subsidies to manufacturers and producers, including in the textiles, agriculture, chemicals, and new materials industries.<sup>282</sup> The United States claims that the measures are inconsistent with Articles 3.1(a) and 3.2 of the SCM Agreement. When consultations failed to resolve the dispute, the United States requested establishment of a panel, which the DSB established on April 22, 2015. As of the end of 2015, the panel had not been composed.<sup>283</sup>

### **Panels Established during 2015 in Which the United States Was the Named Respondent**

The DSB established three panels during 2015 in which the United States was the named respondent. One, established at the request of the EU, concerned conditional U.S. tax incentives for large civil aircraft (DS487); the second, established at the request of South Korea, concerned U.S. antidumping measures on certain oil country tubular goods from South Korea (DS488); and the third, established at the request of Indonesia, concerned U.S. antidumping and countervailing duty measures on certain coated paper from Indonesia (DS491). As of the end of 2015, panels in two of the disputes, DS487 and DS488, had been composed. The issues raised and the procedural histories of the two disputes are summarized below.

<sup>280</sup> WTO, “Dispute Settlement: DS478; Indonesia—Importation of Horticultural Products, Animals and Animal Products” (accessed March 16, 2016).

<sup>281</sup> Ibid. See also WTO, “Dispute Settlement: DS477; Indonesia—Importation of Horticultural Products, Animals and Animal Products” (accessed March 16, 2016).

<sup>282</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, 2016, 176.

<sup>283</sup> WTO, “Dispute Settlement: DS489; China—Measures Related to Demonstration Bases and Common Service Platforms Programmes” (accessed March 16, 2016).

### **United States—Conditional Tax Incentives for Large Civil Aircraft (DS487)**

In this dispute the EU alleged that conditional tax incentives established by the State of Washington in relation to the development, manufacture, and sale of large civil aircraft constitute specific subsidies within the meaning of Articles 1 and 2 of the SCM Agreement and prohibited subsidies that are inconsistent with Articles 3.1(b) and 3.2 of the SCM Agreement. The EU requested consultations with the United States on December 19, 2014. After consultations failed to resolve the matter, the EU, on February 12, 2015, requested establishment of a panel. The DSB established a panel on February 23, 2015, and the Director-General, at the EU's request, composed the panel on April 22, 2015.<sup>284</sup>

### **United States—Anti-dumping Measures on Certain Oil Country Tubular Goods from Korea (DS488)**

In this dispute South Korea alleged that U.S. antidumping measures relating to certain oil country tubular goods from South Korea are inconsistent with certain articles of the Anti-dumping Agreement<sup>285</sup> and Articles I and X:3 of the GATT 1994. South Korea requested consultations on December 22, 2014. After consultations failed to resolve the dispute, on February 23, 2015, South Korea requested that a panel be established. The DSB established a panel on March 25, 2015. The parties agreed on the composition of the panel on July 13, 2015.<sup>286</sup>

### **United States—Anti-dumping and Countervailing Measures on Certain Coated Paper from Indonesia (DS491)**

In this dispute Indonesia alleged that the imposition of antidumping and countervailing measures on certain coated paper products from Indonesia, as well as the investigation underlying those measures, are inconsistent with Articles 2.1, 2.1(c), 10, 12.7, 15.5, 15.7 and 15.8 of the SCM Agreement; Articles 3.5, 3.7 and 3.8 of the Anti-dumping Agreement; and Article VI of the GATT 1994. Indonesia requested consultations on March 13, 2015. After consultations failed to resolve the dispute, on July 9, 2015, Indonesia requested that a panel be

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<sup>284</sup> WTO, "Dispute Settlement: DS487; United States—Conditional Tax Incentives for Large Civil Aircraft" (accessed March 16, 2016).

<sup>285</sup> Articles 2.2, 2.2.2, 2.2.1.1, 2.3, 2.4, 6.2, 6.4, 6.9, 6.10 (including 6.10.1 and 6.10.2), and 12.2.2 of the Antidumping Agreement.

<sup>286</sup> WTO, "Dispute Settlement: DS488; United States—Anti-Dumping Measures on Certain Oil Country Tubular Goods from Korea" (accessed March 16, 2016).

established. The DSB established a panel on September 28, 2015. On February 4, 2016, at the request of Indonesia, the Director-General composed the panel.<sup>287</sup>

## Panel and Appellate Body Reports Issued and/or Adopted during 2015 That Involve the United States

During 2015, the DSB adopted panel and/or Appellate Body reports addressing original disputes<sup>288</sup> in five cases in which the United States was the complainant or a respondent (table 3.4). The reports in those disputes are summarized below.<sup>289</sup>

**Table 3.4** WTO dispute settlement panel and Appellate Body (AB) reports circulated or adopted in 2015 in which the United States was a party

Case no.	Complainant	Respondent	Case name	Date of report circulation or adoption
DS429	Vietnam	United States	United States—Anti-dumping Measures on Certain Shrimp from Viet Nam	AB report circulated (April 7, 2015), adopted (April 22, 2015)
DS430	United States	India	India—Measures Concerning the Importation of Certain Agricultural Products	AB report circulated (June 4, 2015), adopted (June 19, 2015)
DS437	China	United States	United States—Countervailing Duty Measures on Certain Products from China	AB report circulated (Dec. 18, 2014), adopted (Jan. 16, 2015)
DS444	United States	Argentina	Argentina—Measures Affecting the Importation of Goods	AB report circulated (Jan. 15, 2015), adopted (Jan. 26, 2015)
DS447	Argentina	United States	United States—Measures Affecting the Importation of Animals, Meat and Other Animal Products from Argentina	Panel report circulated (July 24, 2015), adopted (August 31, 2015)

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

### Reports in Which the United States Was the Complainant

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

In this dispute the United States challenged prohibitions imposed by India on the importation of various agricultural products from the United States, purportedly because of concerns about avian influenza. The measures were imposed under the Indian Livestock Importation Act, 1898, and a statutory order issued by India’s Department of Animal Husbandry, Dairying, and Fisheries under the Livestock Act. The United States claimed that the measures amounted to an import prohibition that was not based on the relevant international standard—the Terrestrial Code of the World Organisation for Animal Health (OIE)—or on a scientific risk

<sup>287</sup> WTO, “Dispute Settlement: DS491; United States—Anti-dumping and Countervailing Measures on Certain Coated Paper from Indonesia” (accessed May 5, 2016).

<sup>288</sup> As opposed to panel and Appellate Body reports issued in subsequent compliance and other proceedings.

<sup>289</sup> A summary of the Appellate Body report in DS437, “United States—Countervailing Duty Measures on Certain Products from China,” was included in the Commission’s 2014 *Year in Trade* report. The report was circulated to members on December 14, 2014, and adopted by the DSB on January 16, 2015.

assessment. It also claimed that India's measures appear to be inconsistent with certain articles of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and with Articles I and XI of the GATT 1994. The United States requested consultations in the matter on March 6, 2012. On May 11, 2012, after consultations failed to resolve the dispute, the United States requested establishment of a panel. The DSB established a panel on June 25, 2012, and the Director-General composed the panel on February 18, 2013.

The panel issued its report on October 14, 2014. In its report the panel found in favor of the United States. The panel found that India's measures breach its WTO obligations because (1) they are not based on international standards or a risk assessment that takes into account available scientific evidence; (2) they arbitrarily discriminate against U.S. products, because India blocks imports while not similarly blocking domestic products; (3) they constitute a disguised restriction on international trade; (4) they are more trade restrictive than necessary, since India could reasonably adopt international standards for the control of avian influenza instead of imposing an import ban; (5) they fail to recognize the concept of disease-free areas and are not adapted to the characteristics of the areas from which products originate and to which they are destined; and (6) they were not properly notified in a manner that would allow the United States and other WTO members to comment on India's restrictions before they went into effect. On January 26, 2015, India notified the DSB that it would appeal to the Appellate Body certain issues of law and legal interpretation in the panel report.<sup>290</sup>

On June 4, 2015, the Appellate Body issued its report, 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 it intended to implement the DSB's recommendations and rulings and would need a reasonable period of time to do so. On December 8, 2015, the United States and India agreed that such a reasonable period of time would be 12 months, ending on June 19, 2016.<sup>291</sup>

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<sup>290</sup> WTO, "Dispute Settlement: DS430; India—Measures Concerning the Importation of Certain Agricultural Products" (accessed March 18, 2016). See also USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, 2016, 67–68.

<sup>291</sup> *Ibid.*

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

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

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

On September 26, 2014, Argentina notified the DSB of its decision to appeal to the Appellate Body certain issues of law and legal interpretation in the panel report. On January 15, 2015, the Appellate Body issued its reports on DS438, DS444, and DS445, in which it upheld the panel's principal findings, including the panel's finding that Argentina's measure is inconsistent with Article XI:1 of the GATT 1994. On January 26, 2015, the DSB adopted the panel and Appellate Body reports. Argentina informed the DSB that it intended to implement the DSB's recommendations and rulings, and the United States and Argentina subsequently agreed that the reasonable period of time for doing so would be by December 31, 2015. In December 2015, Argentina issued modified import licensing requirements. USTR has indicated that the United States has significant questions about how the adoption of these measures could serve to bring Argentina's import licensing measures into compliance with its WTO obligation.<sup>292</sup>

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<sup>292</sup> WTO, "Dispute Settlement: DS444; Argentina—Measures Affecting the Importation of Goods" (accessed March 18, 2016). See also USTR, "WTO Appellate Body Affirms U.S. Victory in Trade Enforcement Dispute," January 15, 2015, and USTR, *2016 Trade Policy Agenda and 2015 Report*, 2016, 52–53.

## Reports in Which the United States Was the Respondent

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

In this dispute Vietnam claimed that various U.S. laws, regulations, administrative proceedings, and practices relating to zeroing<sup>293</sup> are inconsistent with U.S. obligations under Articles I:1, VI:1, VI:2, and X:3(a) of the GATT 1994; Articles 1, 2.1, 2.4, 2.4.2, 6, 9, 11, 17.6(i), and Annex II of the Anti-dumping Agreement; Article XVI:4 of the WTO Agreement; Articles 3.7, 19.1, 21.1, 21.3, and 21.5 of the Dispute Settlement Understanding; and Vietnam’s Protocol of Accession. The request for consultations was filed on February 20, 2012. After consultations failed to resolve the dispute, on January 17, 2013, Vietnam requested the establishment of a panel. The DSB established a panel on February 27, 2013, and the panel was composed on July 12, 2013.

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

On January 6, 2015, Vietnam notified the DSB of its decision to appeal to the Appellate Body the panel’s finding that Vietnam had failed to establish that section 129(c)(1) of the URAA is inconsistent “as such” with the above-cited articles of the Anti-dumping Agreement. On April 7, 2015, the Appellate Body issued its report and upheld the panel’s finding that Vietnam had not established that section 129(c)(1) of the URAA is inconsistent “as such” with the cited articles of the Anti-dumping Agreement. On April 22, 2015, the DSB adopted its recommendations and rulings, and on May 20, 2015, the United States stated its intention to comply with the DSB’s findings in a manner that respects its WTO obligations and that it would need a reasonable period of time to do so.

On September 17, 2015, Vietnam requested that the reasonable period of time be determined through arbitration. On October 7, 2015, Vietnam and the United States agreed on an

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<sup>293</sup> Before 2006, the U.S. Department of Commerce engaged in a practice called “zeroing,” in which it treated non-dumped transactions as having a zero margin for purposes of computing a weighted average dumping margin for a class or kind of subject merchandise.

arbitrator, and on December 15, 2015, the arbitrator issued his award, deciding that the reasonable period of time would be 15 months, ending on July 22, 2016.<sup>294</sup>

### **United States—Measures Affecting the Importation of Animals, Meat and Other Animal Products from Argentina (DS447)**

In this dispute Argentina requested consultation regarding inaction by the United States to authorize importation of fresh bovine meat from Argentina. The specific measures challenged by Argentina are (1) the U.S. import prohibition of fresh (chilled or frozen) beef from Argentina as embodied in regulations of the U.S. Animal and Plant Health Inspection Service (APHIS), which is part of the U.S. Department of Agriculture (USDA); (2) the failure to recognize certain areas of Argentina as free of foot-and-mouth disease, embodied in APHIS policy; and (3) alleged undue delays in recognizing the animal health status of a region or in granting approval to export animals or animal products from that region. Argentina claimed that the challenged measures appear to be inconsistent with Articles I:1, III:4, and XI:1 of the GATT 1994; Articles 1.1, 1.2, 2.3, 3.1, 3.3, 5.1, 5.2, 5.4, 5.6, 6.1, 6.2, and 8, Annex C.1, and Article 10.1 of the SPS Agreement; and Article XVI:4 of the WTO Agreement. U.S. law prohibits the importation of fresh meat from all countries pending a determination by the USDA as to whether, and under what import conditions, if any, such products can be safely imported without introducing foot-and-mouth disease into the United States.

Consultations were held on October 18 and 19, 2012. On December 6, 2012, Argentina requested establishment of a panel, and a panel was established on January 28, 2013, and composed on August 8, 2013. The panel issued its report on July 24, 2015. The panel concluded that the U.S. measures were inconsistent with U.S. obligations under the SPS Agreement and the GATT 1994. The DSB adopted the panel report on August 31, 2015.

Before the panel report was issued, USDA issued two administrative documents, in August 2014 and July 2015, that lift the foot-and-mouth disease ban on Argentina and permit the importation of fresh bovine meat under certain conditions. The United States notified the DSB at its August 31, 2015, meeting that the United States had addressed the matters raised in the dispute.<sup>295</sup>

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<sup>294</sup> WTO, “Dispute Settlement: DS429; United States—Anti-Dumping Measures on Certain Shrimp from Viet Nam” (accessed March 18, 2016). See also USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, 2016, 84–85.

<sup>295</sup> WTO, “Dispute Settlement: DS447; United States—Measures Affecting the Importation of Animals, Meat and Other Animal Products from Argentina” (accessed March 16, 2016). See also USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, 2016, 87.



## Chapter 4

# Selected Regional and Bilateral Trade Activities

This chapter summarizes trade-related activities during 2015 in two major multilateral organizations—the Organisation for Economic Co-operation and Development (OECD) and the Asia-Pacific Economic Cooperation (APEC) forum. It also covers developments during the year in the negotiation of a Trade in Services Agreement (TISA) and activities conducted under trade and investment framework agreements (TIFAs).

## Organisation for Economic Co-operation and Development

The OECD provides a forum for member governments to review and discuss economic, social, and other policy experiences affecting their market economies, as well as engage with other major nonmember economies to address issues facing the global economy. In 2015, the OECD had 34 members. They included many of the world’s most advanced economies as well as several emerging-market countries.<sup>296</sup>

### Ministerial Council Meeting

The OECD held its 2015 Ministerial Council Meeting June 3–4, 2015. In addition to the current economic outlook, the council focused discussions on the role of business climate and of innovation in investment; environmentally oriented investment; and the relationship between trade and social, environmental, and economic development. Both the council and the chair of the ministerial meeting issued statements on how to focus investment to achieve sustainable global economic and employment growth.

Ministers expressed support for the organization continuing to develop long-range analysis tools that take into account so-called megatrends. The tools also allow scenario-based discussions of policy under the OECD New Approaches to Economic Challenges initiative. In discussing the role of investment, the Ministers also welcomed the OECD Secretary-General’s

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<sup>296</sup> Australia, Austria, Belgium, Canada, Chile, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, Turkey, United Kingdom, and the United States. OECD, “Members and Partners,” <http://www.oecd.org/about/membersandpartners/> (accessed May 18, 2016).

progress report regarding work on the Inclusive Growth initiative; work on skills, education, and investment in human capital; as well as work on corporate governance, in particular, responsible investment through guidelines for state-owned enterprises.

Regarding trade, the ministers highlighted the OECD's efforts to promote trade openness to support sustained and inclusive growth by making trade barriers more visible. Ministers acknowledged in this regard the OECD's analytical work on Global Value Chains, Trade Facilitation Indicators, and the Services Trade Restrictiveness Index, as well as joint work done such as the OECD-WTO Trade in Value Added database,<sup>297</sup> as being valuable contributions to a more complete understanding of trade.<sup>298</sup>

## Trade Committee

The OECD Trade Committee met twice during 2015, in April and November. At the 166th session of the Trade Committee held April 21–22, 2015,<sup>299</sup> the committee discussed the findings of the committee's Market Openness Review of Costa Rica,<sup>300</sup> as part of the OECD Council decision to open accession talks with Costa Rica. As part of its April meeting, the committee held a session with G-20 members, in particular concerning the slowdown in world trade growth and what policies might help reinvigorate it.<sup>301</sup> The committee also reviewed the state of play in the post-Bali WTO work program that emerged from the December 2013 WTO ministerial conference held in Bali, Indonesia.<sup>302</sup> In addition, the committee agreed to renew the mandate for the Trade Committee, which now runs through December 31, 2019.

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<sup>297</sup> The OECD trade facilitation indicators help developing country governments identify areas where trade facilitation reforms—such as technical assistance and capacity-building efforts—are likely to generate greater benefits from trade by focusing on measures that improve border procedures, reduce trade costs, and boost trade flows; <http://www.oecd.org/trade/facilitation/indicators.htm>. The OECD Services Trade Restrictiveness Index (STRI) helps identify and measure trade barriers, investment barriers, and domestic regulations that can impede international trade in services; <http://www.oecd.org/tad/services-trade/services-trade-restrictiveness-index.htm>. For more information on global value chains and the Trade in Value Added database, see the APEC section later in this chapter.

<sup>298</sup> OECD, Council, "Summary Record of the 1317th Session," September 10, 2015; OECD, "Meeting of the OECD Council at Ministerial Level—Unlocking Investment for Sustainable Growth and Jobs—2015 Ministerial Council Statement," n.d. (accessed March 4, 2016).

<sup>299</sup> OECD, TAD, TC, "Summary Record: 166th Session of the Trade Committee—Plenary Session," June 17, 2015.

<sup>300</sup> OECD, Council, "Roadmap for the Accession of Costa Rica to the OECD Convention," July 15, 2015.

<sup>301</sup> The G-20 provides a forum for cooperation in global economic governance for the world's leading economies. The G-20 includes 19 countries plus the European Union counting as a single member: Australia, Argentina, Brazil, Canada, China, European Union, France, Germany, India, Indonesia, Italy, Japan, Mexico, Russia, Saudi Arabia, South Africa, South Korea, Turkey, United Kingdom, and the United States.

<sup>302</sup> The so-called Bali Package—comprising the Bali Ministerial Declaration of December 7, 2013, and later ministerial decisions adopted November 27, 2014—covered work on a number of issues, including agriculture and cotton, preferential treatment for least-developed-country members, and trade facilitation. WTO, "9th WTO

At the 167th session of the Trade Committee, November 4–5, 2015, the committee discussed how to expand use of the OECD’s New Approaches to Economic Challenges initiative to identify emerging issues that require further OECD attention.<sup>303</sup> It also explored ways to improve cross-committee discussion. The committee also heard reports on various stages of consideration for OECD accession by Israel, Lithuania, Costa Rica, and Latvia.

## Asia-Pacific Economic Cooperation

### Background

Established in 1989 and composed of 21 member economies, APEC is a regional economic forum.<sup>304</sup> Since its inception, APEC has aimed to increase prosperity in the region by accelerating regional economic integration and promoting inclusive and sustainable growth.<sup>305</sup> APEC decisions are made by consensus, and commitments are undertaken voluntarily.<sup>306</sup>

The operational structure of APEC is divided into the policy level and the working level. At the policy level, the annual APEC Economic Leaders’ Meeting sets overarching policy direction; the annual APEC ministerial meeting, sectoral ministerial meetings, senior officials meetings (SOMs), and APEC Business Advisory Council meetings provide strategic policy recommendations. At the working level, four core committees, including the Committee on Trade and Investment (CTI), carry out activities and projects.<sup>307</sup> The APEC Secretariat is based in Singapore.<sup>308</sup>

Adopted by APEC member economies in 1994 in Bogor, Indonesia, the Bogor Goals are a set of targeted goals for creating a free and open trade and investment area in the Asia-Pacific.<sup>309</sup> APEC works in three key areas toward the Bogor Goals: (1) trade and investment liberalization that reduces and eventually eliminates tariff and nontariff barriers to trade and investment; (2) business facilitation, which focuses on reducing business transaction costs, improving access to trade information, and aligning policy and business strategies to facilitate growth and free,

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Ministerial Conference, Bali, 2013 and After—Bali Package and November 2014 Decisions” (accessed March 14, 2016). For more background, see USITC, *The Year in Trade 2014*, July 2015, 87.

<sup>303</sup> OECD, TAD TC, “Summary Record: 167th Session of the Trade Committee—Plenary Session,” February 5, 2016.

<sup>304</sup> In 2015, the 21 APEC member economies were Australia; Brunei; Canada; Chile; China; Hong Kong, China; Indonesia; Japan; South Korea; Malaysia; Mexico; New Zealand; Papua New Guinea; Peru; the Philippines; Russia; Singapore; Taiwan (Chinese Taipei); Thailand; the United States; and Vietnam. For further details, see “About APEC,” <http://www.apec.org/About-Us/About-APEC/Member-Economies.aspx> (accessed March 8, 2016).

<sup>305</sup> APEC, *APEC at a Glance*, 2015.

<sup>306</sup> *Ibid.*

<sup>307</sup> APEC, “How APEC Operates” (accessed on March 8, 2016).

<sup>308</sup> APEC, *APEC at a Glance*, 2015.

<sup>309</sup> APEC, “Bogor Goals” (accessed March 8, 2016).

open trade; and (3) economic and technical cooperation that provides training in all APEC member economies to build their capacities to take advantage of global trade.<sup>310</sup> The Second Term Review of the Bogor Goals is scheduled for 2016.<sup>311</sup>

At the core of APEC work is the Regional Economic Integration agenda. Initiatives under this program include pursuing the Free Trade Area of the Asia-Pacific (FTAAP), a comprehensive free trade agreement among APEC member economies;<sup>312</sup> improving the ease of doing business; streamlining custom procedures; and carrying out structural reforms in APEC member economies.<sup>313</sup>

## 2015 APEC Developments

In 2015, the Philippines served as the APEC chair and hosted major APEC meetings.<sup>314</sup> Under its leadership, APEC focused on promoting and advancing inclusive growth in the Asia-Pacific region at “national, regional, and macro levels,” and sought to pursue the following four priorities: “investing in human capital development; fostering small and medium enterprises’ (SMEs) participation in regional and global markets; building sustainable and resilient communities; and enhancing the regional economic integration agenda.”<sup>315</sup>

In 2015, a variety of issues were discussed, including facilitating cross-border education; lowering trade barriers and boosting access to capital and markets for SMEs; promoting digital economies; building human capacity; promoting a more active role for women in the economy; cutting tariffs for environmental goods and promoting green growth; identifying the issues related to making FTAAP a reality; and promoting global value chain (GVC) development and cooperation.<sup>316</sup>

The CTI reported good progress in advancing APEC’s objectives in 2015, highlighting (1) the acceptance of the Agreement on Trade Facilitation by 11 APEC economies; (2) the launch of the

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<sup>310</sup> APEC, “Scope of Work” (accessed February 24, 2015).

<sup>311</sup> APEC, *2015 Committee on Trade and Investment Annual Report to Ministers*, November 16–17, 2015. In August 2014, APEC published *the 2014 Bogor Goals Progress Report*, which assessed progress made by its 21 member economies toward achieving the Bogor Goals in recent years. For the major achievements highlighted in this report, see *USITC, The Year in Trade 2014*, July 2015.

<sup>312</sup> APEC, “Pathways to FTAAP,” November 14, 2010.

<sup>313</sup> APEC, “Regional Economic Integration Agenda” (accessed January 22, 2016).

<sup>314</sup> The Philippines hosted several major APEC meetings in 2015, including the Economic Leaders’ Summit, ministerial meetings, three Senior Officials Meetings (SOM1, SOM2, and SOM3), and other related meetings.

<sup>315</sup> APEC Philippines 2015, “APEC 2015: Building Inclusive Economies, Building a Better World,” (accessed January 22, 2016).

<sup>316</sup> APEC, “Events,” <http://www.apec.org/Events-Calendar.aspx> (accessed January 20, 2016); APEC, news releases in 2015, <http://apec.org/Press/News-Releases.aspx?year=2015&topic=All>.

APEC Trade Repository,<sup>317</sup> a one-stop online source for APEC economic and trade information; (3) substantial progress made by member economies in carrying out tariff reduction commitments for the APEC list of environmental goods; (4) the establishment of a Model E-Port Network<sup>318</sup> and related technical support mechanisms to share best practices in applying information technology to improve maritime port efficiency; and (5) the extension of the validity period of the APEC Business Travel Card from three to a maximum of five years from September 1, 2015, among others.<sup>319</sup> Progress in 2015 on FTAAP, GVC cooperation, and environmental goods and green growth are described separately in the sections below.

## Free Trade Area of the Asia-Pacific (FTAAP)

In 2006, APEC economies agreed to “examine the long-term prospects of a FTAAP.”<sup>320</sup> In 2010, APEC leaders instructed APEC members to take concrete steps toward the realization of FTAAP,<sup>321</sup> and said that FTAAP should be pursued as a comprehensive free trade agreement.<sup>322</sup> At the 2014 APEC Economic Leaders’ Meeting, APEC leaders endorsed *the Beijing Roadmap for APEC’s Contribution to the Realization of the FTAAP* (the Beijing Roadmap). This document listed the actions needed to realize FTAAP, including launching a *Collective Strategic Study on Issues Related to the Realization of the FTAAP* (the Study).<sup>323</sup>

In 2015, the CTI reported that a core drafting group had been established to initiate and coordinate the drafting of each chapter of the Study. Work plans were created by APEC economies responsible for their respective chapters, with the first draft to be submitted by January 15, 2016. A seminar on the Study was also held on August 29, 2015, in the margins of the third Senior Officials’ Meeting (SOM3). At this seminar, views and inputs were shared among academics and government officials involved in the Study.<sup>324</sup>

In 2015, APEC also undertook various capacity-building activities related to realizing FTAAP, including a workshop in September on dealing with the complexity of rules of origin and

<sup>317</sup> See APEC, Trade Repository, <http://tr.apec.org/>.

<sup>318</sup> The initiative on the APEC Model E-port network was endorsed by APEC in 2014. The network aims to use information technology to facilitate trade and improve port management. An E-port is an online integrated resource providing port information and trade-related services, such as data exchange, transaction processing, online payment, and identification authentication. APEC, “2014 Senior Officials Meeting: Annex 9: Initiative on Asia-Pacific Model E-port Network,” May 2014.

<sup>319</sup> APEC, *2015 Committee on Trade and Investment Annual Report to Ministers*, November 16–17, 2015, 9–10.

<sup>320</sup> APEC, “2014 Leaders’ Declaration: Annex A: The Beijing Roadmap for APEC’s Contribution,” November 11, 2014.

<sup>321</sup> APEC, “APEC Ministers Renew Commitment to Resist Protectionism,” November 11, 2010.

<sup>322</sup> APEC, “Pathways to FTAAP,” November 14, 2010.

<sup>323</sup> APEC, “2014 Leaders’ Declaration: Annex A: The Beijing Roadmap for APEC’s Contribution,” November 11, 2014.

For details on the steps to be taken, see USITC, *The Year in Trade 2014*, July 2015, 121.

<sup>324</sup> APEC, *2015 Committee on Trade and Investment Annual Report*, November 16–17, 2015, 15; USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 139.

logistical challenges of trade facilitation. Also, two trade policy dialogues were held in May and September on regional trade agreements (RTAs) and free trade agreements (FTAs). These dialogues highlighted high-quality, comprehensive RTAs/FTAs as potential building blocks for the FTAAP, and discussed economic, commercial, and geopolitical drivers for trade negotiations, as well as the impact of mega-regionalism.<sup>325</sup>

### **Advancing Global Value Chain Development and Supply Chain Connectivity**

In 2013, APEC economic leaders agreed to promote global value chain (GVC) development and cooperation in the APEC region on the basis of previous work on connectivity.<sup>326</sup> In 2014, APEC member economies endorsed *the APEC Strategic Blueprint for Promoting Global Value Chains Development and Cooperation* (the Blueprint) as the mechanism they would use to strengthen economic cooperation within the global and regional value chain network.<sup>327</sup>

Under the Blueprint, nine work streams have been set up:

- (1) Addressing trade and investment issues that impact GVCs;
- (2) APEC GVCs and trade in value added (TiVA) measurement;
- (3) Realizing the critical role of trade in services within GVCs;
- (4) Enabling developing economies to better participate in GVCs;
- (5) Assisting SMEs to benefit from GVCs;
- (6) Improving the investment climate for GVCs development;
- (7) Adopting effective trade facilitation measures;
- (8) Enhancing resiliency of GVCs; and
- (9) Encouraging public-private partnerships for GVCs.<sup>328</sup>

The CTI noted progress in several areas related to GVC initiatives in 2015. Highlights were as follows:

- (1) Work plans were developed and agreed upon for the first eight work streams.
- (2) On Work Stream 2 (APEC GVCs and TiVA measurement), a Technical Group on the Measurement of APEC TiVA (the Technical Group) was established, and two Technical Group meetings were held in May 2015 in Boracay, the Philippines, and in November 2015

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<sup>325</sup> APEC, *2015 Committee on Trade and Investment Annual Report*, November 16–17, 2015, 16.

<sup>326</sup> APEC, “2014 Leaders’ Declarations: Annex B: APEC Strategic Blueprint,” November 11, 2014.

<sup>327</sup> The term global value chains (GVCs) refers to a growing phenomenon in which different stages of production processes are located across different countries. For more information, see OECD, “Global Value Chains,” n.d. (accessed January 27, 2016).

<sup>328</sup> APEC, *2015 Committee on Trade and Investment Annual Report*, November 16–17, 2015, 16.

in Shanghai, China. The terms of reference and the work plan of the Technical Group were endorsed and adopted at the Second Senior Officials Meeting (SOM2) in May 2015. These actions put into place key steps toward constructing the APEC TiVA database by 2018. In addition, a capacity-building program was held in China on October 22–November 5, 2015.<sup>329</sup>

(3) On Work Stream 3 (realizing the critical role of trade in services within GVCs), a joint meeting was held in August 2015 in the margins of SOM3. Case studies on services reforms in Malaysia, Papua New Guinea, and Australia were presented and discussed.

(4) On Work Stream 8 (enhancing resiliency of GVCs), CTI endorsed *the APEC Guidebook on Resilience of Global Value Chains (GVCs) to Natural Disasters*. A seminar on this topic was scheduled to take place in early 2016.<sup>330</sup>

In 2015, APEC economies also made progress toward meeting the APEC-wide target of achieving a 10 percent improvement in supply chain performance in connection with the Supply Chain Connectivity Framework Action Plan in the following five areas: pre-arrival processing, advance rulings, expedited shipments, release of goods, and electronic payment.<sup>331</sup>

## Environmental Goods and Services and Green Growth

To pursue green growth in the region and help APEC businesses and citizens access important environmental technologies at lower cost, in September 2012, the 21 APEC economic leaders endorsed the APEC List of 54 Environmental Goods. The leaders agreed to voluntarily reduce the applied tariff rates to 5 percent or less on these environmental goods by the end of 2015.<sup>332</sup>

The CTI reported that by the SOM3 in August 2015, all 21 APEC economies had submitted detailed implementation plans that outlined the legislative or executive authority to be used to make the tariff reductions. The plans also listed the tariff lines on which applied tariff rates would be reduced to 5 percent or less for each of the 54 environmental goods subheadings.<sup>333</sup>

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<sup>329</sup> The United States and China are the two co-leading APEC economies in Work Stream 2: APEC GVCs and TiVA Measurement. Upon USTR's request, in the capacity of technical support, Commission staff have been serving as the U.S. co-chair of the Technical Group in 2015–16, and co-leading the project with Chinese counterparts since 2014.

<sup>330</sup> APEC, *2015 Committee on Trade and Investment Annual Report*, November 16–17, 2015, 16, 17.

<sup>331</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 138.

<sup>332</sup> APEC, "2012 Leaders' Declaration: Vladivostok Declaration," September 8–9, 2012.

<sup>333</sup> APEC, *2015 Committee on Trade and Investment Annual Report*, November 16–17, 2015, 18–19.

In 2014, the APEC Ministers endorsed an initiative to promote liberalization, facilitation, and cooperation in environmental services.<sup>334</sup> In 2015, CTI agreed to the Environmental Services Action Plan, which envisages a number of actions in 2016–20. These include surveying regulatory and policy measures on environmental services;<sup>335</sup> carrying out a study or studies of environmental industries and businesses (e.g., recycling business, waste management) to better understand the scope of environmental services and the challenges environmental businesses are facing; pinpointing key challenges and compiling recommended action agendas to address them; and collecting and sharing good practices to promote environmental services liberalization, facilitation, and cooperation.<sup>336</sup>

Another related APEC event was the 2nd Public-Private Partnership on Environmental Goods and Services dialogue, held in May 12, 2015, in the margins of SOM2. Nontariff barriers to environmental goods and services trade within the APEC region, such as standards and procurement, were the major topics discussed at this dialogue.<sup>337</sup>

## Negotiations on a Trade in Services Agreement

On July 5, 2012, a number of WTO members released a joint statement of their intent to begin negotiations on a new plurilateral Trade in Services Agreement (TISA) that might form the basis for a broader multilateral agreement.<sup>338</sup> By the end of 2015, the number of participants had risen from an initial 18 to 23,<sup>339</sup> and more than a dozen rounds of negotiations had been

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<sup>334</sup> APEC, “2014 APEC Ministerial Meeting: Joint Ministerial Statement,” November 8, 2014.

<sup>335</sup> The survey will focus on services under the U.N. Central Product Classification (CPC) 94, “sewage and refuse disposal, sanitation and other environmental protection services.” APEC, *Environmental Services Action Plan*, September 2015.

<sup>336</sup> APEC, *2015 Committee on Trade and Investment Annual Report*, November 16–17, 2015, 19; APEC, *Environmental Services Action Plan*, September 2015.

<sup>337</sup> APEC, *2015 Committee on Trade and Investment Annual Report*, November 16–17, 2015, 19.

<sup>338</sup> USTR, “WTO Members Announce New Phase in Services Talks,” July 5, 2012; Government of New Zealand, MFAT, “Joint Statement—Advancing Negotiations on Trade in Services,” July 5, 2012. The WTO Director-General has explained that the TISA negotiations do not take place within the WTO, but that the participants have provided updates on their discussions to the WTO Council for Trade in Services; WTO, Trade Policy Review Body, “Overview of Developments in the International Trading Environment,” January 31, 2014, 58, par. 3.127. TISA participants have said during these updates that they saw no contradiction between the TISA talks and services negotiations under the Doha Round, saying that the TISA was developed to be compatible with the GATS, and could be multilateralized in the future. WTO, “Annual Report of the Council for Trade in Services,” November 28, 2014, 4, par. 6.2.

<sup>339</sup> The initial group of 18 participants were Australia; Canada; Colombia; Costa Rica; the European Union; Hong Kong; China; Israel; Japan; Mexico; New Zealand; Norway; Pakistan; Peru; South Korea; Switzerland; Taiwan; Turkey; and the United States. By yearend 2015, 5 new additions—Chile, Iceland, Liechtenstein, Mauritius, and Panama—brought the total to 23 participants.

held.<sup>340</sup> Five more rounds are planned for 2016, and ministers have expressed “their intent to conclude the TISA negotiations by the end of the year.”<sup>341</sup>

Issues discussed in the negotiations have included delivery services, direct selling services, domestic regulation and transparency, electronic commerce, energy services, environmental services, financial services, government procurement services, localization requirements, patient mobility, professional services, telecommunications services, temporary entry of business persons, trade rules and disciplines, and transport services (air, maritime, and road), among others.<sup>342</sup>

Although still under negotiation, the TISA will reportedly be based on the core provisions of the WTO General Agreement on Trade in Services (GATS). But TISA will include disciplines that go beyond GATS,<sup>343</sup> and it will use a “hybrid” approach to country-specific commitments on national treatment and market access.<sup>344</sup> Full market access commitments would apply only to sectors specifically listed—a so-called positive list approach. Commitments on national treatment would apply to all sectors unless a reservation was specifically listed—a negative list approach. Additionally, national treatment commitments are subject to a “standstill” that would bind members to existing levels of liberalization, as well as a “ratchet” clause that would bind future liberalization commitments unless they were specifically listed as reserved.<sup>345</sup> Market access commitments would not be subject to these standstill and ratchet provisions.<sup>346</sup>

## Trade and Investment Framework Agreements

By yearend 2015, the United States had entered into 53 trade and investment framework agreements (TIFAs) (table 4.1). TIFAs provide a strategic framework and principles for dialogue on trade and investment issues between the United States and various trading partners. These TIFAs cover a range of issues, including market access, labor, the environment, intellectual property rights (IPR) protection, capacity building, and other issues. TIFA councils meet to

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<sup>340</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 170–71; Government of Australia, DFAT, “Trade in Services Agreement” (accessed March 2, 2016).

<sup>341</sup> Government of Canada, GAC, “Trade in Services Agreement (TISA),” last update February 11, 2016.

<sup>342</sup> Derived from Government of Australia, DFAT, “Trade in Services Agreement” (accessed March 29, 2016).

<sup>343</sup> WTO, CTS, “Report of the Meeting Held on 28 October 2013—Note by the Secretariat,” November 27, 2013, par. 8.4.

<sup>344</sup> Government of Switzerland, SECO, “The Plurilateral Negotiating Process,” last modified March 4, 2016.

<sup>345</sup> WTO, CTS, “Report of the Meeting Held on 28 October 2013—Note by the Secretariat,” S/C/M/115, November 27, 2013, par. 8.4.

<sup>346</sup> Government of Switzerland, SECO, “The Plurilateral Negotiating Process,” last modified March 4, 2016, and “Chronology of the TISA negotiation process,” last update March 1, 2016.

## Chapter 4: Other Trade Agreements and Regional Activities

discuss these issues on a regular basis (generally annually).<sup>347</sup> In 2015, one new TIFA (with Armenia) was signed; negotiations resumed on one (with Mongolia); and various TIFA councils met.

**Table 4.1** U.S. trade and investment framework agreements in 2015

Type and name	Date signed
<b>Bilateral</b>	
U.S.-Afghanistan TIFA	September 21, 2004
U.S.-Algeria TIFA	July 13, 2001
U.S.-Angola TIFA	May, 2009
U.S.-Armenia TIFA	May 7, 2015
U.S.-Bahrain TIFA <sup>a</sup>	June 18, 2002
U.S.- Bangladesh TICFA	November 25, 2013
U.S.-Brunei TIFA	December 16, 2002
U.S.-Burma TIFA	May 21, 2013
U.S.-Cambodia TIFA	July 14, 2006
U.S.-Egypt TIFA	July 1, 1999
U.S.-Georgia TIFA	June 20, 2007
U.S.-Ghana TIFA	February 26, 1999
U.S.-Iceland TICF	January 15, 2009
U.S.-Indonesia TIFA	July 16, 1996
U.S.-Iraq TIFA	July 11, 2005
U.S.-Kuwait TIFA	February 6, 2004
U.S.-Lebanon TIFA	November 30, 2006
U.S.-Liberia TIFA	February 15, 2007
U.S.-Libya TIFA	May 20, 2010
U.S.-Malaysia TIFA	May 10, 2004
U.S.-Maldives TIFA	October 17, 2009
U.S.-Mauritius TIFA	September 18, 2006
U.S.-Mongolia TIFA	July 15, 2004
U.S.-Mozambique TIFA	June 21, 2005
U.S.-Nepal TIFA	April 15, 2011
U.S.-New Zealand TIFA	October 2, 1992
U.S.-Nigeria TIFA	February 16, 2000
U.S.-Oman TIFA <sup>a</sup>	July 7, 2004
U.S.-Pakistan TIFA	June 25, 2003
U.S.-Philippines TIFA	November 9, 1989
U.S.-Qatar TIFA	March 19, 2004
U.S.-Rwanda TIFA	June 7, 2006
U.S.-Saudi Arabia TIFA	July 31, 2003
U.S.-South Africa TIFA	June 18, 2012 <sup>b</sup>
U.S.-Sri Lanka TIFA	July 25, 2002
U.S.-Switzerland TICF	May 25, 2006
U.S.-Taiwan TIFA	September 19, 1994
U.S.-Thailand TIFA	October 23, 2002
U.S.-Tunisia TIFA	October 2, 2002
U.S.-Turkey TIFA	September 29, 1999
U.S.-Ukraine TICA	April 1, 2008
U.S.-United Arab Emirates TIFA	March 15, 2004
U.S.-Uruguay TIFA <sup>c</sup>	January 25, 2007
U.S.-Vietnam TIFA	June 21, 2007
U.S.-Yemen TIFA	February 6, 2004
<b>Regional</b>	
U.S.-Association of Southeast Asian Nations (ASEAN) TIFA <sup>d</sup>	August 25, 2006
U.S.-Caribbean Community (CARICOM) TIFA <sup>e</sup>	May 28, 2013
U.S.-Central Asian TIFA (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan)	June 1, 2004
U.S.-Common Market for Eastern and Southern Africa (COMESA) TIFA <sup>f</sup>	October 29, 2001
U.S.-East African Community TIFA (Burundi, Kenya, Rwanda, Tanzania, and Uganda)	July 16, 2008
U.S.-Economic Community of West African States (ECOWAS) <sup>g</sup>	August 5, 2014

<sup>347</sup> USTR, “Trade and Investment Framework Agreements,” n.d. (accessed February 20, 2016).

Type and name	Date signed
U.S.-GCC Framework Agreement for Trade, Economic, Investment, and Technical Cooperation (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates)	September 25, 2012
U.S.-West African Economic and Monetary Union (WAEMU) TIFA <sup>h</sup>	April 24, 2002

Source: USTR, "Trade and Investment Framework Agreements," n.d. (accessed February 23, 2016); USTR, "United States and West African Nations Sign Agreement," April 24, 2002; USTR, "East African Community," n.d. (accessed February 23, 2016); Government of Taiwan, MOEA, OTN, "Introduction to Taiwan-U.S. TIFA," n.d. (accessed April 1, 2016).

Note: TICF stands for Trade and Investment Cooperation Forum, TICA stands for Trade and Investment Cooperation Agreement, and TICFA stands for Trade and Investment Cooperation Forum Agreement. All are considered TIFAs by USTR. For more information, see USTR, "Trade and Investment Framework Agreements," (accessed April 1, 2016).

<sup>a</sup> Bahrain and Oman have both FTAs and TIFAs in effect with the United States.

<sup>b</sup> The United States-South Africa TIFA was amended on June 18, 2012, and replaces the original TIFA, signed on February 18, 1999.

<sup>c</sup> On October 2, 2008, the United States and Uruguay signed a TIFA protocol on trade and environment and a TIFA protocol on trade facilitation.

<sup>d</sup> The 10 countries of ASEAN are Brunei Darussalam (Brunei), Burma, Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand, and Vietnam.

<sup>e</sup> The 15 members of CARICOM are Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago. It also has 5 associate members: Anguilla, Bermuda, British Virgin Islands, Cayman Islands, and Turks and Caicos Islands.

<sup>f</sup> The 19 members of COMESA are Burundi, Comoros, the Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia, and Zimbabwe.

<sup>g</sup> The 15 members of ECOWAS are Benin, Burkina Faso, Cabo Verde, Côte d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo.

<sup>h</sup> The 8 members of WAEMU are Benin, Burkina Faso, Côte d'Ivoire, Guinea-Bissau, Mali, Niger, Senegal, and Togo.

## Developments in TIFA Negotiations during 2015

On May 7, 2015, U.S. and Armenian officials signed a Trade and Investment Framework Agreement. The agreement establishes a U.S.-Armenia Council on Trade and Investment to discuss bilateral trade and investment and related issues, with the goal of examining ways to strengthen relations between the two countries.<sup>348</sup> In 2015, U.S. exports to Armenia totaled \$50.2 million and imports from Armenia were valued at \$62.5 million. The top three U.S. exports to Armenia by value were non-mounted or set diamonds, primarily of the unworked nonindustrial variety (\$4.9 million), various construction equipment (\$3.6 million), and poultry (\$3.1 million). These three exports accounted for over 23 percent of all U.S. exports to Armenia in 2015.<sup>349</sup> The top three imports were aluminum foil (\$42.9 million), non-mounted or set diamonds, primarily of the worked nonindustrial variety (\$4.4 million), and ethyl alcohols of an alcohol volume less than 80 percent, primarily spirituous beverages (\$2.8 million). These three imports made up over 80 percent of all U.S. imports from Armenia in 2015.<sup>350</sup>

On November 17, 2015, the first meeting of the U.S.-Armenia TIFA Council was held in Yerevan, Armenia, following the signing of the agreement in May.<sup>351</sup> The two sides discussed IPRs, customs clearances, technical barriers to trade, sanitary measures, investment promotion

<sup>348</sup> USTR, "United States and Armenia Sign," May 7, 2015.

<sup>349</sup> Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed February 20, 2015).

<sup>350</sup> Ibid.

<sup>351</sup> USTR, "United States and Armenia Meet," November 24, 2015.

efforts, private sector engagement, government procurement, the WTO Trade Facilitation Agreement, environmental issues, and labor issues.<sup>352</sup>

On May 18, 2015, the fifth round of the U.S.-Mongolia TIFA negotiations occurred, the first round held since 2009.<sup>353</sup> The two sides reached agreement regarding the next steps for implementing the U.S.-Mongolia Transparency Agreement, as well as trade programs, trade missions, and technical information exchanges in the commercial law field. In addition, the two sides discussed legal and regulatory frameworks, investment opportunities, bidding procedures for government-sponsored projects, IPRs, and mutual trade promotion.<sup>354</sup> The two countries agreed to meet in Washington, DC, in 2016 to hold the sixth round of TIFA talks.

### Developments in Existing TIFAs during 2015

During 2015, the following TIFA councils met:

- On March 12, the U.S.-Pakistan TIFA Council convened. The parties discussed various trade and investment issues, including promoting trade and investment, Pakistan's recent admission as an observer nation to the WTO Government Procurement Agreement, trade facilitation measures being adopted by Pakistan, formation of the U.S.-Pakistan Joint Business Forum, and recent developments in the regulatory and enforcement environment for intellectual property in Pakistan. Joint efforts to support SMEs in Pakistan and access to finance were also discussed.<sup>355</sup>
- On April 15, 2015, the United States and South Africa held the second meeting of the amended TIFA signed in 2012. The two sides discussed market access, eliminating barriers to U.S. agricultural goods, improving South Africa's business climate and investment policies, and IPR protection.<sup>356</sup>
- On May 28, 2015, the United States and Ukraine held the fifth meeting of the U.S.-Ukraine Trade and Investment Council in Kyiv, Ukraine. The parties discussed how to address barriers to trade between the two nations, as well as how to improve the business and investment climate.<sup>357</sup>

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<sup>352</sup> Armenian Embassy of the United States, "High-level Delegations Discuss U.S.-Armenia," November 16, 2015.

<sup>353</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 141.

<sup>354</sup> USTR, "Joint Statement from U.S.-Mongolia TIFA Talks," May 18, 2015.

<sup>355</sup> USTR, "Joint Statement from the Inter-Sessional Meeting," March 16, 2015.

<sup>356</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 144.

<sup>357</sup> USTR, "United States and Ukraine Hold Economic Discussions," May 29, 2015.

- On August 27, 2015, the United States and the Economic Community of West African States (ECOWAS) held the inaugural meeting of the United States-ECOWAS TIFA Council, following the agreement's signing in 2014. The two sides discussed progress on reducing trade barriers within ECOWAS and deepening U.S.-ECOWAS trade, as well as the status of the West Africa-EU Economic Partnership Agreement.<sup>358</sup>
- On September 18, 2015, the United States and Indonesia held a TIFA council meeting. The two sides discussed a range of bilateral issues, including policies related to information and communications technology as well as illegal, unreported, and unregulated fishing. They also discussed Indonesia's new Economic Policy Package, which focuses on deregulation to improve Indonesia's business climate. Indonesia provided a report on the status of the Regional Comprehensive Economic Partnership, a proposed regional FTA among the 10 members of the Association of Southeast Asian Nations (ASEAN) and the six countries with which ASEAN has existing FTAs (Australia, China, India, Japan, South Korea, and New Zealand), and the United States provided an update on the status of the TPP. Finally, the two countries discussed ways they could cooperate to ensure progress under the ASEAN-U.S. TIFA and how to coordinate in the lead up to the WTO's Ministerial Conference in Nairobi in December 2015.<sup>359</sup>
- On October 1, 2015, the United States and Taiwan held a TIFA Council meeting. The two sides discussed Taiwan's efforts to fulfill TIFA commitments related to IPRs, pharmaceuticals, registration of chemical substances, offshore data centers for financial institutions, and various agricultural issues.<sup>360</sup>
- On November 23, 2015, the United States and Bangladesh held the second annual meeting of the TICFA (Trade and Investment Cooperation Forum Agreement) Council. The two sides discussed a range of issues, including labor rights and workplace safety under the Generalized System of Preferences Action Plan and the Bangladesh Sustainability Compact; investment climate trends in Bangladesh; capital controls; developments in plurilateral and multilateral trade forums; and investment opportunities in Bangladesh infrastructure and energy resources. They also discussed ways of resolving various sector-specific market access and commercial issues. Finally, the two sides agreed to continue working together to

<sup>358</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 145.

<sup>359</sup> USTR, "United States and Indonesia Agree to Steps," September 21, 2015.

<sup>360</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 146. For more information on the U.S.-Taiwan TIFA Council meeting, see the chapter 6 section on Taiwan.

## Chapter 4: Other Trade Agreements and Regional Activities

create jobs and raise the standard of living in both countries, and agreed to hold the third TICFA Council meeting in 2016 in Dhaka, Bangladesh.<sup>361</sup>

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<sup>361</sup> USTR, “Readout of the Second U.S.-Bangladesh Trade and Investment Cooperation,” November 24, 2015.

# Chapter 5

## U.S. Free Trade Agreements

This chapter summarizes developments related to U.S. free trade agreements (FTAs) during 2015. It describes trends in U.S. merchandise trade with FTA partners, provides highlights of the status of U.S. FTA negotiations during the year, and summarizes major activities and dispute settlement developments involving the North American Free Trade Agreement (NAFTA) and other U.S. FTAs in force during 2015.

### U.S. Trade with FTA Partners in 2015

The United States was a party to 14 FTAs involving a total of 20 countries as of December 31, 2015.<sup>362</sup> Starting with the most recent agreement, the FTAs in force during 2015 were the U.S.-Panama Trade Promotion Agreement (TPA) (which entered into force in 2012); the U.S.-Colombia TPA (2012); the U.S.-Korea FTA (2012); the U.S.-Oman FTA (2009); the U.S.-Peru TPA (2009); a multiparty FTA with the countries of Central America and the Dominican Republic (CAFTA-DR) that includes the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua (entered into force 2006–07) and Costa Rica (2009); the U.S.-Bahrain FTA (2006); the U.S.-Morocco FTA (2006); the U.S.-Australia FTA (2005); the U.S.-Chile FTA (2004); the U.S.-Singapore FTA (2004); the U.S.-Jordan FTA (2001); NAFTA, with Canada and Mexico (1994); and the U.S.-Israel FTA (1985).<sup>363</sup>

### U.S. Total Merchandise Trade with FTA Partners

In 2015, two-way total merchandise trade between the United States and its 20 FTA partners amounted to \$1.5 trillion, accounting for 39.6 percent of total U.S. merchandise trade with the world. U.S. exports to FTA partners were valued at \$711.4 billion, a 6.9 percent decrease from \$764.5 billion in 2014 that mirrored the 7.2 percent decline in total U.S. 2014–15 exports to the world. U.S. exports to all FTA partners declined in 2015, with the exception of exports to Bahrain, Oman, and Nicaragua.<sup>364</sup> U.S. imports from FTA partners were valued at \$771.8 billion,

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<sup>362</sup> Beginning with the U.S.-Singapore FTA in 2004, the modifications to the Harmonized Tariff Schedule of the United States (HTS) required to implement each FTA can be found at USITC, Tariff Affairs drop-down menu, “Reports and Publications: Free Trade Agreement Proclamation Annexes,” [https://www.usitc.gov/tariff\\_affairs/annex\\_index.htm](https://www.usitc.gov/tariff_affairs/annex_index.htm).

<sup>363</sup> USTR, “Free Trade Agreements” (accessed April 13, 2016).

<sup>364</sup> Nicaragua is a party to CAFTA-DR. Table 5.1 does not show trade with individual CAFTA-DR countries. Nicaragua was the only country in that FTA for which U.S. exports increased, from \$1.0 billion in 2014 to 1.3 billion in 2015.

## Chapter 5: U.S. Free Trade Agreements

a 6.8 percent decrease from \$828.4 billion in 2014 that outpaced the 4.5 percent decline in total U.S. 2014–15 imports. The U.S. merchandise trade deficit with its FTA partners decreased by 5.5 percent to \$60.4 billion in 2015 (table 5.1).

U.S. trade with FTA partners is dominated by trade with NAFTA countries (Canada and Mexico). In 2015, NAFTA countries accounted for \$1.1 trillion, or 74.6 percent, of total U.S. trade with its FTA partners. U.S. exports to NAFTA countries fell 6.6 percent from \$552.7 billion in 2014 to \$516.4 billion in 2015. U.S. imports from NAFTA countries fell by 8.1 percent, from \$641.8 billion in 2014 to \$590.0 billion in 2015. The U.S. merchandise trade deficit with its NAFTA partners fell by 17.6 percent to \$73.5 billion in 2015 as U.S. imports from NAFTA countries decreased more than U.S. exports to NAFTA did (table 5.1).

U.S. trade with non-NAFTA FTA partners amounted to \$376.8 billion in 2015, representing a 5.4 percent decrease from 2014. U.S. exports to non-NAFTA partners decreased by 8.0 percent, falling from \$211.9 billion in 2014 to \$195.0 billion in 2015. U.S. imports from non-NAFTA partners decreased by 2.5 percent from \$186.6 billion in 2014 to \$181.8 billion in 2015. The U.S. merchandise trade surplus with its non-NAFTA partners fell 47.9 percent to 13.2 billion in 2015 as the decrease in U.S. exports to non-NAFTA partners outpaced the decrease in U.S. imports (table 5.1).

**Table 5.1** U.S. merchandise trade with FTA partners, by FTA partner, 2013–15

FTA partner	2013	2014	2015	% change 2014–15
	Million \$			
<b>U.S. total exports</b>				
NAFTA	526,825	552,669	516,394	-6.6
Canada	300,755	312,421	280,017	-10.4
Mexico	226,070	240,249	236,377	-1.6
Non-NAFTA	205,584	211,867	195,008	-8.0
Israel	13,742	15,083	13,562	-10.1
Jordan	2,084	2,050	1,368	-33.3
Chile	17,518	16,515	15,587	-5.6
Singapore	30,667	30,237	28,657	-5.2
Australia	26,123	26,582	25,038	-5.8
Morocco	2,484	2,102	1,608	-23.5
Bahrain	1,018	1,060	1,274	20.2
CAFTA-DR	29,638	31,124	28,901	-7.1
Oman	1,571	2,016	2,364	17.3
Peru	10,119	10,054	8,811	-12.4
South Korea	41,687	44,471	43,499	-2.2
Colombia	18,369	20,107	16,503	-17.9
Panama	10,565	10,467	7,836	-25.1
FTA partner total	732,409	764,537	711,402	-6.9
World total	1,578,439	1,620,532	1,504,597	-7.2
FTA partner share of world (percent)	46.4	47.2	47.3	

FTA partner	2013	2014	2015	% change 2014–15
	Million \$			
<b>U.S. general imports</b>				
NAFTA	613,113	641,872	589,931	-8.1
Canada	332,558	347,798	295,190	-15.1
Mexico	280,555	294,074	294,741	0.2
Non-NAFTA	186,883	186,574	181,836	-2.5
Israel	22,783	22,962	24,452	6.5
Jordan	1,197	1,401	1,493	6.6
Chile	10,385	9,476	8,880	-6.3
Singapore	17,843	16,426	18,235	11.0
Australia	9,273	10,672	10,862	1.8
Morocco	976	992	1,011	1.9
Bahrain	636	965	902	-6.5
CAFTA-DR	30,133	28,379	23,734	-16.4
Oman	1,023	976	906	-7.2
Peru	8,127	6,077	5,069	-16.6
South Korea	62,433	69,518	71,827	3.3
Colombia	21,626	18,300	14,057	-23.2
Panama	449	431	408	-5.3
FTA partner total	799,996	828,446	771,768	-6.8
World total	2,268,370	2,347,685	2,241,664	-4.5
FTA partner share of world (percent)	35.3	35.3	34.4	
<b>Merchandise trade balance</b>				
NAFTA	-86,288	-89,203	-73,537	-17.6
Canada	-31,803	-35,377	-15,174	-57.1
Mexico	-54,485	-53,825	-58,364	8.4
Non-NAFTA	18,701	25,293	13,172	-47.9
Israel	-9,041	-7,879	-10,891	38.2
Jordan	887	650	-125	-119.3
Chile	7,133	7,039	6,707	-4.7
Singapore	12,824	13,811	10,421	-24.5
Australia	16,850	15,910	14,176	-10.9
Morocco	1,508	1,110	598	-46.1
Bahrain	382	94	372	293.9
CAFTA-DR	-495	2,745	5,167	88.3
Oman	549	1,040	1,458	40.2
Peru	1,992	3,977	3,743	-5.9
South Korea	-20,747	-25,047	-28,329	13.1
Colombia	-3,257	1,807	2,446	35.4
Panama	10,116	10,036	7,428	-26.0
FTA partner total (NAFTA + non-NAFTA)	-67,587	-63,910	-60,366	-5.5
World total	-689,931	-727,153	-737,066	1.4

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 21, 2016).

## U.S. Imports Entered under FTAs

The value of U.S. imports entered under FTAs totaled \$371.9 billion in 2015. These imports accounted for 16.6 percent of total U.S. imports from the world and 48.2 percent of total imports from FTA partners in 2015 (table 5.2).

The value of U.S. imports entered under FTAs in 2015 decreased by \$42.6 billion (10.3 percent), from \$414.5 billion in 2014 to \$371.9 billion in 2015. FTA imports from Canada fell by \$33.8 billion (19.4 percent), from \$174.3 billion in 2014 to \$140.5 billion in 2015. Canada was responsible for the largest decline in U.S. imports entered under FTAs in 2015, reflecting lower

world prices and reduced U.S. demand for Canadian energy-related products and other commodities as described in chapter 1. There were also significant declines in 2014–15 FTA imports from other energy-exporting partners, though from much lower baselines: FTA imports from Colombia fell by \$3.2 billion (37.7 percent), from \$8.6 billion in 2014 to \$5.4 billion in 2015, and FTA imports from Peru fell by \$685 million (20.0 percent), from \$3.4 billion in 2014 to \$2.7 billion in 2015 (table 5.2).

**Table 5.2** U.S. imports for consumption entered under FTAs, by FTA partner, 2013–15

Imports	2013	2014	2015	% change 2014-15
	Million \$			
NAFTA	349,618	355,757	315,097	-11.4
Canada	177,985	174,336	140,515	-19.4
Mexico	171,633	181,421	174,582	-3.8
Non-NAFTA	61,209	58,733	56,777	-3.3
Israel	2,976	2,951	2,898	-1.8
Jordan	1,077	1,217	1,349	10.9
Chile	6,165	4,938	4,917	-0.4
Singapore	1,746	1,563	1,648	5.4
Australia	3,521	4,698	5,112	8.8
Morocco	186	242	256	5.8
Bahrain	418	540	526	-2.6
CAFTA-DR	12,040	12,853	13,511	5.1
Oman	582	600	596	-0.7
Peru	2,875	3,414	2,729	-20.0
South Korea	16,416	17,070	17,825	4.4
Colombia	13,175	8,614	5,368	-37.7
Panama	30	32	41	27.5
FTA partner total	410,827	414,490	371,874	-10.3
<b>Ratio to U.S. general imports by partner</b>	<b>Percent</b>			
NAFTA	57.0	55.4	53.4	
Canada	53.5	50.1	47.6	
Mexico	61.2	61.7	59.2	
Non-NAFTA	32.8	31.5	31.2	
Israel	13.1	12.8	11.9	
Jordan	89.9	86.9	90.3	
Chile	59.4	52.1	55.4	
Singapore	9.8	9.5	9.0	
Australia	38.0	44.0	47.1	
Morocco	19.1	24.4	25.3	
Bahrain	65.7	56.0	58.3	
CAFTA-DR	40.0	45.3	56.9	
Oman	57.0	61.5	65.8	
Peru	35.4	56.2	53.9	
South Korea	26.3	24.6	24.8	
Colombia	60.9	47.1	38.2	
Panama	6.7	7.4	10.0	
FTA partner total	51.4	50.0	48.2	

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed February 12, 2015).

Among the United States' FTA partners, Jordan continues to rank as the partner with the highest share of imports entered under the FTA. In 2015, 90.3 percent of imports from Jordan entered under the FTA, followed by Oman (65.8 percent), Mexico (59.2 percent), and Bahrain (58.3 percent). By contrast, low shares of total imports from Singapore (9.0 percent), Panama

(10.0 percent), and Israel (11.9 percent) entered under FTAs (table 5.2), as most (over 60 percent) of the imports from these U.S. FTA partners entered the United States free of duty under normal trade relations or column 1-general duty rates.

## Developments in FTA Negotiations during 2015

In 2015, the United States continued to participate in negotiations for two regional FTAs—the Trans-Pacific Partnership (TPP) with 11 TPP partners, and the Transatlantic Trade and Investment Partnership (TTIP) with the European Union (EU). The 12 TPP countries announced the conclusion of their negotiations on October 5, 2015. Negotiations for the TTIP continued in 2015 and into 2016, with the goal of completing TTIP during 2016.<sup>365</sup> The status of TPP and TTIP negotiations during 2015 is discussed below.

On June 29, 2015, President Obama signed into law the Bipartisan Congressional Trade Priorities and Accountability Act of 2015.<sup>366</sup> Title I of that act authorizes Trade Promotion Authority. Trade Promotion Authority is a legislative procedure through which Congress defines U.S. negotiating objectives and priorities for trade agreements and establishes consultation and notification requirements for the President to follow throughout the negotiation process. Box 5.1 provides an overview of Trade Promotion Authority and the new negotiating objectives included in the 2015 legislation.

### Box 5.1 Trade Promotion Authority

Trade Promotion Authority is the process Congress has made available to the President to enable certain international trade agreements to be considered under expedited legislative procedures for limited periods, provided the President meets certain statutory requirements.<sup>a</sup> Since 1974, Congress has enacted Trade Promotion Authority legislation that defines U.S. negotiating objectives and priorities for trade agreements and establishes consultation and notification requirements for the President to follow throughout the negotiation process. At the end of the negotiation and consultation process, Congress gives the agreement an up or down vote, without amendment. Trade Promotion Authority reaffirms Congress's overall constitutional role in the development and oversight of U.S. trade policy.<sup>b</sup>

The most recent previous renewal of this authority, contained in the Bipartisan Trade Promotion Authority Act (BTPA) of 2002,<sup>c</sup> covered agreements reached between December 2002 and the end of June 2007. Although that grant of authority expired on July 1, 2007, it remained in effect for agreements that were already entered into by the President but not for negotiations still in progress or launched after that date, such as TPP, TTIP, and the Trade in Services Agreement. While not technically necessary for the United States to undertake trade negotiations, Trade Promotion Authority is generally regarded

<sup>365</sup> USTR, "U.S. Press Statement at the Close," February 26, 2016.

<sup>366</sup> Pub. L. 114-26, title I, 19 U.S.C. 4201.

as a sign of serious congressional support for the U.S. administration to move ahead with trade negotiations.<sup>d</sup>

Legislation to reauthorize Trade Promotion Authority, the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (TPA-2015), was passed by Congress in June 2015 and signed into law by President Obama on June 29, 2015 (Pub. L. 114-26, 129 Stat. 320). The Act sets out 21 principal trade negotiating objectives, including objectives on trade in goods, trade in services, trade in agriculture, foreign investment, intellectual property, digital trade in goods and services and cross-border data flows, regulatory practices, and state-owned and state-controlled enterprises. There are also two negotiating objectives on currency and currency manipulation.<sup>e</sup>

The Bipartisan Congressional Trade Priorities and Accountability Act of 2015 also requires the Commission to submit two reports to the House Committee on Ways and Means and the Senate Committee on Finance, one in 2016 and a second not later than mid-2020, on the economic impact on the United States of all trade agreements with respect to which Congress has enacted an implementing bill under trade authorities procedures since January 1, 1984.<sup>f</sup>

<sup>a</sup> CRS, *Trade Promotion Authority (TPA): Frequently Asked Questions*, July 2, 2015, 1.

<sup>b</sup> USTR, "Trade Promotion Authority," n.d. (accessed April 13, 2016).

<sup>c</sup> Title XXI of the Trade Act of 2002 (Pub. L. 107-210).

<sup>d</sup> CRS, *Trade Promotion Authority (TPA) and the Role of Congress*, June 15, 2015, 1.

<sup>e</sup> Section 102(b) of TPA-2015. See also, CRS, *Trade Promotion Authority (TPA): Frequently Asked Questions*, July 2, 2015, 5–10, 15.

<sup>f</sup> Section 103(f)(2) of the Act, 19 U.S.C. § 4204(f)(2). The Commission transmitted its first report on June 29, 2016. USITC, *Economic Impact of Trade Agreements Implemented*, June 2016.

## Trans-Pacific Partnership (TPP) Agreement

On October 5, 2015, the trade ministers of the 12 TPP countries announced the conclusion of their negotiations on the agreement.<sup>367</sup> The 12 TPP negotiating parties are Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States, and Vietnam.

On November 5, 2015, the United States publicly released the TPP text.<sup>368</sup> At the same time, the President notified the U.S. Congress of the Administration's intent to enter into the TPP agreement, which the President can do 90 days after he notifies Congress of his intention to do so, as set forth in the Bipartisan Congressional Trade Priorities and Accountability Act of 2015

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<sup>367</sup> CRS, *Trans-Pacific Partnership: Strategic Implications*, February 3, 2016, 1.

<sup>368</sup> The full text of the agreement is available at <https://ustr.gov/trade-agreements/free-trade-agreements/trans-pacific-partnership/tpp-full-text>. White House, "The Path Forward on the Trans-Pacific Partnership," November 5, 2015.

(see box 5.1).<sup>369</sup> The Administration also consulted with the U.S. Congress and advisory committees during the negotiations and after the agreement was concluded.<sup>370</sup>

The TPP trade ministers signed the final agreement text on February 4, 2016.<sup>371</sup> The next step toward TPP implementation is for the 12 TPP countries to approve the agreement in line with their respective applicable legal procedures.<sup>372</sup> For the United States, the U.S. Congress will need to pass implementing legislation in accordance with the requirements of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015.<sup>373</sup>

The TPP is to enter into force 60 days after either (1) all 12 TPP countries ratify the agreement by completing their applicable legal procedures within two years of signing the agreement, or (2) after two years, six TPP countries accounting for 85 percent of the combined GDP of the TPP countries ratify the agreement. The 85 percent threshold effectively requires both the United States and Japan to be among those six countries.<sup>374</sup>

## TPP Negotiations during 2015

The United States participated in its first round of TPP negotiations in March 2010. In 2015, as in previous years, trade ministers and negotiators for the TPP countries held many rounds of negotiations throughout the year where they discussed a wide range of issues. TPP negotiators met five times in 2015, followed by a meeting of trade ministers in Hawaii on July 28–31, 2015. In a joint statement the TPP ministers released at the conclusion of their Hawaii meeting on July 31, 2015, they stated “we have made significant progress and will continue work on resolving a limited number of remaining issues, paving the way for the conclusion of the Trans-Pacific Partnership negotiations.”<sup>375</sup>

Chief negotiators held what was to be their final round of TPP negotiations in Atlanta on September 26–29, 2015, followed immediately by a meeting of trade ministers on September

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<sup>369</sup> White House, “Letter—Intention to Enter Into the Trans-Pacific Partnership Agreement,” November 5, 2015. See Pub. L. 114-26, Title I. TPA was also used to refer to the earlier version, known as Trade Promotion Authority.

<sup>370</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 142.

<sup>371</sup> CRS, *The Trans-Pacific Partnership (TPP): In Brief*, February 9, 2016, 1.

<sup>372</sup> TPP, Article 30.5, Entry into Force, available from USTR, “Trans-Pacific Partnership,” <https://ustr.gov/trade-agreements/free-trade-agreements/trans-pacific-partnership/tpp-full-text>.

<sup>373</sup> Bipartisan Congressional Trade Priorities and Accountability Act of 2015, Pub. L. 114-26, June 29, 2015 (19 U.S.C. § 4201 et seq.). See, in particular, section 106 of the Act (19 U.S.C. § 4205).

<sup>374</sup> TPP, Article 30.5, Entry into Force, available from USTR, “Trans-Pacific Partnership,” <https://ustr.gov/trade-agreements/free-trade-agreements/trans-pacific-partnership/tpp-full-text>.

<sup>375</sup> USTR, “Joint Statement by TPP Ministers,” July 31, 2015.

30–October 1, 2015.<sup>376</sup> On October 5, 2015, in Atlanta, the ministers announced that they had successfully concluded the TPP negotiations. That announcement also said that additional technical work, including legal review, translation, and drafting and verification of the text, was necessary to prepare a complete text for public release to formalize the outcomes of the agreement.<sup>377</sup>

### About the Agreement

The U.S. administration released the full text of the TPP agreement on November 5, 2015.<sup>378</sup> The text has 30 separate chapters, four annexes, and related instruments (letters exchanged among two or more parties on specific issues). Besides establishing new commitments among the TPP parties, the Office of the U.S. Trade Representative (USTR) reports that the agreement in certain cases will broaden or improve upon commitments in existing U.S. FTAs with TPP members Canada, Mexico, Australia, Chile, Peru, and Singapore.<sup>379</sup>

The TPP is a comprehensive agreement that covers market access for goods and services, customs facilitation, trade remedies, sanitary and phytosanitary measures (SPS), technical barriers to trade (TBTs), foreign investment, government procurement, intellectual property, and labor and environmental standards, among other areas.<sup>380</sup> Table 5.3 lists the 30 chapters of the agreement and notes the 7 that have not been included in previous U.S. bilateral FTAs as standalone chapters, although some provisions of these chapters may have been included in existing U.S. FTAs.<sup>381</sup>

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<sup>376</sup> Government of Australia, DFAT, “Trans-Pacific Partnership Agreement: News” (accessed April 18, 2016); Government of Canada, Global Affairs, “Trans-Pacific Partnership (TPP): Chronology of Events” (accessed April 18, 2016).

<sup>377</sup> USTR, “Trans-Pacific Partnership Ministers’ Statement,” October 5, 2015.

<sup>378</sup> White House, “The Path Forward on the Trans-Pacific Partnership,” November 5, 2015. An English-language version of the legally verified TPP text was released on January 26, 2016. Government of Australia, DFAT, “Trans-Pacific Partnership Agreement: News” (accessed April 18, 2016).

<sup>379</sup> USTR, “Trans-Pacific Partnership: Chapter 1: Initial Provisions and General Definitions,” <https://medium.com/the-trans-pacific-partnership/initial-provisions-and-general-definitions-aec6d5031f1b#h19poc8sf>, November 5, 2015.

<sup>380</sup> For a comprehensive overview of the TPP agreement, see USITC, *Trans-Pacific Partnership Agreement: Likely Impact on the U.S. Economy*, May 2016.

<sup>381</sup> USITC, *Trans-Pacific Partnership Agreement: Likely Impact on the U.S. Economy*, May 2016, 37.

**Table 5.3** TPP chapters

TPP Chapter	Chapter Title
1	Initial provisions and general definitions
2	National treatment and market access for goods
3	Rules of origin and origin procedures
4	Textiles and apparel
5	Customs administration and trade facilitation
6	Trade remedies
7	Sanitary and phytosanitary (SPS) measures
8	Technical barriers to trade (TBTs)
9	Investment
10	Cross-border trade in services
11	Financial services
12	Temporary entry for businesspersons <sup>a</sup>
13	Telecommunications
14	Electronic commerce
15	Government procurement
16	Competition policy
17	State-owned enterprises (SOEs) <sup>a</sup>
18	Intellectual property (IP)
19	Labor
20	Environment
21	Cooperating and capacity building <sup>a</sup>
22	Competition and business facilitation <sup>a</sup>
23	Development <sup>a</sup>
24	Small and medium-sized businesses <sup>a</sup>
25	Regulatory coherence <sup>a</sup>
26	Transparency and anti-corruption
27	Administrative and institutional provisions
28	Dispute settlement
29	Exceptions
30	Final provisions

Source: USTR, “The Trans-Pacific Partnership,” <https://ustr.gov/tpp/#text> (accessed April 21, 2016); USITC, *Trans-Pacific Partnership Agreement: Likely Impact on the U.S. Economy and on Specific Industry Sectors*, May 2016, 48.

<sup>a</sup> Chapter not included in previous U.S. free trade agreements.

In addition to the full text of the agreement, TPP parties also signed a Joint Declaration of Macroeconomic Policy Authorities of Trans-Pacific Partnership Countries, which addresses unfair currency practices by promoting transparency and accountability in macroeconomic and exchange rate policies.<sup>382</sup> The macroeconomic policy authorities of the 12 TPP countries released the declaration on November 5, 2015. In this “side letter” to the TPP agreement, the monetary authorities confirm that, as all of their countries are members of the International Monetary Fund (IMF), they are all bound under the IMF “to avoid manipulating exchange rates or the international monetary system in order to prevent effective balance of payments adjustment or to gain an unfair competitive advantage.”<sup>383</sup> In their joint statement, all 12 TPP countries made commitments in three key areas:

<sup>382</sup> U.S. Treasury, “Joint Declaration of the Macroeconomic Policy Authorities,” November 5, 2015.

<sup>383</sup> U.S. Treasury, “Joint Declaration of the Macroeconomic Policy Authorities,” November 5, 2015.

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- *Exchange rate policies:* To foster an exchange rate system that reflects underlying economic fundamentals; avoid persistent exchange rate misalignments; refrain from competitive devaluation; and not target its country's exchange rate for competitive purposes.<sup>384</sup>
- *Transparency and reporting:* To publicly report their foreign-exchange intervention and foreign reserves data, which some TPP countries would be doing for the first time.<sup>385</sup>
- *Macroeconomic policy consultations:* To consult regularly to address macroeconomic and exchange rate policy issues in each TPP country; issues or challenges with respect to transparency or reporting; and policy responses to address imbalances.<sup>386</sup>

The joint declaration of the macroeconomic policy authorities will take effect once the TPP agreement enters into force. It will also apply to countries that accede to the TPP in the future, subject to additional transparency or other conditions determined by the existing TPP countries. According to the U.S. Department of the Treasury, this declaration represents the first time countries have addressed unfair currency practices by promoting transparency and accountability in the context of a U.S. FTA.<sup>387</sup> The declaration does not, however, include any enforcement mechanism.<sup>388</sup>

The Bipartisan Congressional Trade Priorities and Accountability Act of 2015 required the Commission to prepare a report assessing the likely impact of the negotiated TPP agreement on the U.S. economy as a whole and on specific industry sectors.<sup>389</sup> The Commission's report was due to the President and Congress no more than 105 days after the President signed the agreement on November 5, 2015.<sup>390</sup> On November 17, 2015, the Commission announced that it had instituted an investigation for its report (USITC inv. no. TPA-105-001, *Trans-Pacific Partnership Agreement: Likely Impact on the U.S. Economy and on Specific Industry Sectors*).<sup>391</sup> The Commission transmitted its report on May 18, 2016 and posted a copy on its website the same day.<sup>392</sup>

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<sup>384</sup> U.S. Treasury, "Fact Sheet: Joint Declaration of the Macroeconomic Policy Authorities," November 5, 2015.

<sup>385</sup> *Ibid.*

<sup>386</sup> *Ibid.*

<sup>387</sup> *Ibid.*

<sup>388</sup> CRS, *The Trans-Pacific Partnership (TPP): In Brief*, February 9, 2016, 10.

<sup>389</sup> Section 105(c) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, 19 U.S.C. § 4204(c).

<sup>390</sup> White House, "Letter—Intention to Enter into the Trans-Pacific Partnership," November 5, 2015.

<sup>391</sup> 80 Fed. Reg. 72736.

<sup>392</sup> USITC, *Trans-Pacific Partnership Agreement: Likely Impact on the U.S. Economy and on Specific Industry Sectors*, May 2016.

## U.S. Trade with TPP Countries

In 2015 U.S. exports to its 11 TPP partners were valued at \$680.0 billion, accounting for 45.2 percent of total U.S. exports to the world. U.S. imports from these partners were valued at \$840.2 billion, accounting for 37.5 percent of total U.S. imports from the world. The United States ran a merchandise trade deficit of \$160.1 billion in 2015 with TPP countries (table 5.4).

**Table 5.4** U.S. trade with TPP countries, 2013–15

	2013	2014	2015	% change 2014–15
	Million \$			
<b>Trade with TPP countries:</b>				
U.S. total exports	698,294	726,494	680,091	-6.4
U.S. general imports	852,762	883,545	840,220	-4.9
Trade balance	-154,467	-157,052	-160,129	2.0
<b>U.S. total exports:</b>				
TPP countries with FTAs with the United States	611,251	636,057	594,487	-6.5
NAFTA only	526,825	552,669	516,394	-6.6
TPP countries without FTAs with the United States	87,043	90,437	85,604	-5.3
Japan only	65,216	66,827	62,472	-6.5
Share with FTAs (percent)	87.5	87.6	87.4	
<b>U.S. general imports:</b>				
TPP countries with FTAs with the United States	658,740	684,522	632,977	-7.5
NAFTA only	613,113	641,872	589,931	-8.1
TPP countries without FTAs with the United States	194,022	199,023	207,243	4.1
Japan only	138,574	134,004	131,120	-2.2
Share with FTAs (percent)	77.2	77.5	75.3	
<b>Merchandise trade balance:</b>				
TPP countries with FTAs with the United States	-47,488	-48,465	-38,490	
NAFTA only	-86,288	-89,203	-73,537	
TPP countries without FTAs with the United States	-106,979	-108,586	-121,639	
Japan only	-73,358	-67,176	-68,648	

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed February 12, 2014).

Six TPP countries already have FTAs with the United States—Canada, Mexico, Australia, Chile, Peru, and Singapore. U.S. exports to these countries totaled \$594.5 billion in 2015, accounting for 87.4 percent of total U.S. exports to TPP countries. U.S. imports from these countries totaled \$633.0 billion in 2015, accounting for 75.3 percent of total U.S. imports from TPP countries. The United States recorded a merchandise trade deficit of \$38.5 billion with these TPP partners with existing FTAs in 2015, down from a deficit of \$48.5 billion in 2014. NAFTA countries dominated U.S. trade with these TPP partners.

Five TPP countries do not now have FTAs with the United States—Brunei, Japan, Malaysia, New Zealand, and Vietnam. In 2015, the United States ran a merchandise trade deficit of \$121.6 billion with them, up from \$108.6 billion in 2014. The United States trades far more with Japan, by value, than with the four other TPP partners that do not have FTAs with the United States.

## Transatlantic Trade and Investment Partnership (TTIP) Agreement

Launched in 2013, the United States and the EU continued negotiations in 2015 towards a Transatlantic Trade and Investment Partnership Agreement.<sup>393</sup> Four rounds of negotiations were held in 2015, as well as several meetings among high-level officials (table 5.5). Each of the four rounds included meetings with stakeholders, including representatives from academia, business, labor, and environmental and consumer groups.<sup>394</sup>

**Table 5.5** Timetable of major TTIP negotiations and leaders' meetings, 2015

Date	TTIP negotiations and meetings
February 2–6	Eighth round: Brussels, Belgium
April 20–24	Ninth round: New York, NY
June 8	G7 leaders' meeting: Elmau, Germany
July 13–17	Tenth round: Brussels, Belgium
October 19–23	Eleventh round: Miami, Florida
September 22	Meeting between the USTR and the EU Trade Commissioner
December 11	Meeting between the USTR and the EU Trade Commissioner

Source: USTR, "Readouts from T-TIP Negotiating Rounds," <https://ustr.gov/trade-agreements/free-trade-agreements/transatlantic-trade-and-investment-partnership/readouts#> (accessed April 14, 2016).

During the year, progress was made on market access for most goods and services. In the 11th round in October, both sides submitted second tariff offers covering 97 percent of tariff lines.<sup>395</sup> Second services offers were made in the 10th round in July, after U.S. Trade Representative Froman and EU Commissioner Malmström made a joint statement to clarify how public services would be treated in TTIP and other trade agreements they negotiate.<sup>396</sup> In this statement, the two sides confirmed that TTIP would not prevent governments from providing such services as water, education, health, and social services, and would not require governments to privatize any service or prevent them from expanding the range of services they supply. In addition, they confirmed that TTIP will not "impede governments' ability to adopt or maintain regulations to ensure the high quality of services and to protect important public interest objectives, such as the protection of health, safety, or the environment."<sup>397</sup> By yearend, the EU had not made a

<sup>393</sup> For more background on the launch of TTIP, see USITC, *The Year in Trade 2013*, July 2014, 129–31. For more information on U.S.-EU trade, see chapter 6.

<sup>394</sup> For example, see USTR, "Opening Remarks by U.S. and EU Chief Negotiators for the Transatlantic," July 17, 2015; EC, "TTIP Stakeholder Events Round 10, Brussels," July 15, 2015. Both USTR and the European Commission announce each stakeholder forum in advance of each negotiating round. For example, see USTR, "13th Round Transatlantic Trade and Investment Partnership Negotiations," April 2016.

<sup>395</sup> USTR, "Opening Remarks by US and EU Chief Negotiators from the Miami Round," October 23, 2015; EC, *Report of the Eleventh Round of Negotiations*, November 6, 2015.

<sup>396</sup> USTR, "Opening Remarks by U.S. and EU Chief Negotiators for the Transatlantic," July 17, 2015.

<sup>397</sup> USTR, "Joint Statement on Public Services," March 20, 2015.

market access offer in financial services because it is waiting for a U.S. commitment to cooperate on financial services regulations.<sup>398</sup>

Less progress was evident in some other areas. Although talks continued on public procurement in 2015, initial market access offers had not been exchanged by yearend. Textual proposals on investment liberalization were discussed during the year, but investment protection and resolution of investment disputes were not.<sup>399</sup> Since March 2014, when the European Commission launched a public consultation on investor-state dispute settlement (ISDS) in the TTIP, negotiations on investment protection and dispute resolution have been on hold. On September 16, the EU released a draft proposal for a new system for resolving disputes between investors and states,<sup>400</sup> and in November, it submitted its final proposal to the United States, but the two sides did not discuss the topic in 2015.<sup>401</sup>

In addition, talks continued on the horizontal (cross-sectoral) regulatory issues—TBTs, SPS measures, and regulatory coherence.<sup>402</sup> For example, for the TBT chapter, the two sides discussed steps that could be taken on conformity assessment such that U.S. exporters of products to the EU could have their products tested and certified in the United States, and vice versa.<sup>403</sup> At the end of the year, the EU made a proposal to include antimicrobial resistance in the SPS chapter of TTIP to reduce the use of antibiotics in animal production, which, if included, would be a first in a U.S. trade agreement.<sup>404</sup> Negotiations continued on regulatory coherence and transparency. According to the U.S. Chief Negotiator, these talks aim to ensure that future U.S. and EU regulations will not diverge unnecessarily.<sup>405</sup>

Negotiations on the regulatory component also addressed regulatory compatibility in nine sectors, including motor vehicles, chemicals, pharmaceuticals, medical devices, cosmetics,

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<sup>398</sup> European Parliament, Directorate-General for External Policies, “The Transatlantic Trade and Investment Partnership (TTIP),” October 2015, 10. According to the EU’s Chief Negotiator, “we consider it would be appropriate to also have within the framework of TTIP a number of principles to facilitate regulatory cooperation on the financial services sector.” On the other hand, according to the U.S. Chief Negotiator, “when it comes to financial services regulatory cooperation, the United States and Europe have robust dialogues that occur in numerous bilateral and multilateral fora, and our view is that those fruitful conversations should continue in those fora alongside and in parallel to TTIP.” USDOS, “Press Conference on the 9th Round,” April 24, 2015.

<sup>399</sup> USTR, “U.S. Trade Representative 2015 Year in Review,” December 2015; EC, *Report of the Eleventh Round of Negotiations*, November 6, 2015, 6.

<sup>400</sup> EC, “Commission Proposes New Investment Court System,” September 16, 2015.

<sup>401</sup> EC, “EU Finalises Proposal for Investment Protection,” November 12, 2015.

<sup>402</sup> USDOS, “Press Conference on the 9th Round,” April 24, 2015.

<sup>403</sup> *Ibid.*; EC, “Report of the Ninth Round of Negotiations,” April 20–24, 2015.

<sup>404</sup> EC, “EU Proposal to Include an Article,” November 6, 2015.

<sup>405</sup> USDOS, “Press Conference on the 9th Round,” April 24, 2015. According to Mullaney, this can be accomplished, for example, by encouraging good regulatory practices in developing and implementing regulations, such as publishing proposed regulations for public comments and giving the public the opportunity to comment and have their comments taken into account.

## Chapter 5: U.S. Free Trade Agreements

textiles, engineering services, information and communication technologies, and pesticides. In each sector, negotiators aim to identify concrete steps that can be taken to make the two sides' regulations correspond more closely.<sup>406</sup> For example, in textiles, discussions are taking place on harmonizing fiber names and care labeling.<sup>407</sup>

In the rules area, negotiations continued during the year on customs and trade facilitation; intellectual property rights, including geographical indications; competition; state-owned enterprises; and state-to-state dispute settlement. At the 11th round in October, the EU presented a proposal for sustainable development, including labor and the environment.<sup>408</sup> The energy and raw materials sector was discussed during the year, but as of yearend, no decision had been made as to whether or not it should be included in a separate chapter.<sup>409</sup> Negotiators made progress on the chapter on small and medium-sized enterprises (SMEs), the only time other than the TPP agreement that a U.S. FTA is expected to have a separate SME chapter. A SME workshop was held during the 9th round of negotiations under the framework of the Transatlantic Economic Council.<sup>410</sup>

Leaders met several times during the year to assess progress in the negotiations, including at the G-7 conference in Germany in June.<sup>411</sup> In a joint declaration, G-7 leaders committed to immediately accelerating work “on all TTIP issues . . . with the goal of finalizing understandings on the outline of an agreement as soon as possible, preferably by the end of this year.”<sup>412</sup> At a September meeting, Ambassador Froman and EU Commissioner Malmström urged quick progress but did not elaborate.<sup>413</sup> In a speech to the Atlantic Council on October 27 on the TPP, Ambassador Froman noted that “with TPP concluded, there is even greater focus on advancing the TTIP negotiations with the European Union.”<sup>414</sup> Ambassador Froman and EU Commissioner Malmström met again in December, where they said that considerable progress had been made

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<sup>406</sup> USDOS, “Press Conference on the 9th Round of Transatlantic Trade and Investment Partnership (TTIP) Negotiations,” April 24, 2015. For more information, see *Inside U.S. Trade*, “U.S., EU Have Little To Show After TTIP Round 10,” July 17, 2015.

<sup>407</sup> USDOS, “Press Conference on the 9th Round of Transatlantic Trade and Investment Partnership (TTIP) Negotiations,” April 24, 2015; EC, *Report of the Eleventh Round of Negotiations For the Transatlantic Trade and Investment Partnership*, November 6, 2015, 13.

<sup>408</sup> EC, “11th Round of TTIP Talks Brought Progress,” October 23, 2015.

<sup>409</sup> EC, *Report of the Eleventh Round of Negotiations*, November 6, 2015, 18; *Inside U.S. Trade*, “Mullaney Holds Open Possibility TTIP May Not Conclude,” February 23, 2016.

<sup>410</sup> USDOS, “Joint Statement on the Sixth U.S.-EU SME,” April 21, 2015. For more information on the Transatlantic Economic Council, see the chapter 6 section on the EU.

<sup>411</sup> The Group of Seven (G-7) conference was a meeting of the G-7 leaders, an informal bloc of industrialized democracies, which includes Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States, as well as representatives of the European Union.

<sup>412</sup> White House, *G-7 Leaders' Declaration*, June 8, 2015.

<sup>413</sup> USTR, “Opening Remarks by US and EU Chief Negotiators from the Miami Round,” October 23, 2015.

<sup>414</sup> USTR, “Remarks by Ambassador Michael Froman to the Atlantic Council,” October 27, 2015.

in 2015 and agreed “to further intensify our work during 2016 to help negotiations move forward rapidly, including through enhanced intersessional work, frequent formal negotiating rounds, and increased Minister level consultations.”<sup>415</sup>

The United States and the EU are each other’s largest trading partner. For more information on U.S. trade with the EU, see chapter 6.

## Developments in the North American Free Trade Agreement<sup>416</sup>

The North American Free Trade Agreement (NAFTA) between the United States, Canada, and Mexico entered into force on January 1, 1994. All of the agreement’s provisions had been implemented by the three parties by January 1, 2008, with the exception of the NAFTA cross-border trucking provisions.<sup>417</sup> In 2015, total two-way (exports plus imports) U.S. merchandise trade with its NAFTA partners fell by 7.4 percent over 2014, with U.S.-Canada merchandise trade amounting to \$575.2 billion and U.S.-Mexico merchandise trade totaling \$531.1 billion (table 5.1). In 2015, imports valued at \$315.1 billion entered the United States duty free under NAFTA provisions (table 5.2).

NAFTA’s central oversight body is the Free Trade Commission, which is responsible for overseeing NAFTA’s implementation and elaboration, as well as activities under its dispute settlement provisions. The commission has not met since 2012. However, officials of the three member countries have met regularly to expand and deepen trade and investment opportunities in North America and beyond through the TPP. According to USTR, the TPP Agreement goes beyond the NAFTA in many important ways and would effectively update trade relations between Canada, Mexico, and the United States.<sup>418</sup>

The following sections describe the major activities of NAFTA’s Commission for Labor Cooperation (CLC) and Commission for Environmental Cooperation (CEC) during 2015, as well as dispute settlement activities under NAFTA Chapters 11 and 19 for the year.

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<sup>415</sup> USTR, “Joint Statement by Ambassador Froman and EU Commissioner Malmström,” December 11, 2015.

<sup>416</sup> U.S. bilateral trade relations with Canada and Mexico are described in chapter 6 of this report.

<sup>417</sup> The section on Mexico in chapter 6 provides an update on recent developments in NAFTA’s cross-border trucking provisions. More information on the last remaining restrictions on U.S.-Mexico trade, which were removed on January 1, 2008, appears in USITC, *The Year in Trade 2008*, 2009, 5-16. All product categories offer duty-free entry to originating goods from Mexico, and all shipments of goods from Canada are likewise eligible except those exceeding a TRQ.

<sup>418</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 124.

## Commission for Labor Cooperation

The CLC, composed of a ministerial council and an administrative secretariat, was established under the North American Agreement on Labor Cooperation (NAALC). The NAALC is a supplemental agreement to NAFTA that aims to promote effective enforcement of domestic labor laws and foster transparency in administering them. The CLC is responsible for implementing the NAALC. Each NAFTA partner has established a national administrative office (NAO) within its labor ministry to serve as the contact point with the other parties, the secretariat, other government agencies, and the public. The United States' NAO is the Office of Trade and Labor Affairs in the U.S. Department of Labor (USDOL).<sup>419</sup> Another NAO function is to receive and respond to public communications on labor law matters arising in another NAALC country. Each NAO establishes its own domestic procedures for reviewing and responding to public communications. The NAOs and the secretariat also carry out the cooperative activities of the CLC, including seminars, conferences, joint research projects, and technical assistance.<sup>420</sup>

In 2015, the USDOL and the Mexican Secretariat of Labor and Social Welfare (STPS) completed a series of educational and outreach activities about the rights of workers under H-2A and H-2B visas. In the United States, the USDOL held 29 outreach events reaching more than 2,300 workers and 1,000 employers. In Mexico, STPS held 11 events reaching almost 1,600 individuals.<sup>421</sup> The USDOL and STPS agreed to these activities in response to Mexico's request for consultations regarding the public submissions filed with the Mexican NAO in 2003, 2005, and 2011 on the rights of workers under H-2A and H-2B visas.<sup>422</sup> The USDOL and STPS continue to collaborate against unlawful recruitment practices as per the April 2014 Joint Declaration signed by the U.S. Secretary of Labor and Mexico's Secretary of Labor and Social Welfare.<sup>423</sup>

Also in 2015, the U.S. and Canadian NAOs continued to monitor the negotiations between the Mexican Union of Electrical Workers (Sindicato Mexicano de Electricistas) and the government of Mexico. The negotiations intend to address issues alleged in a public submission accepted for review by the U.S. and Mexican NAOs in 2012.<sup>424</sup> To that end, in 2015, the Mexican government and the electrical workers' union signed a memorandum of understanding that awards the union a concession to generate power at 14 plants previously operated by Luz y Fuerza del

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<sup>419</sup> USDOL, ILAB, OTLA, "Division of Monitoring and Enforcement of Trade Agreements" (accessed March 22, 2016).

<sup>420</sup> USDOL, ILAB, OTLA, "North American Agreement on Labor Cooperation: A Guide" (accessed March 22, 2016).

<sup>421</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 124.

<sup>422</sup> *Ibid.*; USDOL, ILAB, OTLA, "U.S. Response to Mexico's Request for Migrant" (accessed March 23, 2016).

<sup>423</sup> USDOL, ILAB, OTLA, "Work Plan for Activities under the April 2014" (accessed March 23, 2016); USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 124;

<sup>424</sup> 77 Fed. Reg. 4366 (January 27, 2012); USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 124. Further details are reported in USITC, *The Year in Trade 2014*, July 2015, 142.

Centro (Central Light and Power)—the union’s former employer. The union now has a new national collective bargaining agreement.<sup>425</sup>

There were two public submissions in 2015. In June 2015, Mexico’s NAO accepted for review a submission filed against the United States regarding the USDOL’s enforcement of U.S. laws related to employment discrimination based on race.<sup>426</sup> On November 12, 2015, four groups—the United Food and Commercial Workers Local 770, the Frente Auténtico del Trabajo (Authentic Workers’ Front), the Los Angeles Alliance for a New Economy, and the Project on Organizing, Development, Education, and Research—provided a submission to the Office of Trade and Labor Affairs through Change to Win, a coalition of U.S. labor unions. The submission alleges that the government of Mexico has failed to meet its obligations under NAALC, including to effectively enforce its labor laws with respect to freedom of association, collective bargaining, discrimination, minimum labor standards, occupational safety and health, and workers’ compensation. It also alleges that the Mexican government has failed to ensure that its labor law proceedings are fair, equitable, and transparent.<sup>427</sup>

## Commission for Environmental Cooperation

The CEC was established under article 8 of the North American Agreement on Environmental Cooperation (NAAEC). This supplemental agreement to NAFTA is designed to ensure that trade liberalization and efforts to protect the environment are mutually supportive. The CEC oversees the mandate of the NAAEC.<sup>428</sup>

Articles 14 and 15 of the NAAEC provide citizens and nongovernmental organizations with a mechanism to help enforce environmental laws in the NAFTA countries. Article 14 governs alleged violations submitted for review by the CEC. It sets forth guidelines regarding criteria for submissions and parties that can file complaints. Article 15 outlines the CEC’s Secretariat’s obligations in considering the submissions and publishing findings in the factual record.<sup>429</sup> At the end of 2015, four complaint files remained active under Articles 14 and 15, three of which were submitted in 2015. In 2015, three active files involved Mexico and one involved the United States (table 5.6).

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<sup>425</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 124.

<sup>426</sup> *Ibid.*, 124.

<sup>427</sup> 81 Fed. Reg. 1445 (January 12, 2016); USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 124. On January 11, 2016, the U.S. NAO accepted the public submission for review. 81 Fed. Reg. 1445 (January 12, 2016).

<sup>428</sup> CEC, “Secretariat” (accessed March 24, 2016).

<sup>429</sup> CEC, “About Submissions on Enforcement Matters” (accessed March 24, 2016).

**Table 5.6** Active files as of yearend 2015 under Articles 14 and 15 of the North American Agreement on Environmental Cooperation

Name	Case	First filed	Country <sup>a</sup>	Status
Wetlands in Manzanillo	SEM-09-002	Feb. 4, 2009	Mexico	The Secretariat submitted a draft factual record to the CEC Council for a 45-day comment period on the accuracy of the draft.
La Primavera Forest	SEM-15-001	Jul. 20, 2015	Mexico	The Secretariat determined that the submission met the criteria of Article 14(1) and requested a response from the concerned government party in accordance with Article 14(2).
Management of Analog TV Waste	SEM-15-002	Aug. 24, 2015	Mexico	The Secretariat determined that the submission met the criteria of Article 14(1) and requested a response from the concerned government party in accordance with Article 14(2).
Municipal Wastewater Drop Shafts	SEM-15-003	Nov. 3, 2015	United States	The Secretariat determined that the submission met the criteria of Article 14(1) and requested a response from the concerned government party in accordance with Article 14(2).

Source: CEC, "Submission on Enforcement Matters: Active Submissions" (accessed March 24, 2016).

<sup>a</sup> Refers to the country against which an allegation was filed.

At the 22nd regular session of the CEC Council on July 15, 2015, in Boston, Massachusetts, the Council members endorsed the CEC's Strategic Plan for 2015–20, which builds on their efforts from the past five years. The strategic priorities for the next five years are climate change mitigation and adaptation, green growth, and sustainable communities and ecosystems.<sup>430</sup> At the session, the council also reaffirmed the CEC's Operational Plan for 2015–16, which describes the CEC activities proposed for the next two years. Proposals include 16 new projects that bring together experts to explore the benefits of blue carbon in the environment, support chemicals management, develop a coordinated North American approach to marine protected area management, reduce maritime shipping emissions, improve the conservation status of migratory birds that breed in the Arctic, and strengthen monarch butterfly and pollinator conservation.<sup>431</sup>

Since 1993, the United States and Mexico have supported border communities with environmental infrastructure projects to advance the goals of NAFTA and the NAAEC. The Border Environment Cooperation Commission and the North American Development Bank are working with communities throughout the U.S.-Mexico border region to address their environmental infrastructure needs.<sup>432</sup> In 2015, the North American Development Bank contracted \$178.3 million in loans and \$17.7 million in grants to support 16 certified projects. As of December 31, 2015, the bank had contracted a cumulative total of \$2.6 billion in loans

<sup>430</sup> CEC, "CEC Ministerial Statement—2015: Twenty-second Regular Session" (accessed March 24, 2016). The Operational Plan for 2013–2014 focused on three strategic areas: greening transportation, tackling climate change while improving air quality, and addressing waste in trade. CEC, "CEC Ministerial Statement—2013: Twentieth Regular Session" (accessed May 13, 2016).

<sup>431</sup> Ibid. Blue carbon is a term used to describe the carbon captured by the world's ocean and coastal ecosystems.

<sup>432</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 125.

and grants, of which \$2.5 billion has been disbursed for project implementation.<sup>433</sup> These funds helped finance 218 projects certified by the Border Environment Cooperation Commission, with an estimated total cost of \$7.7 billion.<sup>434</sup>

## Dispute Settlement

The dispute settlement provisions of NAFTA Chapters 11 (Investment) and 19 (Review and Dispute Settlement in Antidumping/Countervailing Duty Matters) cover a variety of areas.<sup>435</sup> The sections below describe developments during 2015 in NAFTA Chapter 11 investor-state disputes and Chapter 19 binational reviews of final determinations of antidumping and countervailing cases. Appendix table A.26 presents an overview of developments in NAFTA Chapter 19 dispute settlement cases to which the United States was a party in 2015.

### Chapter 11 Dispute Settlement Developments

Chapter 11 of NAFTA includes provisions designed to protect cross-border investors and to ease the settlement of investment disputes. Under subpart B of Chapter 11, an individual investor who alleges that a NAFTA country has breached its investment obligations under Chapter 11 may pursue arbitration through internationally recognized channels or remedies available in the host country's domestic courts.<sup>436</sup> A key feature of the Chapter 11 arbitral provisions is the enforceability in domestic courts of final awards made by arbitration tribunals.<sup>437</sup> In 2015, there were four active Chapter 11 cases filed against the United States, three of them filed by Canadian investors and one filed by Mexican investors;<sup>438</sup> six filed by U.S. investors against Canada;<sup>439</sup> and one filed against Mexico by U.S. investors.<sup>440</sup>

### Chapter 19 Dispute Panel Reviews

Chapter 19 of NAFTA contains a mechanism that provides for a binational panel to review final determinations made by national investigating authorities in antidumping and countervailing

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<sup>433</sup> NADB, "Summary Status Report," December 31, 2015.

<sup>434</sup> NADB, "Summary of Project Implementation Activities: Active Projects," December 31, 2015.

<sup>435</sup> NAFTA Secretariat, "Overview of the Dispute Settlement Provisions" (accessed March 25, 2016).

<sup>436</sup> Internationally recognized arbitral mechanisms include the International Centre for the Settlement of Investment Disputes (ICSID) at the World Bank, ICSID's Additional Facility Rules, and the rules of the United Nations Commission on International Trade Law; NAFTA Secretariat, "Overview of the Dispute Settlement Provisions" (accessed March 25, 2016).

<sup>437</sup> NAFTA Secretariat, "Overview of the Dispute Settlement Provisions" (accessed March 25, 2016).

<sup>438</sup> USDOS, "NAFTA Investor-State Arbitrations: Cases Filed against the United States" (accessed March 25, 2016).

<sup>439</sup> USDOS, "NAFTA Investor-State Arbitrations: Cases Filed against the Government of Canada" (accessed March 25, 2016).

<sup>440</sup> USDOS, "NAFTA Investor-State Arbitrations: Cases Filed against the United Mexican States" (accessed March 25, 2016).

duty cases. Such a panel serves as an alternative to judicial review by domestic courts and may be established at the request of any involved NAFTA country.<sup>441</sup> At the end of 2015, the NAFTA Secretariat listed five binational panels active under Chapter 19 (table 5.7). Three of the five active cases challenged the Mexican agency’s determinations on products from the United States, and two challenged U.S. agencies’ determinations on products from Canada and Mexico.<sup>442</sup>

**Table 5.7** NAFTA Chapter 19 binational panels, active reviews through 2015

Country <sup>a</sup>	Case number	National agencies’ final determination <sup>b</sup>	Case title
<b>Mexico</b>			
	MEX-USA-2012-1904-01	SE Antidumping Administrative Review	Chicken Thighs and Legs
	MEX-USA-2012-1904-02	SE Antidumping Administrative Review	Ethylene Glycol Monobutyl Ether
	MEX-USA-2015-1904-01	SE Antidumping Administrative Review	Ammonium Sulphate
<b>United States</b>			
	USA-CDA-2015-1904-01	USDOC Antidumping Administrative Review	Supercalendered Paper
	USA-MEX-2014-1904-02	USITC Injury Determination	Steel Concrete Reinforcing Bar

Source: NAFTA Secretariat, “Status Report of Dispute Settlements Proceedings” (accessed March 25, 2016)

<sup>a</sup> The United States filed the first three cases contesting Mexico’s determinations, and Canada and Mexico each filed one of two cases contesting U.S. determinations.

<sup>b</sup> In Canada, final dumping and subsidy determinations are made by the Canada Border Services Agency, and injury determinations are made by the Canadian International Trade Tribunal. In Mexico, all determinations are made by the Secretariat of the Economy (SE). In the United States, dumping and subsidy determinations are made by the U.S. Department of Commerce (USDOC), and injury determinations are made by the USITC. NAFTA Secretariat, “Overview of the Dispute Settlement Provisions” (accessed March 13, 2015).

## Developments in Other FTAs Already in Force during 2015

In 2015, U.S. officials held consultations with the United States’ other FTA partners to discuss a variety of matters, including labor and environmental issues, implementation of the agreements, and dispute settlement. Highlights of these developments are presented below.

Twelve of the 14 U.S. FTAs have investment provisions designed to protect foreign investors and their investments and to facilitate the settlement of investment disputes.<sup>443</sup> According to the U.S. Department of State, among the U.S. FTAs that provide for investor-state dispute settlement, there are ongoing investor disputes under NAFTA,<sup>444</sup> the U.S.-Chile FTA, CAFTA-DR,

<sup>441</sup> NAFTA Secretariat, “Overview of the Dispute Settlement Provisions” (accessed March 25, 2016). Such reviews involve the parties and designated agencies, rather than individuals or firms.

<sup>442</sup> NAFTA Secretariat, “NAFTA—Chapter 19 Active Cases” (accessed March 25, 2016).

<sup>443</sup> CRS, *U.S. International Investment Agreements: Issues for Congress*, April 29, 2013. The U.S. FTAs with Bahrain and Jordan do not have investment provisions. The U.S.-Israel FTA has limited treatment of investment in the context of trade-related performance requirements. The U.S.-Australia FTA has investment provisions but does not include investor-state arbitration provisions. *Ibid.*, 14.

<sup>444</sup> For more information on dispute settlement under NAFTA, see the previous section on NAFTA in the chapter.

the U.S.-Peru TPA, and the U.S.-Oman FTA.<sup>445</sup> For more detailed information regarding 2015 developments, see each respective FTA section in this chapter.

Thirteen of the 14 U.S. FTAs have labor provisions to protect worker rights and facilitate cooperation on labor issues.<sup>446</sup> By yearend 2015, USDOL and other agencies had acted on labor complaints made by interested parties of about six FTA partners: the Dominican Republic, Honduras, Guatemala, Bahrain, Peru, and Mexico. In 2015, USDOL received two submissions, one complaining about Mexico under the NAALC,<sup>447</sup> and the other complaining about Peru under the labor chapter of the U.S.-Peru Trade Promotion Act. USDOL also released one review report regarding the allegation of the Honduras government's violation of the labor chapter of CAFTA-DR, and a hearing was held on a labor dispute case against Guatemala. For more detailed information regarding these developments, see each respective FTA section in this chapter.

## CAFTA-DR

The central oversight body for the CAFTA-DR is the Free Trade Commission, composed of the U.S. Trade Representative and the trade ministers of the other CAFTA-DR parties or their designees.<sup>448</sup> On March 26, 2015, the third meeting of the Free Trade Commission was held in the Dominican Republic. At the meeting, the commission reviewed the implementation of the agreement and accomplishments of the CAFTA-DR committees and institutions, and endorsed various means to enhance regional trade and competitiveness. The commission approved a series of changes to the CAFTA-DR rules of origin that would reflect the changes to the International Convention on the Harmonized Commodity Description and Coding System (HS) in 2012,<sup>449</sup> and make it easier for certain products to qualify for preferential treatment and lowered tariffs under the CAFTA-DR agreement.<sup>450</sup> The commission also approved the elimination of Costa Rica's tariffs on certain crude vegetable oils. Further, it discussed the administration of dispute settlement proceedings, as well as cooperation on labor rights and environmental protections under the CAFTA-DR.<sup>451</sup>

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<sup>445</sup> For more information, see USDOS, "International Claims and Investment Disputes (L/CID)," n.d. (accessed April 15, 2016).

<sup>446</sup> Only the 1985 U.S.-Israel FTA has no such provisions. USDOL, ILAB, "Submissions under the Labor Provisions of Free Trade Agreements," <http://www.dol.gov/ilab/trade/agreements/> n.d. (accessed April 14, 2016).

<sup>447</sup> For more information on NAALC and Mexico, see the previous section on NAFTA in this chapter.

<sup>448</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 112.

<sup>449</sup> *Ibid.*, 115.

<sup>450</sup> USTR, "CAFTA-DR's Third Free Trade Commission Meeting: Facilitating Trade," May 2015.

<sup>451</sup> USTR, "Joint Statement: Third Meeting of the Dominican Republic-Central America," March 26, 2015.

## Dispute Settlement

### Investor-State Disputes

By yearend 2015, investment cases under CAFTA-DR had been filed against Costa Rica, Dominican Republic, Guatemala, El Salvador, and the United States. In April 2015, Spence International Investments, LLC, and other U.S. nationals filed a claim against Costa Rica with respect to their investments in connection with the establishment and regulation of Las Baulas National Marine Park.<sup>452</sup>

### Labor Rights Disputes

In February 2015, USDOL released a review report in response to a submission filed in 2012 alleging violations of the labor chapter under CAFTA-DR by the Honduras government. The report expressed concerns regarding the protection and promotion of internationally recognized labor rights in Honduras, including concerns regarding labor law enforcement in Honduras.<sup>453</sup> The report also provided detailed recommendations to improve labor rights in Honduras and address the concerns identified in the submission.<sup>454</sup> Following the release of this report, the U.S. and Honduras governments signed a labor rights agreement, pledging to work together to address issues outlined in the report, including developing a monitoring and action plan with concrete commitments and timelines to improve labor law enforcement in Honduras.<sup>455</sup>

On June 2, 2015, a hearing was held in Guatemala City regarding the labor enforcement case filed by the United States against Guatemala in 2010.<sup>456</sup> At the hearing, the arbitral panel received the oral submissions of both disputing parties. The proceedings were suspended after a panelist resigned on November 4, 2015, but resumed on November 27, 2015, when the panel was reconstituted with a replacement panelist.<sup>457</sup>

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<sup>452</sup> USDOS, “CAFTA-DR Investor-State Arbitrations,” n.d. (accessed April 15, 2016).

<sup>453</sup> USDOL, ILAB, “Honduras Submission under CAFTA-DR” (accessed April 18, 2016).

<sup>454</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 113.

<sup>455</sup> USDOL, ILAB, “US and Honduras Sign Landmark Labor Rights Agreement,” December 9, 2015; USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 113.

<sup>456</sup> For information on past developments in this labor dispute case against Guatemala, see USITC, *The Year in Trade 2014*, July 2015, 147–48.

<sup>457</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 113; USTR, “In the Matter of Guatemala – Issues Relating to the Obligations Under Article 16.2.1(a) of the CAFTA-DR,” n.d. <https://ustr.gov/issue-areas/labor/bilateral-and-regional-trade-agreements/guatemala-submission-under-cafta-dr> (accessed April 15, 2016).

## Environment

The Environmental Affairs Council meets annually to oversee the implementation of the environment chapter under the CAFTA-DR and review progress.<sup>458</sup> In July 2015, the council met in Guatemala City, Guatemala. Council members reported on progress made in their countries to implement core commitments of the CAFTA-DR environment chapter, including efforts to improve levels of environmental protection, strengthen environmental laws and enforcement, and promote public participation in environmental decision making.<sup>459</sup>

In November 2015, environment points of contact from the CAFTA-DR governments met again in the Dominican Republic to discuss new environmental cooperation activities. One such activity was a new interagency agreement with the U.S. Forest Service aimed at reducing the illegal logging of rosewood. Another was a new program with the Central America Fisheries and Aquaculture Organization aimed at improving regional coordination on enforcement of regional regulations to prevent illegal, unreported, and unregulated (IUU) fishing.<sup>460</sup>

## U.S.-Chile FTA

The central oversight body for the U.S.-Chile FTA is the United States-Chile Free Trade Commission, composed of the U.S. Trade Representative and Chile's Director General of International Economic Affairs or their designees. In June 2015, the Free Trade Commission held its 10th meeting, concurrently with other committee meetings under the FTA. The commission reviewed implementation of the FTA and highlighted a key accomplishment: market access for U.S. exports of fresh pork meat and the reaffirmed goal of resolving other SPS concerns. The two countries also discussed how to improve the participation of SMEs in the FTA, as well as Chile's nutrition labeling regulations.<sup>461</sup>

In 2015, the two countries also held several bilateral meetings to discuss labor-related issues. Examples included techniques for labor inspectors to detect smuggling and trafficking of migrants, best practices to promote voluntary health and safety management systems in the workplace, and activities to prevent and combat employment discrimination.<sup>462</sup>

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<sup>458</sup> CAFTA-DR Environmental Cooperation Program, "Environmental Affairs Council," n.d. (accessed April 18, 2016).

<sup>459</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 152.

<sup>460</sup> *Ibid.*, 153.

<sup>461</sup> *Ibid.*, 117.

<sup>462</sup> *Ibid.*, 117.

## Environment

In 2015, the two governments continued to advance their work to implement the FTA's environment chapter and the associated Environmental Cooperation Agreement. At the seventh meeting of the U.S.-Chile Environmental Affairs Council and the fifth meeting of the U.S.-Chile Joint Commission on Environmental Cooperation on August 13, 2015, the two countries discussed the progress made in implementing obligations under the environmental chapter.<sup>463</sup> The United States reported, among other things, on actions taken to improve U.S. levels of environmental protection, such as the adoption and implementation of national strategies on combating wildlife trafficking and IUU fishing; the establishment of new protected areas, including the world's largest marine sanctuary; and the promulgation of stronger regulations on air quality and automobile emissions. Chile reported on such efforts as a review of air quality and emissions standards; the adoption of six environmental quality standards protecting surface waters; the implementation of tools to combat IUU fishing; and the establishment of requirements for the protection of seamounts (undersea mountains that do not reach the water's surface), which are considered vulnerable marine ecosystems.<sup>464</sup>

According to the communique, the two governments also reviewed environmental cooperation projects under the Fourth Work Program for 2012–2014 and adopted the Fifth Work Program for 2015–2017.<sup>465</sup> The updated work program establishes the following priorities: strengthening effective implementation and enforcement of environmental laws and regulations; promoting conservation and inclusive management of natural resources; promoting environmental education, transparency, and civil society participation in environmental decision making and enforcement; and encouraging development of low-emissions technology, improving resilience to large-scale disasters, and encouraging the adoption of sound environmental practices and technologies.<sup>466</sup>

## U.S.-Colombia TPA

In 2015, the United States and Colombia continued to work together to carry out initiatives launched at the November 2012 meeting of the U.S.-Colombia Free Trade Commission. These

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<sup>463</sup> Ibid., 153; USDOS, "Seventh Meeting of the United States-Chile Environmental Affairs Council," August 11, 2015.

<sup>464</sup> USDOS, "Joint Communique of the United States-Chile Environment Affairs Council," August 13, 2015.

<sup>465</sup> Ibid.

<sup>466</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 153.

included consideration of accelerating the elimination of tariffs, establishment of certain dispute settlement mechanisms, and updates of rules of origin.<sup>467</sup>

In April 2011, as a part of U.S.-Colombia TPA, the United States and Colombia negotiated and initiated the Action Plan Related to Labor Rights, a framework of commitments to better protect worker rights, prevent violence against unionists, and ensure the persecution of the perpetrators of such violence in Colombia.<sup>468</sup> In 2015, the two governments continued intensive engagement to support Colombia's efforts to make progress in key areas under the plan.<sup>469</sup> Among other actions, USDOL posted a labor attaché at the U.S. embassy in Bogotá; USDOL and the U.S. Agency for International Development funded four labor-related technical assistance projects in Colombia; and the two governments held an April videoconference and a December bilateral meeting at the ministerial level, along with other bilateral meetings. In its March 2016 annual report USTR acknowledged Colombia's 2015 progress, including the signing of two new collective bargaining agreements in the port and palm oil sectors, and the first significant fine collected under the regulations against illegal subcontracting.<sup>470</sup>

## U.S.-Jordan FTA

The U.S.-Jordan FTA commits both countries to recognize and protect labor rights in their domestic laws, as well as to enforce their labor laws. To address concerns over worker rights and working conditions, especially with respect to foreign workers in Jordan's garment sector, the two governments agreed to an Implementation Plan Related to Working and Living Conditions of Workers in January 2013.<sup>471</sup> In 2015, the two countries continued to advance labor cooperation. USDOL continued to fund projects supporting Jordan's effort to address child labor issues in 2015, including strengthening law enforcement capacity, developing and providing training on a child labor monitoring system, and providing related social services. In September 2015, USDOL officials met with Jordan officials from the Ministries of Health and Labor to discuss improving coordination on dormitory inspections in the Qualified Industrial Zone, in line with commitments made in the 2013 plan.<sup>472</sup>

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<sup>467</sup> Ibid., 118.

<sup>468</sup> USTR, "The Colombian Labor Action Plan at Four Years," April 2015.

<sup>469</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 118.

<sup>470</sup> Ibid., 118–19.

<sup>471</sup> USTR/USDOL, *Standing Up for Workers: Promoting Labor Rights through Trade*, February 2015, 26.

<sup>472</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 120.

## U.S.-Korea FTA (KORUS)

The Joint Committee is the central oversight committee under the U.S.-Korea FTA (KORUS). It is responsible for supervising implementation, coordinating the work of other committees, and resolving issues that may arise.<sup>473</sup> On October 16, 2015, the United States and South Korea convened the fourth Joint Committee meeting, and discussed issues important to both parties, including the automotive industry, legal services, and intellectual property issues. A Senior Official Meeting was held on November 17, 2015, to coordinate and report on the activities of the committees and working groups established under the FTA.

Eight committees and working groups established under KORUS met in 2015 to discuss matters related to financial services, medicines and medical devices, the automotive industry, outward processing zones, the environment, SPS standards, professional services, labor, and services and investment.<sup>474</sup> Some highlights of these meetings are detailed below:

- The Medicines and Medical Devices Committee discussed South Korea’s import pricing system, both countries’ patent linkage systems, and draft legislation related to pharmaceutical drugs in South Korea.
- The Automotive Working Group discussed South Korea’s regulatory environment for automobiles, and addressed issues including South Korea’s draft final fuel economy standard and emissions testing requirements, as well as implementation of new consumer protection policies.
- The Committee on Sanitary and Phytosanitary Matters and the Committee on Agricultural Trade discussed a range of topics, including biotechnology, maximum residue limits, pending plant and animal market access issues, and KORUS tariff-rate quota administration.
- The Committee on Services and Investment discussed implementation of the services and investment chapter of KORUS, especially related to legal services, as well as the KORUS investor-state dispute settlement procedures.<sup>475</sup>

Through engagements at quarterly financial services meetings, on July 22, 2015, South Korea’s Financial Services Commission published its regulations to meet its commitments under the section of “Transfer of Information” in the KORUS financial services chapter.<sup>476</sup>

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<sup>473</sup> USTR, “Statement on Meeting of the U.S.-Korea Free Trade Agreement,” December 15, 2014.

<sup>474</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 121.

<sup>475</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 122.

<sup>476</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 121.

## Environment

On November 10 and 11, 2015, the United States and South Korea held the second meeting of the Environmental Affairs Council and Environmental Cooperation Commission, as well as a public session in conjunction with these meetings in Seoul, South Korea. These meetings focused specifically on provisions mandating high levels of environmental protection, effective environmental law enforcement, and public participation. The Environmental Cooperation Commission reviewed environmental cooperation activities under the 2013–15 work program, and adopted the 2016–18 work program. Under the latter, the two governments will implement activities to pursue the following goals: (1) strengthen implementation and enforcement of environmental laws, including supporting efforts to combat illegal trade in environmentally sensitive goods; (2) protect wildlife and sustainably manage ecosystems and natural resources; (3) strengthen environmental protection and promote sustainable cities; and (4) share best practices on the development and application of cleaner sources of energy and the use of innovative environmental technology.<sup>477</sup> South Korea also discussed several environmental initiatives and actions on illegal fishing and logging, managing harmful chemicals, and encouraging recycling.<sup>478</sup>

## U.S.-Morocco FTA

The United States and Morocco held the fourth meeting of the FTA Joint Committee on February 20, 2015, in Rabat. The two sides noted productive cooperation under the Environment and Labor FTA Subcommittees.<sup>479</sup> They also highlighted improvement in Morocco’s legislative regime to protect intellectual property rights, as well as Morocco’s plan to implement its trade facilitation commitments under the FTA. Both countries expressed interest in expanding market access for certain exports—the United States for automobiles and Morocco for textiles and apparel. Other issues discussed included Moroccan trade legislation and certain local-content requirements in Moroccan government tenders, as well as U.S. port security and container processing management. Before the Joint Committee meeting, the agricultural and SPS FTA subcommittees also met and discussed agricultural issues, such as Moroccan SPS applications for accessing the U.S. market and the operation of the tariff rate quotas established by Morocco under the FTA.<sup>480</sup>

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<sup>477</sup> USDOS, “2016–2018 Work Program under the United States–Republic of Korea,” November 11, 2015.

<sup>478</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 155.

<sup>479</sup> The Labor Subcommittee held a meeting in September 2014; the Environment Subcommittee, in October 2014. For information on these meetings, see USITC, *The Year in Trade 2014*, July 2015, 150–51.

<sup>480</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 123.

## U.S.-Panama TPA

The United States and Panama continued to cooperate in 2015 to implement the provisions of the TPA and address a few issues of concern that arose during the year. In 2015, both sides worked to establish four rosters of potential panelists for disputes that may arise concerning general matters, as well as under the labor, environment, and financial services chapters of the TPA. The finalization of the rosters will complete the setting up of the dispute settlement infrastructure for the TPA, a process that has included devising rules of procedures for dispute settlement, a code of conduct for panelists, and processes for remunerating panelists, assistants, and experts, as well as paying their expenses.<sup>481</sup>

### Environment

In December 2015, the two governments signed an agreement to establish the Environment Secretariat, housed by the Water Center for the Humid Tropics of Latin America and the Caribbean in Panama City, Panama. The Environment Secretariat will receive and consider submissions from the public on environmental law enforcement matters, promoting public participation in identifying and resolving these issues.<sup>482</sup>

## U.S.-Peru TPA

In November 2015, the Free Trade Commission, the body supervising the implementation of the U.S.-Peru TPA, met to review the progress made under the agreement since it entered into force. The Free Trade Commission discussed issues related to textiles, intellectual property rights, rules of origin, trade facilitation, and rules and procedures to implement the dispute settlement chapter. The commission also highlighted the increase in environmental and labor cooperation activities.<sup>483</sup>

Through extensive bilateral engagements and technical exchanges, Peru implemented improved market access requirements for U.S. fresh and chilled pork in April 2015, and established new market access for U.S. rough rice and live cattle in April and July 2015, respectively.<sup>484</sup>

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<sup>481</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 127.

<sup>482</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 127.

<sup>483</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 128.

<sup>484</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 128.

## Labor

In July 2015, the International Labor Rights Forum and several Peruvian labor groups filed a submission with USDOL, alleging that the government of Peru had failed to meet its obligations under the U.S.-Peru TPA labor chapter to effectively enforce its labor laws in the nontraditional export sectors (e.g., textiles and apparel) and the agricultural sector with respect to freedom of association, the effective recognition of the right to collective bargaining, and acceptable work conditions. USDOL conducted a detailed review of the allegations contained in the submission. The review included a fact-finding trip to Peru in December 6–15, 2015, to gather additional information through meetings with the Peruvian government, the submitters, workers' organizations, employers, and other stakeholders.<sup>485</sup>

In 2015, the two countries continued labor cooperation activities. For example, USDOL provided funding to projects helping to build Peru's labor law enforcement capacity as well as the capacity of workers' organizations to identify abusive labor practices and to productively engage with employers and the government to address these problems.<sup>486</sup>

## Environment

In 2015, the two countries held regular bilateral meetings to discuss issues in implementing the environment chapter of the U.S.-Peru TPA, as well as the Annex on Forest Sector Governance.

In June 2015, the United States and Peru held senior-level meetings of the Environmental Affairs Council, the Environmental Cooperation Commission, and the Subcommittee on Forest Sector Governance in Lima, Peru. During these meetings, the two sides discussed topics including economic reforms and environmental protection, wildlife trafficking, IUU fishing, and investigations and prosecutions for forestry crimes, as well as actions to ensure that traded timber comes from legal sources. The Environmental Affairs Council meeting highlighted the launch of the new Peruvian National Forest and Wildlife Services in August 2014. The two countries signed an agreement to establish an independent environmental secretariat, which would be housed in the Organization of American States in Washington, DC. The environmental secretariat will receive submissions from the public on effective enforcement of environmental laws. The two countries also approved an Environmental Cooperation Agreement Work Program (2015–18) during the Environmental Cooperation Commission meeting and laid out a

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<sup>485</sup> USDOL issued a public report regarding this submission on March 18, 2016. The report raises significant concerns about the right to freedom of association in certain sectors and about labor law enforcement in Peru. The report offers six recommendations aimed at addressing these issues. USDOL, "Submissions under the Labor Provisions," n.d. (accessed April 20, 2016).

<sup>486</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 129.

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plan for continued U.S. support and technical assistance for Peru focused on the forestry sector.<sup>487</sup>

In 2015, the United States also engaged in other environmental cooperation activities related to the U.S.-Peru TPA. It continued to support the government of Peru in work to develop and implement an electronic system to verify the legal origin of timber harvested from Peru's forests and to track its chain of custody; to complete data collection for an inventory of forests designated for timber production; and to launch a satellite imagery system that can be used for environmental investigation and prosecutions. The U.S. Department of Justice provided the second of two training workshops to assist Peru in combating illegal logging. The U.S. Fish and Wildlife Service posted a regional law enforcement attaché to the U.S. Embassy in Lima to enhance environmental cooperation.<sup>488</sup>

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<sup>487</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 151–52.

<sup>488</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 151–52.

# Chapter 6

## U.S. Trade Relations with Major Trading Partners

This chapter reviews U.S. bilateral trade relations with its top nine trading partners during 2015 (counting the European Union, or EU, as a unit): the EU, China, Canada, Mexico, Japan, South Korea, Taiwan, India, and Brazil (ordered by the value of their two-way merchandise trade) (figure 6.1). For each trading partner, U.S. bilateral trade is described, including total two-way merchandise and private services trade, U.S. trade balance, U.S. merchandise exports, and U.S. merchandise imports. This section is followed by descriptions of the major bilateral trade-related developments during 2015. Links to each trading partner are provided in the column on the right.

**European Union**

**China**

**Canada**

**Mexico**

**Japan**

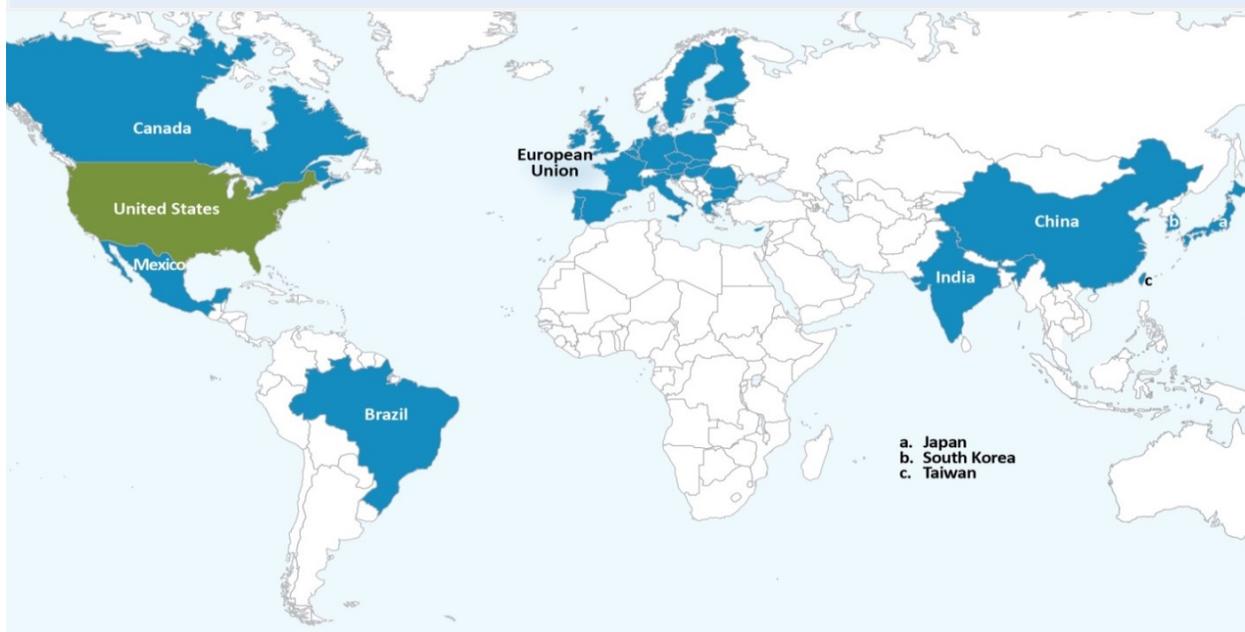
**South Korea**

**Taiwan**

**India**

**Brazil**

**Figure 6.1:** Map of selected major U.S. trading partners



## European Union

The EU as a single entity<sup>489</sup> is the United States' largest two-way (exports plus imports) trading partner in terms of both goods and services. The value of U.S. merchandise trade with the 28 member states of the EU remained stable in 2015, rising less than 1 percent to \$698.7 billion. The EU share of U.S. trade increased for a second year in a row—from 17.5 percent in 2014 to 18.7 percent in 2015—as total U.S. trade with the world declined by 5.6 percent. The U.S. merchandise trade deficit with the EU grew by \$11.3 billion in 2015 to \$153.3 billion as U.S. exports to the EU dropped while U.S. imports grew (figure 6.2). On the other hand, the United States continued to register a trade surplus in services with the EU of \$49.3 billion in 2015 (figure 6.3). However, this figure reflected a decline of \$8.9 billion from 2014 as U.S. exports fell while U.S. imports increased. The EU accounted for 32.7 percent of U.S. two-way trade in services in 2015. The United Kingdom was the EU's largest services trader with the United States, with 29.7 percent of the EU total, followed by Germany and France.<sup>490</sup>

The EU continued to be the second-largest market (after Canada) for U.S. merchandise exports in 2015. U.S. exports to the EU fell 1.3 percent, from \$276.1 billion in 2014 to \$272.7 billion in 2015. Leading U.S. exports included civilian aircraft, engines, and parts; medicaments (medicines); refined petroleum products; blood fractions (e.g., antiserum) and vaccines; medical instruments; and passenger motor vehicles. Among the top 25 U.S. exports to the EU, the largest declines by value were in refined petroleum products, which fell \$4.3 billion, and bituminous coal, which dropped \$1.4 billion.

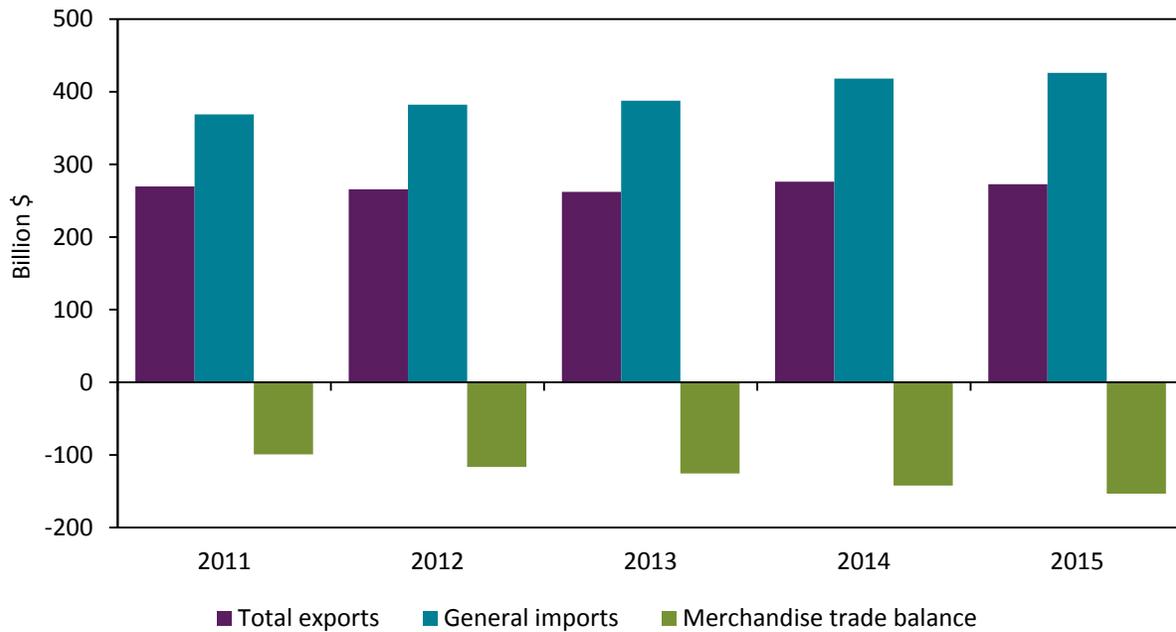
The EU was also the second-largest source of U.S. imports, following China. U.S. imports from the EU increased 1.9 percent in 2015 to \$426.0 billion. Leading U.S. imports were passenger motor vehicles, refined petroleum products, medicaments, turbojets (engines) and parts, and airplanes and other aircraft (of an unladen weight above 15,000 kilograms) and parts. Large declines in the value of U.S. imports of refined petroleum products were more than offset by increases in other products, most notably in passenger motor vehicles and medicaments. U.S.-EU merchandise trade data are shown in appendix tables A.27 through A.30.

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<sup>489</sup> The 28 member states of the EU in 2015 were Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.

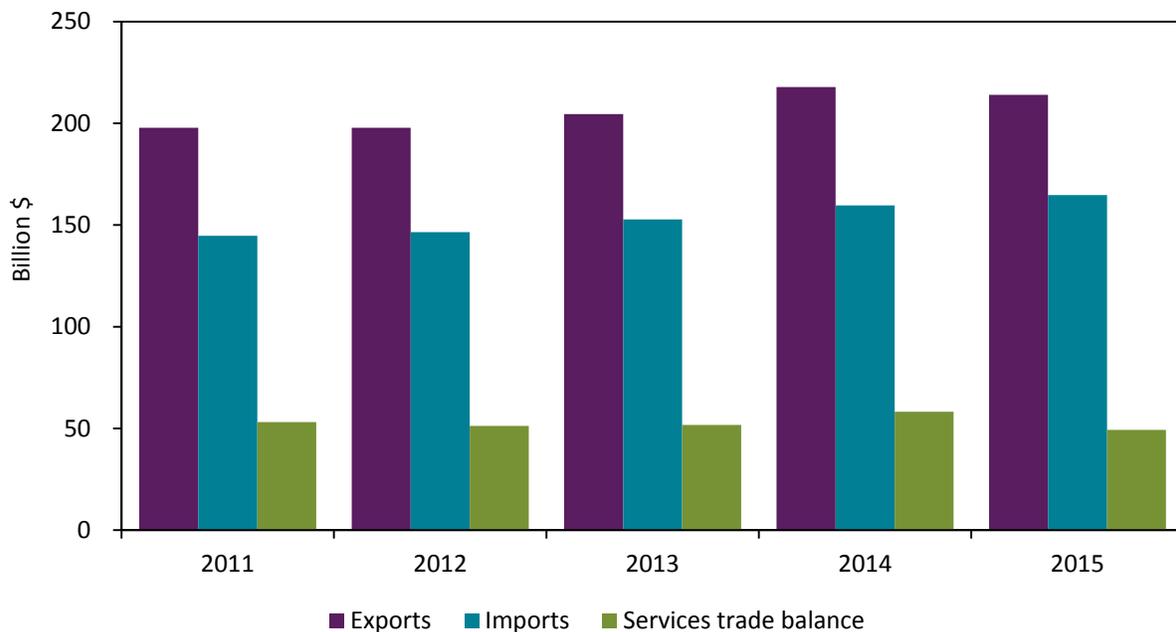
<sup>490</sup> The services trade data by country reported in this chapter are based on trade in private services, which exclude government sales and purchases of services.

**Figure 6.2** U.S. merchandise trade with the EU, 2011–15



Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 5, 2016).

**Figure 6.3** U.S. private services trade with the EU, 2011–15<sup>a</sup>



Source: USDOC, BEA, International Transactions data, “Table 1.3: U.S. International Transactions, Expanded Detail by Area and Country,” and “Table 3.1: U.S. International Trade in Services,” March 17, 2016.

<sup>a</sup> Data for 2015 are preliminary.

The major focus of the U.S.-EU trade relationship in 2015 was negotiations to conclude the Transatlantic Trade and Investment Partnership (TTIP) agreement.<sup>491</sup> The Transatlantic Economic Council also continued its work in parallel to TTIP. Another notable development in 2015 was a ruling by the European Court of Justice that effectively invalidated the U.S.-EU Safe Harbor Agreement, which governed protection of EU personal data flows to the United States. Additional information on these topics is presented below.

## Transatlantic Trade and Investment Partnership (TTIP)

In 2015, U.S. and EU negotiators made progress in each of the three broad areas for negotiations: market access, regulatory issues and nontariff barriers, and rules. In addition to four formal rounds of negotiations, negotiators met between the rounds to accelerate progress. U.S. Trade Representative (USTR) Froman and EU Trade Commissioner Malström also met several times during the year to assess progress and build momentum. According to the Office of the USTR, by yearend, the United States and the EU had “introduced proposals text for nearly every negotiating area within the agreement.”<sup>492</sup> For more information on developments in TTIP negotiations in 2015, see chapter 5.

## Transatlantic Economic Council (TEC)

The TEC was launched in 2007 to promote bilateral cooperation aimed at lowering transatlantic barriers to trade and investment in order to strengthen integration and growth.<sup>493</sup> In 2011, the TEC formed the U.S.-EU High Level Working Group on Jobs and Growth, which recommended that the United States and EU negotiate a comprehensive agreement. The TEC’s recommendation led to the launch of TTIP negotiations in 2013.<sup>494</sup> Today, the TEC operates in parallel to TTIP negotiations.<sup>495</sup>

In February 2015, leaders from the U.S. Department of State and the European Commission met to review progress and next steps under the TEC for the first time since March 2013. A report on the meeting noted that progress to date demonstrated that “the EU and United

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<sup>491</sup> For more detailed information on TTIP, see chapter 5.

<sup>492</sup> USTR, “U.S. Trade Representative 2015 Year in Review,” December 2015.

<sup>493</sup> USDOS, “Framework for Advancing Transatlantic Economic Integration,” April 30, 2007, <http://www.state.gov/p/eur/rls/or/130772.htm>.

<sup>494</sup> For more background on the TEC, see USITC, *The Year in Trade 2007*, July 2008, 5-2; USITC, *The Year in Trade 2013, 2014*, 129–31.

<sup>495</sup> USDOS, “Transatlantic Economic Council: Cooperation,” February 19, 2015.

States can work together to solve practical problems, in particular in emerging sectors.”<sup>496</sup> The TEC’s efforts tend to be long-term and focus on aligning transatlantic standards and regulation to “enable the growth of innovative, export-oriented industries.”<sup>497</sup> The report cited progress since 2013 on small and medium-sized enterprises (SMEs), e-health, e-mobility (electric vehicle/smart-grid interoperability), raw materials supplies, biobased products, nanotechnology, and supply chain security. So as not to overlap with TTIP, U.S. and EU leaders confirmed the suspension of work in the areas of information and communications technology (ICT), investment, and intellectual property rights (IPRs).<sup>498</sup> A similar meeting held on November 19, 2015, highlighted cooperation in the areas of SMEs, e-health, raw materials, and e-mobility.<sup>499</sup>

One major work area has focused on enhancing cooperation to increase trade and investment opportunities for U.S. and EU SMEs. On February 27, 2015, U.S. and EU officials signed a cooperation agreement on SMEs, which aims to facilitate the exchange of information about SMEs, provide SME networking opportunities, and promote international trade and business cooperation between U.S. and EU SMEs.<sup>500</sup> On April 22, 2015, the two sides also signed a cooperation arrangement on clusters<sup>501</sup> to facilitate linkages between U.S. and EU clusters to help SMEs and other cluster businesses form strategic transatlantic partnerships.<sup>502</sup> Both of these agreements were announced at the 6th Workshop for Small and Medium Enterprises held under the framework of the TEC in conjunction with the ninth TTIP negotiating round on April 21. Participants in the workshop exchanged best practices, identified common challenges for SMEs seeking to export, and identified trade barriers that affect SMEs disproportionately.<sup>503</sup> At the workshop, USTR and the European Commission released a publication that provides the

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<sup>496</sup> USDOS, “TEC Facilitators Report to Stakeholders,” March 27, 2015.

<sup>497</sup> Ibid.

<sup>498</sup> Ibid.

<sup>499</sup> USDOS, “Joint U.S.-EU Press Statement on the Transatlantic Economic Council,” November 19, 2015.

<sup>500</sup> USDOS, *Cooperation Arrangement between the United States Department of Commerce and the European Commission Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs on Small and Medium-Sized Enterprises*, February 27, 2015, <http://www.state.gov/p/eur/rls/or/2015/241429.htm>.

<sup>501</sup> Clusters are “geographic concentrations of groups of firms, related industries, and other economic and innovation actors that cooperate with each other and have developed specialized expertise and common needs for talent, technology, services, resources and infrastructure, are key drivers of prosperity in local, regional and national economies and are effective springboards for accelerating the internationalization of SMEs.” USDOS, *Cooperation Arrangement between the United States Department of Commerce and the European Commission Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs on Clusters*, April 22, 2015, <http://www.state.gov/p/eur/rls/or/2015/241431.htm>.

<sup>502</sup> USDOS, *Cooperation Arrangement between the United States Department of Commerce and the European Commission Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs on Clusters*, April 22, 2015, <http://www.state.gov/p/eur/rls/or/2015/241431.htm>.

<sup>503</sup> USDOS, “Joint Statement on the Sixth U.S.-EU SME Best Practices Workshop,” April 21, 2015.

views of SMEs on TTIP opportunities.<sup>504</sup> The European Commission also released a report<sup>505</sup> on the benefits of TTIP for SMEs at the workshop.<sup>506</sup>

The e-health area (health-related ICT) has focused on two workstreams: (1) standards development to advance the development and use of internationally recognized standards so that health professionals can work with electronic health information (e.g., patient records) across borders, and (2) development of common curricula to train health workers in the use of e-health technologies. In 2015, a third workstream was added to encourage innovation in the health IT industry—for example, by collaborating on mobile health, such as using software and apps.<sup>507</sup>

In the area of raw materials, the two sides continued to cooperate in 2015 on facilitating data flows and anticipating demand and supply trends. This work includes encouraging bilateral and multilateral institutions to collaborate in supporting policies that foster reliable and undistorted global trade in raw materials.<sup>508</sup>

U.S. and EU officials also discussed e-mobility at the TEC's November 2015 meeting. They cited cooperation on a number of fronts, including “developing common standards, test procedures, and tools to promote universal compatibility and interoperability between electric vehicles, e-vehicles supply equipment, and the electric power supply infrastructure.”<sup>509</sup> A month earlier, in October 2015, the EU had established an Electric Vehicle-Smart Grid Interoperability Center in Ispra, Italy, to promote U.S.-EU cooperation on testing methods, standardization, and interoperability, following the opening of a similar center in the United States at Argonne National Laboratory in 2013.<sup>510</sup>

## Safe Harbor

EU data protection regulations allow the transmission of EU personal data to third countries only if the country is deemed to provide an adequate level of protection by reason of domestic law or international commitments.<sup>511</sup> Because the EU does not consider the U.S. data

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<sup>504</sup> USTR, *Opportunities for Small and Medium-Sized Enterprises*, 2015.

<sup>505</sup> EC, *Small and Medium Sized Enterprises and the Transatlantic*, April 2015.

<sup>506</sup> USDOS, “Joint Statement on the Sixth U.S.-EU SME Best Practices Workshop,” April 21, 2015.

<sup>507</sup> HHS and EC, “Transatlantic eHealth/Health IT Cooperation Roadmap,” November 2015.

<sup>508</sup> USDOS, “Joint U.S.-EU Press Statement on the Transatlantic Economic Council,” November 19, 2015; USDOS, “TEC Facilitators Report to Stakeholders,” March 27, 2015.

<sup>509</sup> USDOS, “Joint U.S.-EU Press Statement on the Transatlantic Economic Council,” November 19, 2015.

<sup>510</sup> USDOS, “TEC Facilitators Report to Stakeholders,” March 27, 2015; EC, Joint Research Centre, “Inauguration of the European Interoperability Centre,” October 2015.

<sup>511</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the Protection of Individuals with regard to the Processing of Personal Data and on the Free Movement of Such

protection framework adequate, in 2000 the two sides agreed to a voluntary Safe Harbor arrangement, which allows eligible U.S. firms to certify compliance with various EU data-handling requirements.<sup>512</sup> Since that time, over 4,400 companies have relied on Safe Harbor to transfer data.<sup>513</sup>

On October 6, 2015, the European Court of Justice issued a judgment declaring as “invalid” the European Commission’s decision of July 2000 on the adequacy of the protection provided by the Safe Harbor framework.<sup>514</sup> Since January 2014, the United States and the EU have been negotiating a new Safe Harbor framework; following the court decision, these talks intensified.<sup>515</sup> According to the European Commission, as of November 2015 negotiations had provided for “stronger monitoring and enforcement . . . , more transparency for consumers as to their data protection rights, easier and cheaper redress possibilities in case of complaints, and clearer rules on onward transfers from Safe Harbour companies to non-Safe Harbour companies.”<sup>516</sup> However, as of yearend, the new package had not been finalized.<sup>517</sup> In the meantime, the European Commission indicated that companies should use alternative tools to authorize lawful data flows to the United States.<sup>518</sup>

## China

In 2015, China surpassed Canada to become the United States’ largest single-country trading partner based on two-way merchandise trade, accounting for 16.0 percent of total U.S. merchandise trade. U.S. two-way merchandise trade with China amounted to \$598.1 billion in 2015, an increase of 1.3 percent over the \$590.4 billion recorded in 2014. The U.S. merchandise trade deficit with China, which rose by 6.6 percent, or \$22.6 billion, to \$365.7 billion in 2015,

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Data. For more information, see USITC, *Digital Trade in the U.S. and Global Economies, Part 1*, 2013, 5-10.

<sup>512</sup> USITC, *Digital Trade in the U.S. and Global Economies, Part 1*, 2013, 5-12. For more information on EU data protection and the Safe Harbor framework, see USITC, *Digital Trade in the U.S. and Global Economies, Part 1*, 2013, 5-10 to 5-12.

<sup>513</sup> U.S. Mission to the EU, “Ambassador Gardner’s Remarks to the Greens/ EFA,” December 2, 2015.

<sup>514</sup> USDOC, “Welcome to the U.S.-EU and U.S.-Swiss” (accessed February 9, 2016).

<sup>515</sup> USDOC, “U.S. Secretary of Commerce Penny Pritzker Delivers Remarks,” October 29, 2015; EC, *Communication from the Commission to the European Parliament and the Council on the Transfer of Personal Data from the EU to the United States of America under Directive 95/46/EC Following the Judgment by the Court of Justice in Case C-362/14*, November 6, 2015, 3, 15.

<sup>516</sup> EC, *Communication from the Commission to the European Parliament and the Council on the Transfer of Personal Data from the EU to the United States of America under Directive 95/46/EC Following the Judgment by the Court of Justice in Case C-362/14*, November 6, 2015, 15.

<sup>517</sup> On February 2, 2016, U.S. Secretary of Commerce Penny Pritzker announced the completion of the EU-U.S. so-called Privacy Shield, which replaces Safe Harbor. USDOC, “Statement from U.S. Secretary of Commerce Penny Pritzker,” February 2, 2016; USDOC, “EU-U.S. Privacy Shield,” February 2, 2016.

<sup>518</sup> EC, *Communication from the Commission to the European Parliament and the Council on the Transfer of Personal Data from the EU to the United States of America under Directive 95/46/EC Following the Judgment by the Court of Justice in Case C-362/14*, November 6, 2015, 15.

## Chapter 6: U.S Trade Relations with Major Trading Partners

remained higher than the U.S. trade deficit with any other trading partner. The expansion of this deficit with China was attributable to an increase in U.S. merchandise imports from China, accompanied by a decrease in U.S. exports to China (figure 6.4). In 2015, China was the United States' fourth-largest single-country trading partner based on two-way services trade, accounting for 5.2 percent of total U.S. services trade. The U.S. services trade surplus with China increased by 4.8 percent, from \$27.8 billion in 2014 to \$29.1 billion in 2015 (figure 6.5).

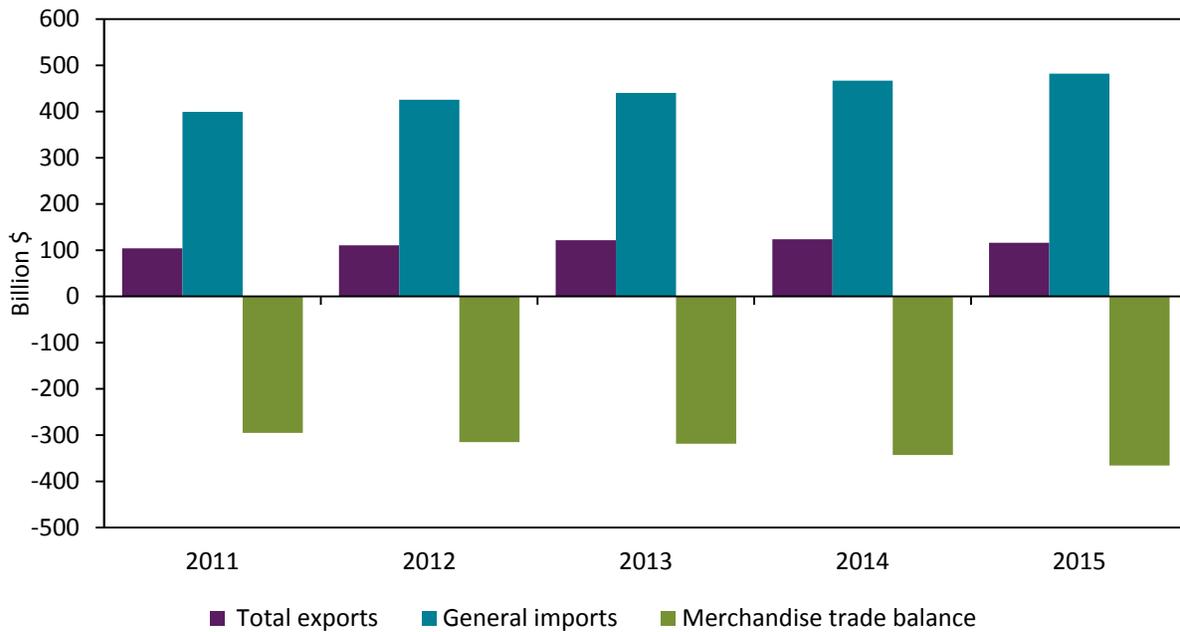
China was the third-largest single-country destination for U.S. merchandise exports in 2015, behind Canada and Mexico. U.S. merchandise exports to China amounted to \$116.2 billion in 2015, a 6.0 percent or \$7.5 billion decrease over 2014. Leading U.S. exports to China in 2015 were civilian aircraft, engines, and parts (13.3 percent of total U.S. exports to China); soybeans (9.1 percent); and passenger motor vehicles (7.4 percent). Other leading U.S. exports to China included processors or controllers; grain sorghum; and metal waste and scrap. U.S. exports of civilian aircraft, engines, and parts to China achieved the largest increase over 2014 at \$1.5 billion. On the other hand, U.S. exports of soybeans to China incurred the largest decrease over the same period at \$3.9 billion, followed by passenger motor vehicles, which declined by \$1.6 billion. U.S. exports of metal waste and scrap to China, such as copper and aluminum waste and scrap, also experienced a decline of \$0.9 billion. The decrease of U.S. exports to China reflects the weaker performance of China's overall imports from the world in 2015, which declined by 18.2 percent over 2014.<sup>519</sup>

In 2015, China remained the largest source of U.S. merchandise imports. U.S. merchandise imports from China amounted to \$481.9 billion, an increase of 3.2 percent over 2014. Leading U.S. imports from China in 2015 were computers and parts; cellphones; telecommunications equipment; toys; electrical static converters; and video game consoles and machines. The increase in the value of U.S. imports from China in 2015 was led by growth in imports of telecommunications equipment and toys. U.S.-China merchandise trade data are shown in appendix tables A.31 through A.34.

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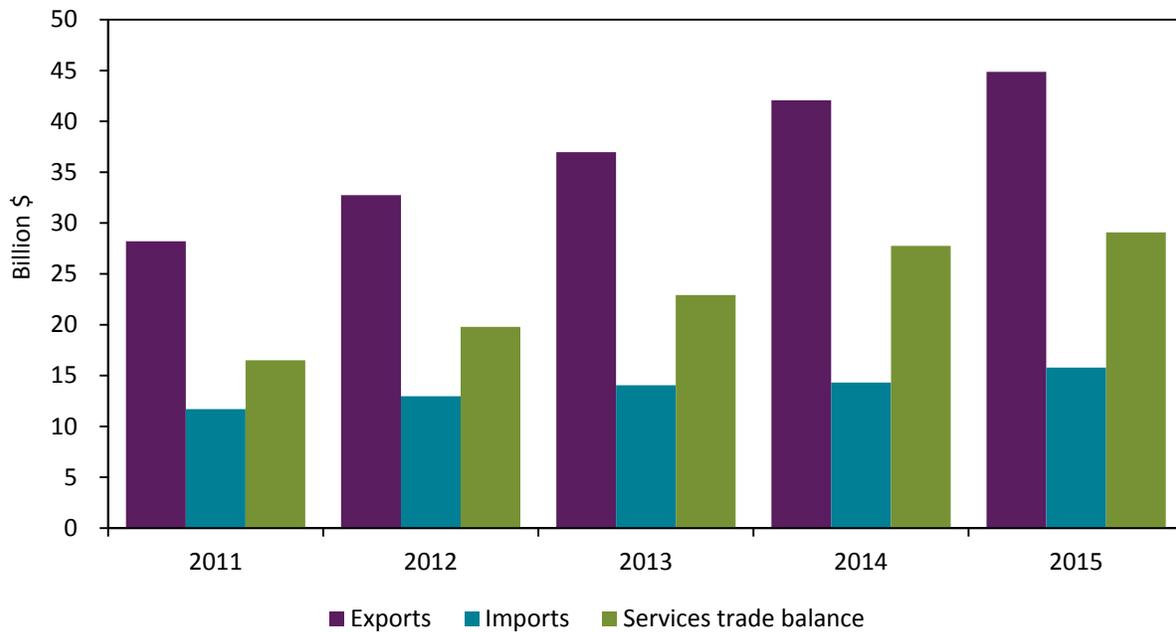
<sup>519</sup> GTIS, Global Trade Atlas database (accessed April 1, 2016).

**Figure 6.4** U.S. merchandise trade with China, 2011–15



Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed March 29, 2016).

**Figure 6.5** U.S. private services trade with China, 2011–15<sup>a</sup>



Source: USDOC, BEA, International Transactions data, “Table 1.3: U.S. International Transactions, Expanded Detail by Area and Country,” and “Table 3.1: U.S. International Trade in Services,” March 17, 2016.

<sup>a</sup> Data for 2015 are preliminary.

## Chapter 6: U.S Trade Relations with Major Trading Partners

In 2015, among the major topics addressed by U.S. and Chinese officials were China's protection and enforcement of IPRs; China's policies on ICT security; and access to China's medical devices and pharmaceuticals market, which are discussed in more detail below.<sup>520</sup> These topics were among the principal themes of the June 2015 session of the U.S.-China Strategic and Economic Dialogue (S&ED)<sup>521</sup> and the November 2015 Joint Commission on Commerce and Trade (JCCT),<sup>522</sup> as well as other high-level bilateral official meetings. The S&ED, established in 2009, is a high-level forum in which the United States and China can discuss a wide range of bilateral, regional, and global political, strategic, security, and economic issues.<sup>523</sup> The JCCT, established in 1983, is a forum for high-level dialogue on bilateral trade issues and a vehicle for promoting commercial relations. Both the S&ED and the JCCT meet annually.

On September 24, 2015, the United States and China held the inaugural meeting of the annual U.S.-China Strategic Agricultural Innovation Dialogue in Washington, DC. The meeting focused on the policy and regulatory framework for developing and using agricultural technologies, aiming to strengthen the bilateral dialogue to enable increased use of innovative technologies in agriculture.<sup>524</sup>

Since China's accession to the WTO, the United States has filed 17 complaints against China under the WTO dispute settlement mechanism, and China has filed 9 such complaints against the United States.<sup>525</sup> In 2015, the United States filed two new complaints against China: on February 11, 2015, the United States requested consultations with China regarding certain Chinese measures providing subsidies contingent upon export performance to enterprises in several industries in China (DS489); and on December 8, 2015, the United States requested consultations with China regarding China's tax measures in relation to the sales of certain

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<sup>520</sup> Among other major topics discussed were the impact of China's excess capacity in manufacturing industries (e.g., steel and aluminum) on the global market, China's Anti-monopoly Law enforcement, China's agricultural biotechnology policy, and the U.S.-China Bilateral Investment Treaty (BIT) negotiations. The United States and China had 22 rounds of BIT negotiations by November 4, 2015, and the two sides continued to work on improving China's negative list offer of sectors that it seeks to exclude from the framework. Xinhua News Net, "China, U.S. Commitment to New Negative List Offers Underpins Optimism in Investment Treaty Talks," June 28, 2015; WSJ, "U.S., China Make Progress Toward Trade and Investment Deal," September 25, 2015; *Inside U.S. Trade*, "U.S., China Holding 22nd Round of BIT Negotiations," November 5, 2015. For past developments on U.S.-China BIT negotiations, see USITC, *The Year in Trade 2014*, July 2015, 173–74.

<sup>521</sup> U.S. Treasury, "2015 U.S.-China Strategic and Economic Dialogue," June 25, 2015.

<sup>522</sup> USDOC, "U.S. Fact Sheet: 26th U.S.-China Joint Commission," November 23, 2015.

<sup>523</sup> The establishment of the S&ED was announced in 2009 by U.S. President Obama and Chinese President Hu Jintao. The S&ED replaced the former Senior Dialogue and Strategic Economic Dialogue (SED) under the George W. Bush administration.

<sup>524</sup> USTR, "United States to Host China," September 2015.

<sup>525</sup> WTO, "Chronological List of Dispute Cases," n.d. (accessed March 8, 2016).

domestically produced aircraft in China (DS501).<sup>526</sup> In 2015, there was another major development in the dispute case that the United States filed in 2012 regarding China's measures related to the exportation of rare earths, tungsten, and molybdenum (DS431). In 2014, the Dispute Settlement Body found China's export restriction measures breached its WTO obligations.<sup>527</sup> In 2015, China reported it had ended export quotas and eliminated export duties on these products.<sup>528</sup> Developments in these and other WTO dispute settlement proceedings during 2015 are described in more detail in chapter 3 and appendix table A.25.

## Intellectual Property Rights Enforcement

The United States and China have had lengthy and long-standing consultations on IPR issues, particularly since China's accession to the WTO and its acceptance of the WTO Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement.<sup>529</sup> As a result, China has undertaken substantial legal and judicial reforms relating to IPR protection and enforcement, although U.S. companies continue to report problems.<sup>530</sup>

In its *2015 Special 301 Report*, USTR described some positive IPR developments in China. For instance, the Chinese government issued high-level planning documents that articulated a commitment to protect and enforce IPR, to allow more participation from industry and entrepreneurs in IPR policy development, and to allow market mechanisms to play a greater role in guiding research and development efforts.<sup>531</sup> In addition, in early 2015, China's Supreme People's Court invited comments on draft judicial interpretations that would provide additional guidance about provisions of China's civil procedure law in reviewing cases of disputes over IPRs and competition.<sup>532</sup>

However, U.S. companies continued to report ineffective protection of IPRs in all forms, including patents, copyrights, trademarks, trade secrets, and protection of pharmaceutical test data.<sup>533</sup> USTR's *2015 Special 301 Report* again placed China on the Priority Watch List, noting

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<sup>526</sup> WTO, "Dispute Settlement: DS489: China—Measures Related to Demonstration Bases and Common Service Platforms Programmes"; and "Dispute Settlement: DS501: China—Tax Measures Concerning Certain Domestically Produced Aircraft," n.d. (accessed March 8, 2016).

<sup>527</sup> WTO, "Dispute Settlement: DS431; China—Measures Related to the Exportation of Rare Earths, Tungsten and Molybdenum," n.d. (accessed March 8, 2016).

<sup>528</sup> USTR, "Statement by U.S. Trade Representative Michael Froman on Chinese Policies," May 2015.

<sup>529</sup> For more information on the effect of China's IPR infringement, see USITC, *China: Intellectual Property Infringement and Indigenous Innovation Policies*, November 2010, and USITC, *China: Effects of Intellectual Property Infringement*, May 2011.

<sup>530</sup> USTR, *2015 Special 301 Report*, April 2015, 33–34.

<sup>531</sup> *Ibid.*, 6.

<sup>532</sup> *Ibid.*, 33.

<sup>533</sup> *Ibid.*, 32.

particular concerns regarding China’s measures that govern the use of ICT products, services, and technologies; trade secret theft; software legalization; online copyright piracy; counterfeit goods; and IPR and technology transfer requirements, as well as patent-related and other policies.<sup>534</sup>

USTR’s 2015 *Out-of-Cycle Review of Notorious Markets*, which identified online and physical marketplaces that reportedly engage in and facilitate substantial copyright piracy and trademark counterfeiting, also highlighted some new developments in China. While USTR acknowledged the initiatives that Chinese authorities had undertaken to address the problem of online counterfeit sales and lack of consumer protection, it stated that such efforts had not kept pace with the rapid growth of online sales in China.<sup>535</sup>

In its review, USTR particularly noted brand owners’ criticism of Taobao.com, Alibaba.com, and other Chinese e-commerce websites under the Alibaba Group, based on continued sales of large quantities of counterfeit goods. Although the Alibaba Group stated that it had added new online enforcement features to better protect trademarks and other IPRs since the 2014 review, USTR cited ongoing complaints from rights holders that Alibaba Group’s enforcement program is slow in taking actions, difficult to use, and not transparent. USTR stated it would continue to monitor the situation for evidence of improvement in addressing these concerns.<sup>536</sup> The 2015 review also highlighted two other online websites and five physical markets in China based on their engagement in or facilitation of IPR infringement.<sup>537</sup>

## Information and Communications Technology (ICT) Security Policy

In 2015, USTR expressed growing concerns over a series of Chinese measures that would impose severe restrictions on a wide range of foreign ICT products and services.<sup>538</sup> Such measures include the National Security Law passed in June 2015; a development plan for big data published by the State Council in September 2015; ICT rules for the banking and insurance sectors; and other draft laws relating to counterterrorism and cybersecurity. USTR noted that these ICT regulations and measures called for the adoption of “secure and controllable” ICT products and services, which could not only add significant costs to foreign ICT companies

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<sup>534</sup> *Ibid.*, 3, 35–43. For more information about the 2015 *Special 301 Report* on China, see chapter 2 section on Special 301.

<sup>535</sup> USTR, *2015 Out-of-Cycle Review of Notorious Markets*, December 2015, 4, 5. For more information about this USTR report, see chapter 2.

<sup>536</sup> *Ibid.*, 8.

<sup>537</sup> *Ibid.*, 11–22.

<sup>538</sup> USTR, *2015 Report to Congress on China’s WTO Compliance*, December 2015, 11; USDOC, “U.S. Fact Sheet: 26th U.S.-China Joint Commission,” November 23, 2015.

operating in China, but also restrict the use of imported ICT products and services in a wide range of commercial sectors in China.<sup>539</sup>

In 2015, the United States and China were able to make progress through bilateral engagement. During the state visit of Chinese President Xi to Washington, DC, in September 2015, the two sides discussed the issue and agreed on a set of principles for trade in information technologies. At other bilateral meetings, China made a series of additional commitments that it would formulate ICT security measures in a way that is open, transparent, pro-competitive, nondiscriminatory, and consistent with WTO agreements. China also agreed to notify the WTO of drafts of ICT-related regulations in the insurance sector for review by WTO members.<sup>540</sup>

## ICT Rules for the Banking Sector

In September 2014, China's banking regulator, the China Banking Regulatory Commission (CBRC), issued the *Guiding Principles on Strengthening the Banking Network Security and Information Technology Infrastructure through Secure and Controllable Information Technologies (Guiding Principles)*. This document laid down the objective of achieving a "secure and controllable" information technology environment in the banking sector by 2019.<sup>541</sup> In December 2014, CBRC issued the *Guidelines on Promoting the Application of Safe and Controllable Information Technology (Year 2014-2015) (Guidelines)*, the first measure introduced to implement *Guiding Principles*. The *Guidelines* classified different forms of technology used by banks into 10 big categories and over 60 sub-categories, and set out the evaluation criteria that must be fulfilled for that technology to be considered "secure and controllable."<sup>542</sup> The criteria vary for different types of technology, but in general they include source code disclosure, regulator risk assessment, and certain local-content requirements (e.g. domestic presence, domestic IPRs, or domestic encryption technology).<sup>543</sup> On February 12,

<sup>539</sup> USTR, *2015 Report to Congress on China's WTO Compliance*, December 2015, 11.

<sup>540</sup> USTR, *2015 Report to Congress on China's WTO Compliance*, December 2015, 5, 11; USDOC, "U.S. Fact Sheet: 26th U.S.-China Joint Commission on Commerce and Trade," November 23, 2015.

<sup>541</sup> KPMG, *Cyber Security and the Impact on Banks in China*, March 2015; CBRC, the *Guiding Principles on Strengthening the Banking Network Security and Information Technology Infrastructure through Secure and Controllable Information Technologies*, CBRC Circular no. 39, September 3, 2014, <http://lawinfochina.com/display.aspx?id=17783&lib=law> (accessed May 25, 2016).

<sup>542</sup> China Law in Sight, "China Strengthening Banking Sector IT Supervision," March 17, 2015; KPMG, *Cyber Security and the Impact on Banks in China*, March 2015, 8–9.

<sup>543</sup> Freshfields Bruckhaus Deringer, "China Introduces Comprehensive New Cyber Security Rules," March 23, 2015; KPMG, *Cyber Security and the Impact on Banks in China*, March 2015, 8–9.

2015, the CBRC issued further clarification on the *Guidelines* to provide clarity on the requirements for source code filing and the management of IPRs.<sup>544</sup>

In April 2015, the United States and Japan expressed concerns to the WTO's Committee on Trade-Related Investment Measures regarding the CBRC's measures. In particular, they claimed that local-content requirements on information and telecommunications equipment used by the banking sector could severely limit access to China's banking sector for many foreign ICT products. The EU and Canada stated that they shared the concerns.<sup>545</sup> As a result, China suspended the implementation of the *Guidelines*. At the 2015 November JCCT, China confirmed it would release a revised draft for public comment and was soliciting advice from concerned parties.<sup>546</sup>

## Medical Devices and Pharmaceuticals Market Access

China is the world's second-largest market for medical devices and pharmaceutical products, with promising growth potential.<sup>547</sup> The United States is among China's major suppliers, exporting billions of dollars of medical devices and pharmaceutical products to China every year.<sup>548</sup>

China imposes strict requirements for accessing its medical devices and pharmaceuticals market. To export medical devices to China, an exporter must submit documents covering instructions for use, quality standards, test methods, and other relevant information for the inspection and approval of China's drug regulatory authority. Before applying for customs formalities, the exporter must also receive an import product registration certificate.<sup>549</sup> Similarly, foreign pharmaceutical manufacturers are required to apply for a license for manufacturing or marketing pharmaceutical products in China.<sup>550</sup>

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<sup>544</sup> CBRC, *Relevant issues concerning 'Guidelines on Promoting the Application of Safe and Controllable Information Technology (Year 2014-2015)' (Yin Jian Ban Fa No.317, 2014)*,

<http://www.cbrc.gov.cn/EngdocView.do?docID=24D2495942C249BFAE43DB29C81E6C19> (accessed May 25, 2016); KPMG, *Cyber Security and the Impact on Banks in China*, March 2015, 10.

<sup>545</sup> WTO, "Concerns Raised about Investment Measures Favoring Local Products," April 16, 2015.

<sup>546</sup> USDOC, "U.S. Fact Sheet: 26th U.S.-China Joint Commission," November 23, 2015.

<sup>547</sup> Elsinga, "Market Overview: The Medical Device Industry," December 3, 2014; Mihir Torsekar, "U.S. Firms Pursue Opportunities to Supply China's Growing Medical Device Market," August 2013.

<sup>548</sup> USDOC, "U.S. Fact Sheet: 26th U.S.-China Joint Commission," November 23, 2015.

<sup>549</sup> CFDA, "Regulations for the Supervision and Administration of Medical Devices," December 19, 1992, <http://eng.cfd.gov.cn/WS03/CL0767/61641.html> (accessed May 25, 2016).

<sup>550</sup> CFDA, "Regulations for Implementation of the Drug Administration Law," August 4, 2002, <http://eng.cfd.gov.cn/WS03/CL0767/61640.html> (accessed May 25, 2016).

Facilitating market access for medical devices and pharmaceutical products has been one of the top issues discussed at recent high-level U.S.-China bilateral officials meetings (e.g., JCCT). Such discussions included streamlining China’s regulatory process, cutting red tape in China’s approval procedures, and reducing the time required for medical devices and innovative pharmaceutical products to reach Chinese markets.<sup>551</sup> In 2015, there were important developments in the regulations covering registration and approval procedures for medical devices in China.

## Medical Devices

The China Food and Drug Administration (CFDA) is the Chinese government agency that formulates laws, regulations, rules, and policy plans for administering and supervising food safety, drugs, medical devices, and cosmetics.<sup>552</sup> In 2014, CFDA revised the *Regulations for the Supervision and Administration of Medical Devices* (the *Regulations*), which went into force on June 1, 2014. To support the implementation of the *Regulations*, CFDA subsequently released five relevant measures, including *the Administrative Measures for Medical Device Registration* (the *Registration Measures*).<sup>553</sup> According to the *Registration Measures*, medical devices meeting certain criteria can be exempted from the clinical trial requirements.<sup>554</sup>

On August 21, 2014, CFDA issued the first list of more than 500 medical devices that meet the criteria and would be exempted from the clinical trials. This list entered into force on October 1, 2014.<sup>555</sup> On December 14, 2015, CFDA published a draft of the second list, which included an additional 300 medical devices, for comments.<sup>556</sup> At the 2015 November JCCT, China affirmed that it would finalize the second list and further expand the number of devices exempted from clinical trials in 2016.<sup>557</sup>

At the 2015 November JCCT, China affirmed that it was refining the communication mechanism for applicants registering their medical devices. For innovative medical devices, CFDA would appoint dedicated personnel to the evaluation and approval process to provide guidance and prompt communication with the applicants upon request. For other medical devices, CFDA would conduct weekly group consultations for applicants.<sup>558</sup>

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<sup>551</sup> USDOC, “U.S.-China Joint Factsheet on the 25th U.S.-China Joint Commission,” December 2014.

<sup>552</sup> CFDA, “About CFDA,” <http://eng.cfda.gov.cn/WS03/CL0756/>.

<sup>553</sup> CFDA, “Administrative Measures for Medical Device Registration and other four Administrative Measures issued,” August 4, 2014.

<sup>554</sup> Cooley, “China Food and Drug Administration Offers Guidance,” January 4, 2016.

<sup>555</sup> Government of Israel, Ministry of Economy, “CFDA Published Lists of Medical Devices,” August 26, 2014.

<sup>556</sup> Cooley, “China Food and Drug Administration Offers Guidance,” January 4, 2016.

<sup>557</sup> USDOC, “U.S. Fact Sheet: 26th U.S.-China Joint Commission,” November 23, 2015.

<sup>558</sup> Ibid.

On August 18, 2015, China's State Council issued the *Opinions on Reforming the Review and Approval Systems for Drugs and Medical Devices*, which provide guidelines for reforming China's drug and medical device review and approval systems.<sup>559</sup> China agreed that the CFDA would provide no less than a 30-day public comment period for implementing the CFDA rules and regulations. China also agreed to apply the same treatment to imported devices as domestic medical devices, and to abide by its commitments to the WTO's Technical Barriers to Trade Agreement.<sup>560</sup>

## Canada

Canada was the United States' second-largest single-country merchandise trading partner in 2015 after China, falling from the top position it had occupied in 2014 and previous years. The value of U.S. merchandise trade with Canada fell 12.9 percent to \$575.2 billion in 2015, accounting for 15.4 percent of total U.S. merchandise trade in 2015, compared to 16.6 percent in 2014. Both U.S. exports and imports with Canada shrank significantly, but U.S. imports from Canada fell more sharply, resulting in a trade deficit of \$15.2 billion that was less than half the value in 2014 (figure 6.6). The decrease of U.S. merchandise trade with Canada reflects the weaker performance of Canada's overall merchandise trade with the world in 2015, which declined by 11.7 percent over 2014. The significant decline in crude oil prices in 2015 was the major contributing factor.<sup>561</sup>

Canada remained the United States' second-largest single-country trading partner in services in 2015, after the United Kingdom. Two-way services trade fell by 4.4 percent to \$86.9 billion in 2015, primarily due to a decline in U.S. services exports to Canada. As a result, the 2015 U.S. services trade surplus with Canada fell 13.6 percent from the previous year, to \$27.0 billion (figure 6.7).

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<sup>559</sup> Ibid.

<sup>560</sup> Ibid.

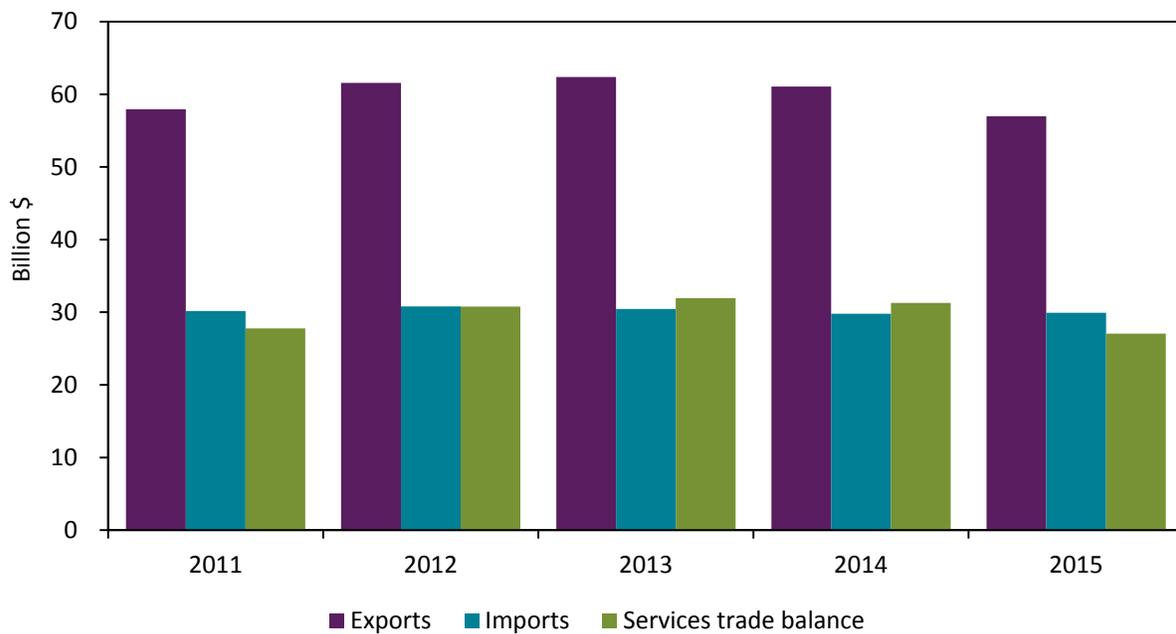
<sup>561</sup> GTIS, Global Trade Atlas database (accessed April 8, 2016).

**Figure 6.6** U.S. merchandise trade with Canada, 2011–15



Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed March 29, 2016).

**Figure 6.7** U.S. private services trade with Canada, 2011–15<sup>a</sup>



Source: USDOC, BEA, International Transactions data, “Table 1.3: U.S. International Transactions, Expanded Detail by Area and Country,” and “Table 3.1. U.S. International Trade in Services,” March 17, 2016.

<sup>a</sup> Data for 2015 are preliminary.

## Chapter 6: U.S Trade Relations with Major Trading Partners

Canada remained the United States' largest single-country export market, although the value of U.S. goods exports fell by 10.4 percent from \$312.4 billion in 2014 to \$280.0 billion in 2015. Leading U.S. exports to Canada in 2015 were passenger motor vehicles (4.6 percent of total U.S. exports to Canada); crude petroleum (2.9 percent); civilian aircraft, engines, and parts (2.8 percent); motor vehicles for goods transport (2.2 percent); and refined petroleum products (3.2 percent). U.S. exports of energy products to Canada, such as crude petroleum, refined petroleum products, and natural gas, incurred the largest declines in both absolute and relative terms. On the other hand, U.S. exports of cellphones to Canada scored the largest increase, rising \$0.5 billion, or 48.5 percent, over 2014.

In 2015, Canada remained the United States' second-largest single-country import source, after China. U.S. goods imports from Canada fell 15.1 percent, from \$347.8 billion in 2014 to \$295.2 billion in 2015. Leading U.S. imports from Canada were crude petroleum, passenger motor vehicles, natural gas, and refined petroleum products. Similar to the export side, U.S. imports of energy products from Canada also suffered the largest declines. U.S.-Canada merchandise trade data are shown in appendix tables A.35 through A.38.

In 2015, bilateral trade discussions between the United States and Canada continued to be one of the most extensive in the world, with trade issues focused largely on beyond-the-border measures that facilitate trade.<sup>562</sup> For example, the Canada-United States Regulatory Cooperation Council made progress in 2015 on lowering regulatory trade barriers across a broad front. The expiration of the 2006 U.S.-Canada Softwood Lumber Agreement on October 12, 2015, represented the opportunity for both governments to revisit this prominent issue, although Canadian federal elections on October 19, 2015, and the formation of a new government largely postponed discussions on the subject until 2016. Both of these topics are described in more detail below.

On December 21, 2015, the World Trade Organization (WTO) issued a further decision in a long-running dispute involving the United States' country of origin labelling ("COOL") requirements for imported meat (DS384). The WTO decision authorized Canada to suspend the application to the United States of concessions or other obligations as a result of WTO arbitration.<sup>563</sup> On December 18, 2015, in anticipation of the authorization, the U.S. Congress repealed these COOL requirements for beef and pork.<sup>564</sup> (See WTO dispute settlement section, chapter 3, for details of the dispute.)

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<sup>562</sup> USDOS, BWA, "U.S. Relations with Canada," August 5, 2015.

<sup>563</sup> WTO, "Dispute Settlement: Dispute DS384; United States—Certain Country of Origin Labelling (COOL) Requirements" (accessed March 31, 2016).

<sup>564</sup> USDA, AMS, "Statement from Agriculture Secretary Tom Vilsack on the Country," December 18, 2015.

## Softwood Lumber Agreement

The 2006 U.S.-Canada Softwood Lumber Agreement (SLA) officially expired on October 12, 2015, following a two-year extension agreed on January 23, 2012.<sup>565</sup> Following the agreement's expiration, news reports characterized both governments as unable to agree on how to proceed regarding trade in softwood lumber between the two countries.<sup>566</sup> However, the agreement contains a one-year grace period for renegotiation during which U.S. lumber interests may not file any trade litigation.<sup>567</sup>

## Regulatory Cooperation Council

In February 2011, the Canada-United States Regulatory Cooperation Council was formed to identify regulatory issues that hinder cross-border trade and investment but that might be mitigated by technical collaboration between the two governments. In line with its 2014 Joint Forward Plan, which outlined areas for future work,<sup>568</sup> the council released Regulatory Partnership Statements on May 28, 2015. These statements detailed plans for coordination between several agencies from both governments: (1) the U.S. Environmental Protection Agency and Canada's Pest Management Regulatory Agency; (2) the U.S. Department of Transportation and Transport Canada; (3) the U.S. Food and Drug Administration and Health Canada; and (4) the U.S. National Oceanic and Atmospheric Administration and Fisheries and Oceans Canada.<sup>569</sup> The council continued its work to develop initiatives and work plans involving regulatory cooperation into 2016.<sup>570</sup>

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<sup>565</sup> Government of Canada and Government of the United States of America, *Agreement between the Government of Canada and the Government of the United States of America Extending the Softwood Lumber Agreement between the Government of Canada and the Government of the United States of America, as Amended*, January 23, 2012, <http://treaty-accord.gc.ca/text-texte.aspx?id=105335&lang=eng>; USDOS, U.S. Consulate (Vancouver 000386), "BC Government and Industry Say Time to Talk on Softwood Lumber," October 28, 2015. For further background, see USITC, *The Year in Trade 2013*, July 2014, 134–35; USITC, *The Year in Trade 2014*, July 2015, 164–65.

<sup>566</sup> *Inside U.S. Trade*, "Lumber Deal Expires as U.S., Canada at Impasse," October 15, 2015; Meissner, "Softwood Lumber Dispute in Focus Again," October 14, 2015.

<sup>567</sup> USDOS, U.S. Consulate (Vancouver 000368), "Vancouver October 13, 2015 Pol/Econ Report," October 13, 2015. Following the Canadian Prime Minister's meeting with the President on March 10, 2016, the White House released a fact sheet on U.S.-Canadian relations that said in part: "The President and Prime Minister highlighted the need to further facilitate trade between our two countries. President Obama welcomed Prime Minister Trudeau's interest in a new long-term agreement for softwood lumber. The Leaders agreed that the United States Trade Representative and the Canadian Minister of International Trade will intensively explore all options and report back within 100 days on the key features that would address this issue." White House, Office of the Press Secretary, "Fact Sheet: United States-Canada Relationship," March 10, 2016.

<sup>568</sup> For background on the 2014 Joint Forward Plan, see USITC, *The Year in Trade 2014*, July 2015, 162–63.

<sup>569</sup> Shelanski, "Moving Forward Our Regulatory Partnerships with Canada," May 28, 2015.

<sup>570</sup> White House, Office of the Press Secretary, "Fact Sheet: United States-Canada Relationship," March 10, 2016.

## Mexico

In 2015, Mexico was the United States' third-largest single-country merchandise trading partner, following China and Canada. Merchandise trade between the two countries decreased by 0.6 percent to \$531.1 billion in 2015, accounting for 14.2 percent of U.S. trade with the world. The U.S. merchandise trade deficit with Mexico increased by \$4.5 billion in 2015, to \$58.4 billion, as U.S. imports grew faster than U.S. exports (figure 6.8). It was the United States' fourth-largest merchandise trade deficit with any single country after China, Germany, and Japan; the U.S. trade deficit with China, for example, was more than six times that with Mexico. At the same time, the U.S. trade surplus in services with Mexico decreased by 13.2 percent to \$8.9 billion in 2015 (figure 6.9). Mexico was the United States' sixth-largest single-country trading partner for services in 2014, after the United Kingdom, Canada, Japan, China, and Germany.

U.S. merchandise exports to Mexico totaled \$236.4 billion in 2015, a decrease of 1.6 percent from 2014. In 2015, the leading U.S. exports to Mexico were refined petroleum products; computer parts and accessories; parts and accessories for motor vehicles; telecommunications equipment; and civilian aircraft, engines, and parts. U.S. exports of refined petroleum products incurred the largest declines, while U.S. exports of parts and accessories for motor vehicles and telecommunications equipment increased the most.

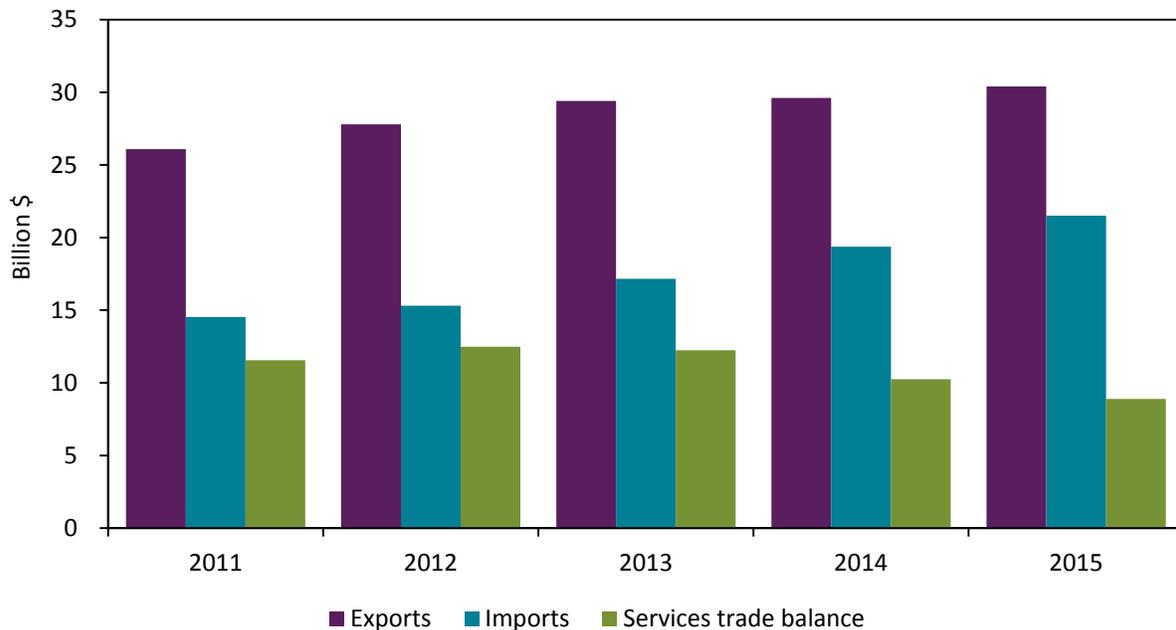
In 2015, U.S. merchandise imports from Mexico increased by 0.2 percent to \$294.7 billion. Leading U.S. imports from Mexico included passenger motor vehicles; computers; motor vehicles for goods transport; crude petroleum; color TV reception apparatus; and telecommunications equipment. U.S. imports of crude petroleum incurred the largest decline. On the other hand, U.S. imports of computers and telecommunications equipment increased the most. U.S. imports of motor vehicles, tractors, and motor vehicle parts and accessories also experienced noticeable increases. U.S.-Mexico merchandise trade data are shown in appendix tables A.39 through A.42.

**Figure 6.8** U.S. merchandise trade with Mexico, 2011–15



Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 4, 2016).

**Figure 6.9** U.S. private services trade with Mexico, 2011–15



Source: USDOC, BEA, International Transactions data, “Table 1.3: U.S. International Transactions, Expanded Detail by Area and Country,” and “Table 3.1: U.S. International Trade in Services,” March 17, 2016.

<sup>a</sup> Data for 2015 are preliminary.

U.S.-Mexican trade relations are governed in large part by the North American Free Trade Agreement (NAFTA), which provides duty-free treatment to a sizable portion of the goods traded between the two countries (table 5.2).<sup>571</sup> To strengthen the U.S.-Mexico commercial and economic relationship, a new High Level Economic Dialogue (HLED) was established in 2013. Developments in 2015 regarding the HLED and NAFTA's cross-border trucking provisions are described below. Developments related to the suspension agreements on U.S. sugar imports from Mexico, signed in December 2014, are covered in chapter 2.<sup>572</sup>

### High Level Economic Dialogue (HLED)

On September 20, 2013, U.S. and Mexican officials launched the HLED, a cabinet-level group that meets annually. The HLED is a platform that allows the U.S. and Mexican governments to advance their economic priorities, foster growth, create jobs, and improve competitiveness. The HLED work plan has three pillars: promoting competitiveness and connectivity; fostering economic growth, productivity, entrepreneurship, and innovation; and partnering for regional and global leadership.<sup>573</sup>

In 2015, U.S. and Mexican officials held the second meeting of the HLED in Washington, DC, to review their accomplishments and establish new priorities for 2015 within the work plan. At the meeting the U.S. and Mexican governments agreed to add energy and climate cooperation to the HLED work plan and to strengthen and modernize the U.S.-Mexico border.<sup>574</sup>

### 2015 Achievements

#### Energy

The United States, Mexico, and Canada worked together in 2015 to share data and information on the energy sectors, which is available on all three countries' official websites. The United

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<sup>571</sup> For more information on NAFTA, see chapter 5. Originating goods of Mexico are eligible under every rate line in HTS chapters 1–97. On February 4, 2016, Mexico signed the Trans-Pacific Partnership (TPP), a regional trade agreement between the United States and 11 other countries (including Mexico). See chapter 5 for more information on the TPP.

<sup>572</sup> For more background, see USITC, *The Year in Trade 2014*, July 2015, 178–79.

<sup>573</sup> White House, "U.S.-Mexico Partnership," May 2, 2013; White House, "U.S.-Mexico High Level Economic Dialogue," September 20, 2013. For more information on the HLED, see USITC, *The Year in Trade 2013*, July 2014, 146, and USITC, *The Year in Trade 2014*, July 2015, 176.

<sup>574</sup> USDOC, "U.S.-Mexico High Level Economic Dialogue: Government Officials," July 30, 2015; White House, "U.S.-Mexico High Level Economic Dialogue," January 6, 2015.

States and Mexico established the United States-Mexico Energy Business Council to strengthen the economic ties between the energy industries of both countries.<sup>575</sup>

## Modern Borders

The United States and Mexico continued to make progress on priority border infrastructure projects. The West Rail Bypass Bridge at Brownsville-Matamoros between Texas and Tamaulipas opened in August 2015. It is the first international rail bridge between the two nations in 100 years. The “Puerta Este” pedestrian crossing opened in August 2015. It is part of the larger renovation project on both sides of the San Ysidro-El Chaparral ports of entry between San Diego and Tijuana, the busiest land port of entry in the Western Hemisphere. Also, the Cross Border Xpress, a pedestrian bridge connecting San Diego with the Tijuana Airport, opened in December 2015. This skywalk is intended to offer a faster and more secure way for ticketed airline passengers to cross the few hundred feet between San Diego and the airport. In addition, U.S. and Mexico customs administrations launched two cargo pre-inspection pilot projects at the international airport in Laredo, Texas, and at the customs facilities in Mesa de Otay, Baja California. The programs are expected to reduce the number of inspections, shorten wait times, and lower transaction costs.<sup>576</sup>

## Regulatory Cooperation

In 2015, agency-to-agency regulatory cooperation between U.S. and Mexican agencies continued. Mexico’s Agency for Safety, Energy, and Environment and the U.S. Department of Interior’s Bureau of Safety and Environmental Enforcement worked together on environmental safety regulations related to natural resource exploration. Also, on June 5, 2015, the U. S. Federal Energy Regulatory Commission signed a memorandum of understanding on regulatory cooperation with Mexico’s Energy Regulatory Commission. Under this memorandum, the two commissions will exchange information on the monitoring and oversight of Mexico’s wholesale power market, best practices for large-scale integration of renewable energy into the bulk power system, and information about natural gas infrastructure and market operations.<sup>577</sup>

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<sup>575</sup> USDOC, “U.S.-Mexico High Level Economic Dialogue: Government Officials Review,” July 30, 2015; White House, “U.S.-Mexico High Level Economic Dialogue,” January 6, 2015.

<sup>576</sup> Ibid.

<sup>577</sup> USDOC, “U.S.-Mexico High Level Economic Dialogue: Government Officials Review,” July 30, 2015; White House, “U.S.-Mexico High Level Economic Dialogue,” January 6, 2015.

## Cross-Border Trucking between the United States and Mexico

Under the cross-border trucking commitments in Chapter 12 of NAFTA, Mexican trucks were allowed to provide cross-border truck services throughout the United States beginning in 2000. The implementation of these provisions was delayed because of U.S. safety concerns.<sup>578</sup> To address these concerns and to meet its obligations under NAFTA, the U.S. Department of Transportation and the Federal Motor Carrier Safety Administration launched the U.S.-Mexico Cross-Border Long-Haul Trucking Pilot Program on October 14, 2011.<sup>579</sup> To implement the program, the U.S. Secretary of Transportation and his counterpart from Mexico established an agreement that also suspended the approximately \$2.4 billion annually in retaliatory tariffs imposed by Mexico on U.S. agricultural and manufacturing goods between 2009 and 2011. The program concluded on October 10, 2014.<sup>580</sup>

On January 9, 2015, the U.S. Department of Transportation submitted a report to Congress that drew on data from the three-year pilot program, as well as additional analysis on almost 1,000 other Mexican long-haul trucking companies that transport goods into the United States.<sup>581</sup> According to the report, 15 trucking companies from Mexico enrolled in the pilot. They crossed the border more than 28,000 times, traveled more than 1.5 million miles in the United States, and underwent more than 5,500 safety inspections by U.S. officials. Data were also collected on an additional 952 Mexican-owned trucking companies that also operated long-haul in the United States during the same 36-month period under a preexisting authority. The results showed that the Mexican companies' violation, driver, and vehicle out-of-service rates reflected the same level of safety as U.S. and Canadian-headquartered motor carriers.<sup>582</sup>

As a result of the successful completion of the pilot program, as of January 15, 2015, the Federal Motor Carrier Safety Administration began accepting applications from Mexico-

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<sup>578</sup> Developments in cross-border truck services between the United States and Mexico are reported in USITC, *The Year in Trade 2008*, July 2009, 5-16; USITC, *The Year in Trade 2009*, July 2010, 5-16; USITC, *The Year in Trade 2010*, July 2011, 5-12; USITC, *The Year in Trade 2011*, July 2012, 5-14; USITC, *The Year in Trade 2012*, July 2013, 5-13; USITC, *The Year in Trade 2013*, 2014, 149; USITC, *The Year in Trade 2014*, July 2015, 177.

<sup>579</sup> 76 Fed. Reg. 20807 (April 13, 2011). Details of the program are reported in USITC, *The Year in Trade 2011*, July 2012, 5-14.

<sup>580</sup> USDOT, FMCSA, *United States-Mexico Cross-Border Long-Haul Trucking*, January 2015.

<sup>581</sup> 80 Fed. Reg. 2179 (January 10, 2015); USDOT, FMCSA, "United States to Expand Trade Opportunities with Mexico," January 9, 2015.

<sup>582</sup> USDOT, FMCSA, "United States to Expand Trade Opportunities with Mexico," January 9, 2015.

domiciled motor carriers interested in conducting long-haul operations beyond the U.S. commercial zones.<sup>583</sup>

## Japan

In 2015, Japan remained the United States' fourth-largest single-country trading partner in terms of two-way merchandise trade, accounting for 5.2 percent of total U.S. merchandise trade. U.S. merchandise trade with Japan declined by 3.6 percent from 2014 to 2015, from \$200.8 billion in 2014 to \$193.6 billion in 2015. The decline was driven primarily by a decrease in U.S. exports to Japan, which fell by \$4.4 billion or 6.5 percent from \$66.8 billion in 2014 to \$62.5 billion in 2015. This decline in U.S. exports, which outpaced the decline in U.S. imports, also resulted in an increase in the U.S. merchandise trade deficit with Japan, which rose by 2.2 percent to \$68.6 billion in 2015 (figure 6.10). In 2015, U.S. services exports to Japan declined by 6.7 percent to \$43.0 billion, while imports of services from Japan also decreased by 6.7 percent to \$26.4 billion. The result was a \$1.2 billion decrease in the U.S. services surplus with Japan, which dropped to \$16.6 billion in 2015 (figure 6.11).

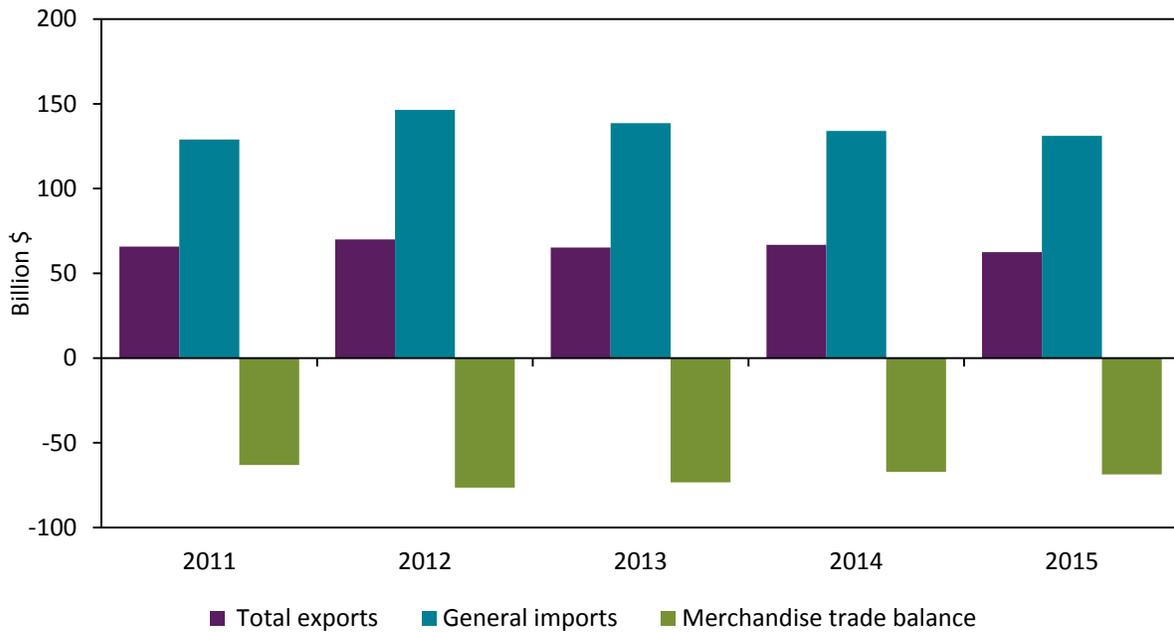
Japan remained the fourth-largest destination for U.S. merchandise exports in 2015, accounting for 4.2 percent of global U.S. exports. Between 2014 and 2015, U.S. exports to Japan declined by 6.5 percent, from \$66.8 billion in 2014 to \$62.5 billion in 2015. Leading U.S. exports to Japan were civilian aircraft, engines, and parts; corn; and certain medicaments. Most of the United States' top 25 exports to Japan experienced declines in 2015, but the products with the largest declines were corn (which decreased by \$644 million), liquefied propane (by \$339 million), and certain medicaments (by \$229 million).

Japan remained the fourth-largest source of U.S. merchandise imports, accounting for 5.8 percent of global U.S. imports. The value of U.S. imports from Japan declined by 2.2 percent to \$131.1 billion in 2015, down from \$134.0 billion in 2014. Leading U.S. imports from Japan were passenger motor vehicles, parts of airplanes and helicopters, gearboxes for motor vehicles, and parts for printers and copying machines. U.S. imports of many products from Japan fell sharply, including imports of gearboxes for motor vehicles (which declined by \$794 million), as well as machines and apparatus for the production of semiconductor devices or electronic integrated circuits (which decreased by \$623 million). U.S.-Japan merchandise trade data are shown in appendix tables A.43–A.46.

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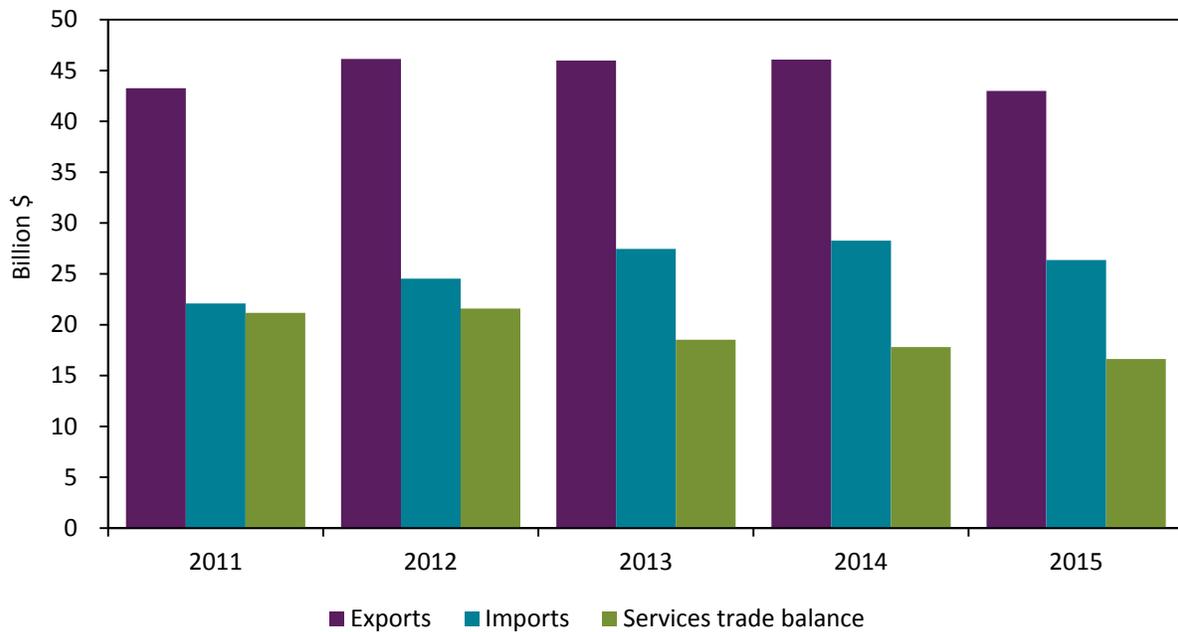
<sup>583</sup> 80 Fed. Reg. 2179 (January 10, 2015). The U.S. commercial zones refer to the 25-mile commercial zones along the southern U.S. border.

**Figure 6.10** U.S. merchandise trade with Japan, 2011–15



Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 4, 2016).

**Figure 6.11** U.S. private services trade with Japan, 2011–15<sup>a</sup>



Source: USDOC, BEA, International Transactions data, “Table 1.3: U.S. International Transactions, Expanded Detail by Area and Country,” and “Table 3.1: U.S. International Trade in Services,” March 17, 2016.

<sup>a</sup> Data for 2015 are preliminary.

Economic dialogue between the United States and Japan in 2015 centered on concluding the Trans-Pacific Partnership (TPP) negotiations, which Japan officially joined in July 2013. In this regard, the United States held many meetings with Japan. In particular, the two countries addressed concerns in the passenger motor vehicle and insurance sectors, as well as other nontariff measures affecting express delivery, transparency, government procurement, and sanitary and phytosanitary (SPS) measures.<sup>584</sup> These negotiations were successfully concluded in October 2015, and the 12 member countries signed the TPP Agreement in 2016, pending their respective domestic approval processes.<sup>585</sup> TPP negotiations with Japan are described in more detail below. In addition, the United States worked closely with Japan over other trade issues of common interest, including coordinating on WTO dispute settlement matters; working toward the successful conclusion of negotiations to expand the WTO Information Technology Agreement; and working with other economies to advance negotiations on the Trade in Services Agreement.<sup>586</sup> The two countries also worked closely together in the Asia-Pacific Economic Cooperation (APEC) forum on advancing next-generation issues like digital trade, developing alternatives to localization policies,<sup>587</sup> and reducing tariffs on environmental goods.<sup>588</sup>

## TPP Negotiations and Dialogue

As mentioned, Japan joined the TPP negotiations in July 2013.<sup>589</sup> During 2015, negotiations between the United States and Japan focused on Japan's tariff and nontariff measures (NTMs) on agriculture products, as well as in the Japanese passenger motor vehicle, insurance, and express delivery markets.

### Passenger Motor Vehicle Market Access

In 2015, through bilateral negotiations in parallel with the broader TPP negotiations, the United States and Japan continued to address longstanding barriers to U.S. motor vehicle exports to Japan. These bilateral negotiations under the TPP framework covered a wide range of NTMs,

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<sup>584</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 135.

<sup>585</sup> *Ibid.* For more information on TPP, see chapter 5.

<sup>586</sup> USTR, *2016 National Trade Estimate Report*, 2016, 237. For more information on the WTO Information Technology Agreement and the Trade in Services Agreement, see chapters 3 and 4, respectively.

<sup>587</sup> Localization barriers to trade are measures designed to protect, favor, or stimulate domestic industries, service providers, and/or intellectual property at the expense of goods, services, or intellectual property from other countries.

<sup>588</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 136. For more information on APEC, see chapter 4.

<sup>589</sup> *Ibid.*, 135.

including transparency in regulations, standards, certification, financial incentives, and distribution.<sup>590</sup>

Japan committed to open up its regulatory process to foreign participation, reduce regulatory costs, and reduce the frequency of testing requirements for U.S. motor vehicle producers through bilateral negotiations.<sup>591</sup> Moreover, Japanese zoning rules for motor vehicle distribution and repair facilities have made it harder for U.S. firms to sell in Japan. In bilateral negotiations, Japan also committed to ensuring that the central government will apply its zoning rules in a transparent and nondiscriminatory way.<sup>592</sup>

Furthermore, the Japanese government committed to improving transparency in its regulatory process for the passenger motor vehicle market, and to ensuring that Japan would not unduly delay the import of vehicles that adopt new technologies. Japan also committed to setting up a rapid consultation mechanism covering new NTMs that may emerge and unnecessarily restrict trade, including those not yet adopted or published, in order to deter the adoption of such measures.<sup>593</sup>

### Agricultural Products

Japan is the fourth-largest market for U.S. agricultural products, with U.S. exports of agricultural products to Japan valued at over \$11.1 billion in 2015. In 2015, the United States and Japan continued to negotiate market access issues on a number of sensitive agricultural products under the TPP framework. The final TPP agreement covers all agricultural products, and, once implemented, will expand U.S. access to Japan's agricultural market.<sup>594</sup> Under the TPP agreement, almost 60 percent of U.S. farm product exports (by value) to Japan will receive duty-free treatment immediately. The TPP agreement, on the other hand, allows Japan to gradually liberalize certain highly protected and sensitive agricultural products, such as beef and pork products.<sup>595</sup> Tariffs on these more sensitive products will be eliminated or significantly reduced over agreed-upon transition periods.<sup>596</sup>

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<sup>590</sup> USTR, *2016 National Trade Estimate Report*, 2016, 250.

<sup>591</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 136; USTR, "U.S.-Japan Motor Vehicle Trade Non-Tariff Measures," n.d. (accessed April 24, 2016).

<sup>592</sup> USTR, "U.S.-Japan Motor Vehicle Trade Non-Tariff Measures," n.d. (accessed April 24, 2016).

<sup>593</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 135–136.

<sup>594</sup> *Ibid.*, 135.

<sup>595</sup> According to the TPP agreement, Japan will eliminate duties on 74 percent of its beef and beef product imports within 16 years. Japan is committed to reduce its tariff on fresh, chilled, and frozen beef cuts from the current applied tariff of 38.5 percent to 9 percent in 16 years. Tariffs on beef offal, which are currently as high as 21.3 percent, will be eliminated in 6 to 16 years. Tariffs on processed beef products (including beef jerky and meat extracts), currently as high as 50 percent, will also be eliminated in 6 to 16 years. Meanwhile, Japan is committed

TPP also addresses, though in many cases not conclusively, NTMs affecting products entering Japan's agricultural market. Although TPP's SPS chapter establishes rules for managing SPS risks as well as processes for resolving SPS barriers, including dispute settlement, the United States and Japan have still not resolved all of Japan's SPS restrictions.<sup>597</sup> For example, U.S. apples are technically permitted to enter Japan, but the cost of complying with Japan's apple import protocols and the required methyl bromide treatment form a barrier to entry that effectively blocks U.S. apple exports.<sup>598</sup> While the NTM related to apples is not expected to be resolved immediately through TPP, other NTMs have been addressed. For instance, Japan's "gate price" system on pork imports will be preserved, but the effects of Japan's restrictive system would erode significantly over time as the gate prices are reduced, or for some products, eliminated.<sup>599</sup>

Meanwhile, for the rice sector, Japan committed to establishing a new, duty-free country specific quota for U.S. rice. The quota will initially be set at 50,000 tons, and will grow to 70,000 in 13 years.<sup>600</sup>

## Insurance and Express Delivery Markets

In 2015, the United States and Japan continued to negotiate on NTMs in Japan's insurance and express delivery markets under the TPP framework. The United States is particularly concerned about the competitive advantages enjoyed by Japan Post Holdings Co. (Japan Post or JP), a government-owned company in the banking, insurance, and express delivery sectors of the Japanese economy.<sup>601</sup> In the final TPP text, Japan agreed to take a number of actions to address NTMs in the insurance and express delivery sectors through steps that will help to eliminate unnecessary barriers to trade and improve transparency.<sup>602</sup> For example, regulatory

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to eliminate tariffs on more than 65 percent of its pork and pork product tariff lines within 11 years and on nearly 80 percent of those tariff lines within 16 years. USDA, "Trans Pacific Partnership and Japan: Key Outcomes," November 19, 2015.

<sup>596</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 135.

<sup>597</sup> USITC, *Trans-Pacific Partnership Agreement: Likely Impact on the U.S. Economy*, May 2016, 196, 417–18.

<sup>598</sup> *Ibid.*, 196.

<sup>599</sup> Imports with a customs value below the "gate price" are assessed a specific duty equal to the difference between the customs value and the gate price, plus a tariff equal to a percentage of customs value (ad valorem). Imports with a customs value equal to or greater than the gate price are assessed the ad valorem tariff only. Under the TPP agreement, though the "gate price" system will remain, Japan will immediately reduce the specific duty on pork cuts from its previous maximum charge of 482 yen per kilogram to 125 yen per kilogram (\$3.97 per kilogram to \$1.03 per kilogram using the U.S. dollar-yen monthly average exchange rate for December 2015), with a further reduction to 50 yen (\$0.41) per kilogram by year 10. USDA, "Trans Pacific Partnership and Japan: Key Outcomes," November 19, 2015.

<sup>600</sup> USDA, "Fact Sheet: Trans Pacific Partnership and Japan: Key Outcomes for Agriculture," November 19, 2015.

<sup>601</sup> For more background, see USITC, *The Year in Trade 2014*, July 2015, 183.

<sup>602</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 136.

changes will give U.S. insurance companies open access to Japan Post's distribution network, allowing them to compete under equivalent conditions.<sup>603</sup> Likewise, Japan committed to improve transparency about Japan Post's express mail service, which competes with services of private express firms.<sup>604</sup>

Moreover, outside the TPP framework, the government of Japan has also committed to privatizing the non-postal elements of Japan Post.<sup>605</sup> The sale of a first tranche of shares in JP Holdings and two financial subsidiaries, Japan Post Bank (JP Bank) and Japan Post Insurance (JP Insurance), began with an initial public offering in November 2015.<sup>606</sup> Follow-on sales of shares in all three companies will take place over time, as the Postal Privatization Law requires the government to sell a majority share (up to two-thirds of all shares) in JP Holdings, and all shares of JP Bank and JP Insurance, as soon as possible.<sup>607</sup> The timing for additional sales has not yet been set.<sup>608</sup>

## Republic of Korea

The Republic of Korea (South Korea) was the United States' sixth-largest single-country merchandise trading partner in 2015. Two-way merchandise trade was valued at \$115.3 billion in 2015, accounting for 3.1 percent of U.S. trade with the world. The United States recorded a \$28.3 billion merchandise trade deficit with South Korea in 2015, a 13.1 percent increase from \$25.0 billion in 2014 (figure 6.12). At the same time, the U.S. trade surplus in services with South Korea increased 7.5 percent 2015, from 12.5 billion in 2014 to 13.4 billion in 2015 (figure 6.13).

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<sup>603</sup> Ibid.

<sup>604</sup> Ibid.

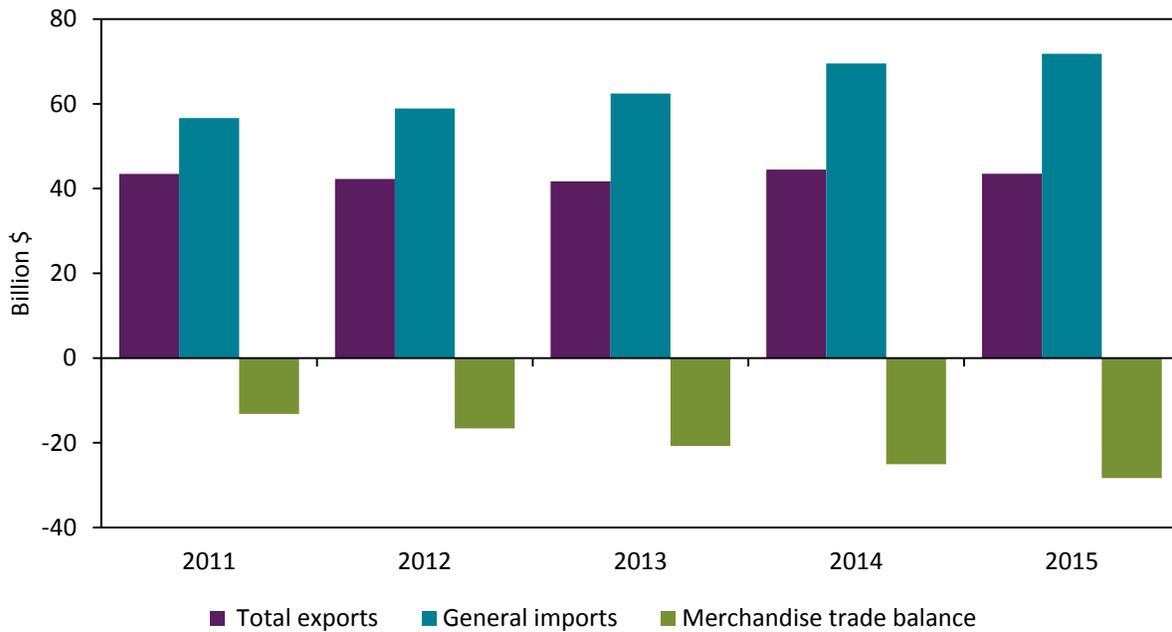
<sup>605</sup> For more background, see *The Year in Trade 2014*, July 2015, 184.

<sup>606</sup> USTR, *2016 National Trade Estimate Report*, 2016, 242.

<sup>607</sup> Ibid.

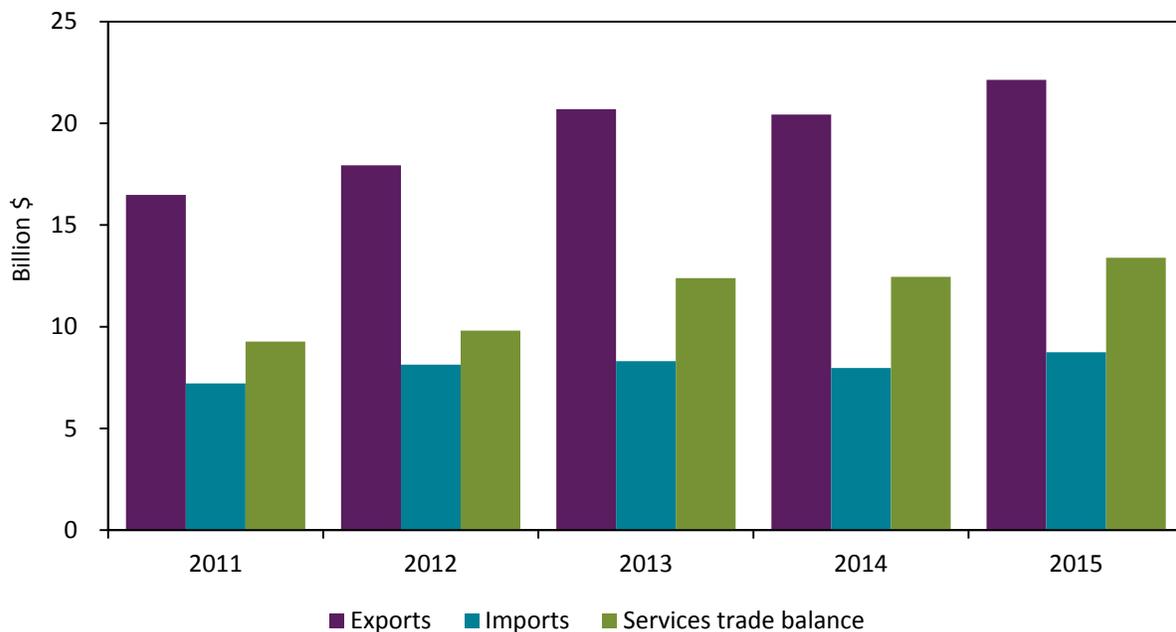
<sup>608</sup> Ibid.

**Figure 6.12** U.S. merchandise trade with South Korea, 2011–15



Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 4, 2016).

**Figure 6.13** U.S. private services trade with South Korea, 2011–15<sup>a</sup>



Source: USDOC, BEA, International Transactions data, “Table 1.3: U.S. International Transactions, Expanded Detail by Area and Country,” and “Table 3.1: U.S. International Trade in Services,” March 17, 2016.

<sup>a</sup> Data for 2015 are preliminary.

U.S. merchandise exports to South Korea were valued at \$43.5 billion in 2015, a decrease of 2.2 percent from 2014. Leading U.S. exports to South Korea during the year included civilian aircraft, engines, and parts; processors or controllers; machines for the production of semiconductor devices or electronic integrated circuits; corn; and passenger motor vehicles. Among the top exports to South Korea, the largest increases occurred in civilian aircraft, engines, and parts (up by 97.2 percent or \$1.9 billion) and passenger vehicles (up by 47.4 percent or \$273 million). The most significant decrease in value among top exports was in exports of corn, which fell by 37.7 percent (\$399 million) from 2014 to 2015.

U.S. merchandise imports from South Korea totaled \$71.8 billion in 2015, an increase of 3.3 percent from 2014. Leading U.S. imports from South Korea during the year included passenger vehicles, cellphones, refined petroleum products, parts and accessories for computers, and electronic integrated circuits. U.S. imports of passenger vehicles from South Korea experienced noticeable growth in 2015. U.S.-South Korea merchandise trade data are shown in appendix tables A.47 through A.50.

U.S. trade relations with South Korea continued to focus on the U.S.-Korea FTA (KORUS), which celebrated its third anniversary in 2015. Discussions also continued regarding South Korea's potential membership in TPP; these are summarized below.<sup>609</sup> Lastly, on March 25, 2015, the WTO Dispute Settlement Body established a panel to consider certain U.S. antidumping measures on oil country tubular goods from South Korea and the investigation methodology underlying such measures.<sup>610</sup>

## U.S.-Korea FTA

The U.S.-Korea FTA, commonly referred to as KORUS, entered into force on March 15, 2012.<sup>611</sup> It is the second-largest U.S. FTA, in terms of the value of trade covered, behind only NAFTA.<sup>612</sup> As of January 1, 2016, five rounds of tariff cuts and eliminations had taken place under the agreement.<sup>613</sup> According to USTR, the agreement would eliminate tariffs on over 95 percent of U.S. exports of industrial and consumer goods by January 1, 2016.<sup>614</sup> Additionally, as of January

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<sup>609</sup> White House, "Remarks by President Obama and President Park of the Republic of Korea," October 16, 2015.

<sup>610</sup> WTO, "Dispute Settlement: DS488; United States—Anti-Dumping Measures on Certain Oil Country Tubular Goods from Korea" (accessed March 15, 2016). In January 2015, Turkey, Russia, and Ukraine all requested to join the consultations. Oil country tubular goods are pipe and tube products used in the petroleum industry.

<sup>611</sup> The KORUS FTA is also discussed in chapter 5.

<sup>612</sup> See table 5.1 and table 5.2 for complete data.

<sup>613</sup> USTR, "Four Year Snapshot: The U.S.-Korea Free Trade Agreement," March 14, 2016. The five rounds of tariff cuts and eliminations took place on the date of the agreement's entry into force (March 15, 2012), January 1, 2013, January 1, 2014, January 1, 2015, and January 1, 2016.

<sup>614</sup> USTR, "U.S.-Korea Free Trade Agreement Shows Strong Results," March 12, 2014; USTR, "Four Year Snapshot: The U.S.-Korea Free Trade Agreement," March 14, 2016.

1, 2016, imports of passenger vehicles from the United States now enter South Korea duty free.<sup>615</sup> In total, since KORUS entered into force, over 40 meetings of the committees and working groups established under the FTA have convened and the Ministerial-level Joint Committee has met three times.<sup>616</sup>

## Trans-Pacific Partnership

Since first expressing its interest in joining the TPP in November 2013, South Korea has continued to discuss this possibility with both the United States and other TPP members.<sup>617</sup> In October 2015, the South Korean President referred to South Korea as a “natural” partner in TPP during her visit to Washington, DC, in part because South Korea has signed bilateral trade agreements with 10 of the 12 TPP members.<sup>618</sup> Reportedly, concerns exist in South Korea that there would be negative ramifications for the South Korean economy if it does not join the TPP soon.<sup>619</sup> The United States reaffirmed that it welcomes South Korea’s interest in joining the TPP and looks forward to continuing the consultations.<sup>620</sup>

## Taiwan

In 2015, Taiwan was the United States’ ninth-largest single-economy trading partner, accounting for 1.8 percent of total U.S. trade with the world. U.S. two-way merchandise trade with Taiwan amounted to \$66.6 billion in 2015, a decrease of 0.9 percent from \$67.3 billion in 2014. The U.S. merchandise trade deficit with Taiwan grew by 6.2 percent, or \$0.9 billion, rising from \$13.9 billion in 2014 to \$14.8 billion in 2015 (figure 6.14). On the other hand, the U.S. services trade surplus with Taiwan declined by 14.0 percent, from \$5.0 billion in 2014 to \$4.3 billion in 2015 (figure 6.15).

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<sup>615</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 121.

<sup>616</sup> USTR, “Four Year Snapshot: The U.S.-Korea Free Trade Agreement,” March 14, 2016.

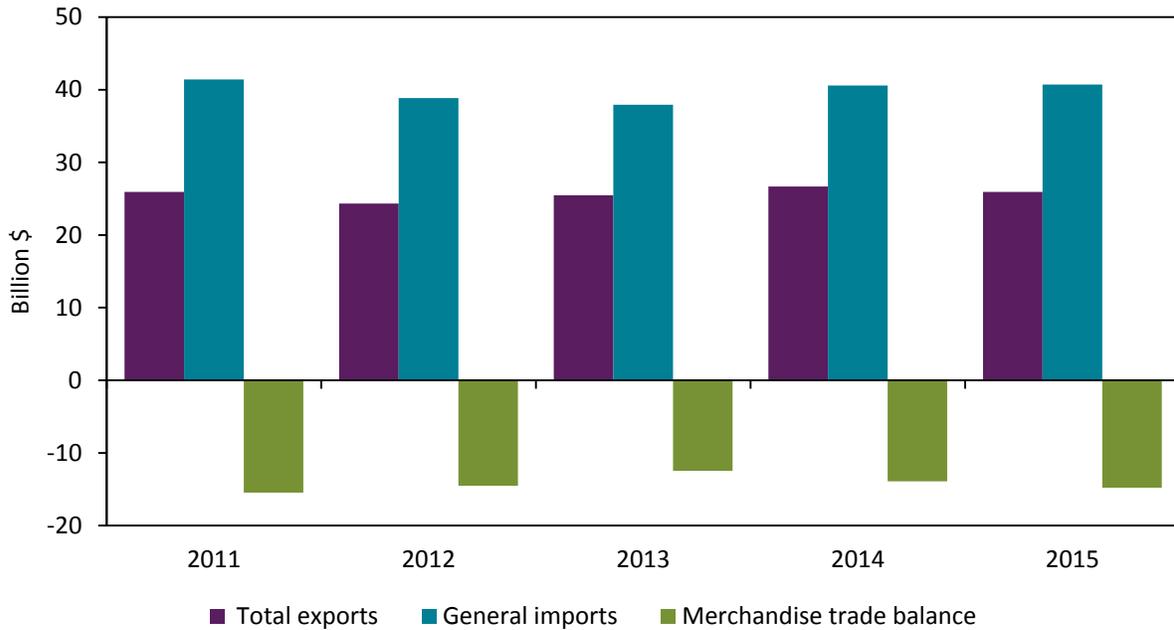
<sup>617</sup> USTR, “Statement by U.S. Trade Representative Michael Froman on Korea’s Announcement,” November 29, 2013; White House, “Remarks by President Obama and President Park,” October 16, 2015; *Japan Times*, “Park to Convey Korean Desire to Join TPP,” October 31, 2015.

<sup>618</sup> Park, “Her Excellency President Park Geun-hye: Statesmen’s Forum Address,” October 15, 2015; WTO, “Participation in Regional Trade Agreements,” n.d. (accessed April 1, 2016). South Korea has trade agreements with the United States, Australia, Brunei, Canada, Chile, Malaysia, New Zealand, Peru, Singapore, and Vietnam. (The two remaining TPP members are Japan and Mexico.) Separately, South Korea has recently approved an FTA with China.

<sup>619</sup> *Korea Times*, “Failure to Join TPP Would Result in Big Exports Losses,” December 25, 2015; Mundy, Simon and Song Jung-a, “South Korea Frets as TPP Erodes Trade Advantage,” October 6, 2015.

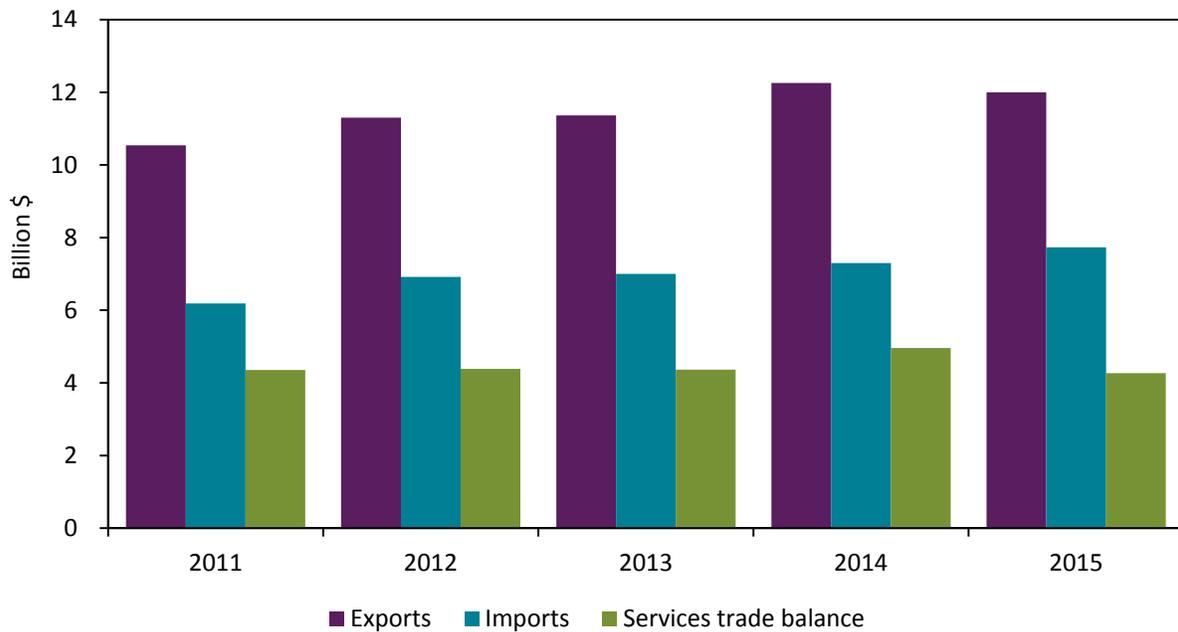
<sup>620</sup> White House, “The United States-Republic of Korea Alliance,” October 16, 2015.

**Figure 6.14** U.S. merchandise trade with Taiwan, 2011–15



Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 4, 2016).

**Figure 6.15** U.S. private services trade with Taiwan, 2011–15<sup>a</sup>



Source: USDOC, BEA, International Transactions data, “Table 1.3: U.S. International Transactions, Expanded Detail by Area and Country,” and “Table 3.1: U.S. International Trade in Services,” March 17, 2016.

<sup>a</sup> Data for 2015 are preliminary.

In 2015, U.S. merchandise exports to Taiwan amounted to \$25.9 billion, a 2.8 percent decrease from \$26.7 billion in 2014. Leading U.S. exports to Taiwan were civilian aircraft, engines, and parts, as well as machines for semiconductor manufacturing, accounting for 9.8 and 9.7 percent of U.S. merchandise exports to Taiwan, respectively. Other leading U.S. exports to Taiwan included ammunitions, memory chips, processors or controllers, electronic integrated circuits, and agricultural products such as soybeans, corn, and wheat, as well as ferrous waste and scrap. In absolute value terms, U.S. exports of ammunitions to Taiwan grew the most (\$1.0 billion), while U.S. exports of ferrous waste and scrap declined the most (\$0.4 billion) over 2014.

In 2015, U.S. merchandise imports from Taiwan amounted to \$40.7 billion, a 0.3 percent increase from \$40.6 billion in 2014. Leading U.S. imports were electronic integrated circuits, memory chips, parts and accessories for computers, cellphones, telecommunication equipment, and processors or controllers. U.S. imports of cellphones and memory chips, as well as computer parts and accessories, all experienced over 15 percent declines compared to 2014. On the other hand, U.S. imports of transmission apparatus for radiobroadcasting increased by 1,046 percent, or \$0.6 billion, over 2014. U.S.-Taiwan merchandise trade data are shown in appendix tables A.51 through A.54.

As described below, the U.S.-Taiwan Trade and Investment Framework Agreement (TIFA) has served as a key mechanism for U.S.-Taiwan dialogue on trade issues in the absence of official diplomatic ties. In 2015, U.S.-Taiwan trade relations focused on IPRs and trade secret protection; access to Taiwan's agricultural market; regulatory approval process for medical devices and pharmaceuticals; and Taiwan's agricultural biotechnology regulations.

## **U.S.-Taiwan Trade and Investment Framework Agreement**

The U.S.-Taiwan TIFA, signed in 1994, has served as a key mechanism for strengthening bilateral commercial ties, and covers a broad range of trade and investment issues important to U.S. and Taiwan stakeholders.<sup>621</sup> High-level meetings under the TIFA were to take place on an annual basis. However, the talks were suspended in 2007 due to a dispute over Taiwan's restrictions on imports of U.S. beef and pork. In light of positive developments during 2012 on beef-related issues, the United States and Taiwan resumed the TIFA talks.<sup>622</sup>

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<sup>621</sup> USTR, "United States and Taiwan Enhance Trade Ties," April 2014.

<sup>622</sup> USTR, "Deputy U.S. Trade Representative Demetrios Marantis Welcomes," March 10, 2013.

The ninth TIFA Council meeting was held in October 2015 in Taipei, Taiwan, under the auspices of the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States. The United States first welcomed the efforts Taiwan authorities had taken since the 2014 TIFA to improve trade secrets protection, to follow through on commitments related to pharmaceuticals market access, to address regulatory complexities for the registration of chemical substances, and to relax restrictions on offshore data centers for financial institutions.<sup>623</sup> Additional progress was made at the 2015 meeting. Taiwan committed to improving IPR protection and enforcement, including by increasing human and financial resources for Taiwan's IPR enforcement authorities, addressing piracy occurring in and around university campuses, and taking steps to foster innovation in the pharmaceuticals sector. The United States and Taiwan also agreed to continue engaging in dialogue on improving Taiwan's investment climate, deepening cooperation on trade secrets protection, and streamlining the regulatory approval process for medical devices. The United States and Taiwan also held in-depth discussions on a range of agricultural issues (see section below), though meaningful progress on these issues was not reported.<sup>624</sup>

### Agricultural Market Access

In 2015, the United States exported \$3.2 billion worth of agricultural products to Taiwan, making it the United States' eighth-largest agricultural export destination.<sup>625</sup>

Agricultural market access has been among the top U.S.-Taiwan bilateral trade issues in recent years. USTR has repeatedly expressed concerns about two issues in particular. First, Taiwan does not allow imports of certain U.S. beef offal products or pork and pork products containing traces of ractopamine.<sup>626</sup> Second, Taiwan has not adopted internationally established maximum residue limits for pesticides and other agrochemicals. At the same time, it has been slow to develop its own science-based maximum residue limits, which has led it to reject various U.S. agricultural exports, including fresh fruits, vegetables, and grains.<sup>627</sup>

In addition, there has been contention about rice import issues. In past years (e.g., 2007, 2008, 2013, and 2014), the United States has not been able to fill its country-specific quota (CSQ) on rice exports to Taiwan. Taiwan frequently rejected bids made by U.S. rice exporters under CSQ

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<sup>623</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 140, and "United States and Taiwan Deepen Dialogue on Trade," October 2015.

<sup>624</sup> Ibid.

<sup>625</sup> USDA, "Top 15 U.S. Agricultural Export Destinations, by Calendar Year," March 31, 2016.

<sup>626</sup> For more details, see USITC, *The Year in Trade 2013*, July 2014, 164, and USITC, *The Year in Trade 2014*, July 2015, 195.

<sup>627</sup> For more details, see USITC, *The Year in Trade 2014*, July 2015, 195.

tender, stating that high U.S. bid prices exceeded Taiwan’s ceiling price.<sup>628</sup> However, in 2015, the U.S. Department of Agriculture reported that the United States successfully filled the 2015 U.S. rice CSQ.<sup>629</sup>

## Agricultural Biotechnology

Genetically engineered (GE) crops (e.g. corn, cotton, and soybeans) have made up a significant share of U.S. agricultural output and exports in recent years.<sup>630</sup> In February 2014, Taiwan amended its Food Safety and Sanitation Act, introducing changes that could potentially affect U.S. food and agricultural exports to Taiwan. Before the law was amended, Taiwan had limited its biotech regulatory scope to GE soybeans and corn. Under the amended law, for the first time, Taiwan specifically requires all GE products to undergo a health risk assessment, obtain pre-market registration approval, be labeled as GE, and be traceable. The Food and Drug Administration (TFDA) at the Ministry of Health and Welfare, the agency in Taiwan responsible for food safety, has the authority to approve all GE products for both food and animal feed use.<sup>631</sup> As of December 2015, Taiwan had approved 99 GE products, including 4 canola, 12 cotton, 21 soybean, and 62 corn events.<sup>632</sup>

On June 20, 2014, Taiwan officials announced proposed new labeling regulations.<sup>633</sup> The previous labeling regulations were limited to food products containing GE soybeans or corn at or above a threshold level of 5 percent. Under the new labeling regulations, the threshold has been reduced from 5 percent to 3 percent, and the scope has been expanded so that the regulation applies to all GE food products. Food additives would be subject to the same labeling requirements as food products. Highly processed “primary” products produced directly from GE raw materials, such as soybean oil, corn starch and syrup, and soy sauce, are required to be labeled. Products that consist of highly processed GE products, such as beverages containing corn syrup, would remain exempt from GE labeling requirements.<sup>634</sup>

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<sup>628</sup> For more details, see USITC, *The Year in Trade 2013*, July 2014, 164–65, and *The Year in Trade 2014*, July 2015, 196.

<sup>629</sup> USDA, FAS, *Conclusion of the 2015 U.S. Rice CSQ Tender*, November 20, 2015.

<sup>630</sup> In 2015, genetically engineered varieties accounted for 77 percent, 79 percent, and 94 percent of corn, cotton, and soybeans planted in the United States. USDA, “Genetically Engineered Varieties of Corn, Upland Cotton, and Soybeans,” July 9, 2015.

<sup>631</sup> USDA, FAS, *Taiwan: Agricultural Biotechnology Annual*, July 15, 2015. For the 2014 developments, see USITC: *The Year in Trade 2014*, July 2015, 197.

<sup>632</sup> USDA, FAS, *Taiwan: Regulation Update on Genetically Engineered*, December 3, 2015. An event is the insertion of a particular transgene into a specific location on a chromosome. The term “event” is often used to differentiate genetically engineered crop varieties.

<sup>633</sup> USDA, FAS, *Taiwan: New GE Regulatory Oversight and Changes*, February 9, 2015.

<sup>634</sup> USDA, FAS, *Taiwan: Agricultural Biotechnology Annual; Food Safety*, July 15, 2014.

The following year, on May 29, 2015, TFDA published the new GE labeling regulations for prepackaged foods, food additives, and unpackaged food products containing GE inputs. A short “Q and A” document, published by TFDA to accompany the release of the new GE labeling regulations, says that food with intentionally added GE material must be labeled, regardless of how low the level is, even if lower than the 3 percent threshold. The new GE labeling regulations also extended the labeling requirements to local restaurants and catering establishments. TFDA notified the draft regulations with a 30-day domestic comment period, and the final regulations were fully implemented on December 31, 2015.<sup>635</sup>

On February 4, 2015, Taiwan amended the Feed Control Act, under which the Council of Agriculture (the agency equivalent to USDA) became the new authority for registration and approval of GE products for animal feed use. According to the Feed Control Act amendment, all GE products for feed use must be registered with the Council of Agriculture and must be given pre-market approval by February 4, 2017. The Council of Agriculture notified the WTO of its Regulations for Certificate Inspections of Genetically Modified Feed and Feed Additives on September 24, 2015. These regulations are to be implemented as soon as the Council of Agriculture’s regulatory system is established, a development anticipated for January 2016 at the earliest.<sup>636</sup>

## India

In 2015, India became the United States’ 10th-largest single-country trading partner based on two-way merchandise trade, rising from 11th largest in 2014. U.S. two-way merchandise trade with India declined by 0.9 percent to \$66.3 billion in 2015. In spite of the small decline in total value, India’s share of total U.S. merchandise trade with the world increased in 2015, reaching 1.8 percent, up from 1.7 percent in 2014. India’s share of U.S. merchandise trade with the world has been slowly but steadily increasing in recent years. Although U.S. exports to India decreased slightly in 2015, the U.S. merchandise trade deficit with India declined by 1.8 percent to \$23.2 billion in 2015 as imports declined even more (figure 6.16).

India is the United States’ seventh-largest single country services trading partner, based on two-way total services trade, with total services trade increasing by 14.1 percent to \$40.5 billion in 2015. India continues to be the only top trading partner with which the United States has a services trade deficit in 2015. With the exception of a one-year decline in 2013, this trade deficit has risen slowly but consistently in recent years and continued to do so in 2015, when

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<sup>635</sup> USDA, FAS, *Taiwan: GE Labeling Requirements Finalized with July 1 Implementation*, June 3, 2015.

<sup>636</sup> USDA, FAS, *Taiwan: Regulation Update on Genetically Engineered Feed*, December 3, 2015.

the U.S. services trade deficit with India rose 14.3 percent to \$6.8 billion, from \$6.0 billion in 2014 (figure 6.17).

U.S. merchandise exports to India were fairly stable, falling just 0.4 percent from \$21.6 billion in 2014 to \$21.5 billion in 2015. Leading U.S. exports to India in 2015 were nonindustrial diamonds; nonmonetary gold; civilian aircraft, engines, and parts; coal; and almonds.<sup>637</sup> U.S. exports of nonmonetary gold to India more than doubled in quantity and increased by 91.3 percent in value from 2014,<sup>638</sup> rising to \$2.3 billion in 2015. Nonmonetary gold thus became the second-largest U.S. merchandise export to India in 2015. U.S. exports of airplanes and other aircraft (unladen weight exceeding 15,000 kg) to India in 2015 experienced the largest decline, dropping by \$1.0 billion (74.1 percent) to \$352 million in 2015. U.S. exports of civilian aircraft, engines, and parts also declined by \$652 million (45.8 percent) to \$772 million in 2015. These declines were partially offset by the increase in exports of nonmonetary gold (\$1.1 billion), as well as ferrous waste and scrap; other supported catalysts; medicaments; silver; and other taps, valves, and similar appliances.

U.S. merchandise imports from India declined by 1.1 percent in 2015 to \$44.7 billion. Leading U.S. imports from India in 2015 were nonindustrial diamonds, certain medicaments, refined petroleum products, jewelry, and frozen shrimp. While the value of U.S. imports of medicaments increased by over \$1 billion (26.9 percent) to \$4.9 billion, that of refined petroleum products declined by nearly \$2.0 billion.<sup>639</sup> Finally, there was a large decline in U.S. imports of mucilages and thickeners (51.0 percent) from India in 2015. U.S. merchandise trade data are shown in appendix tables A.55 through A.58.

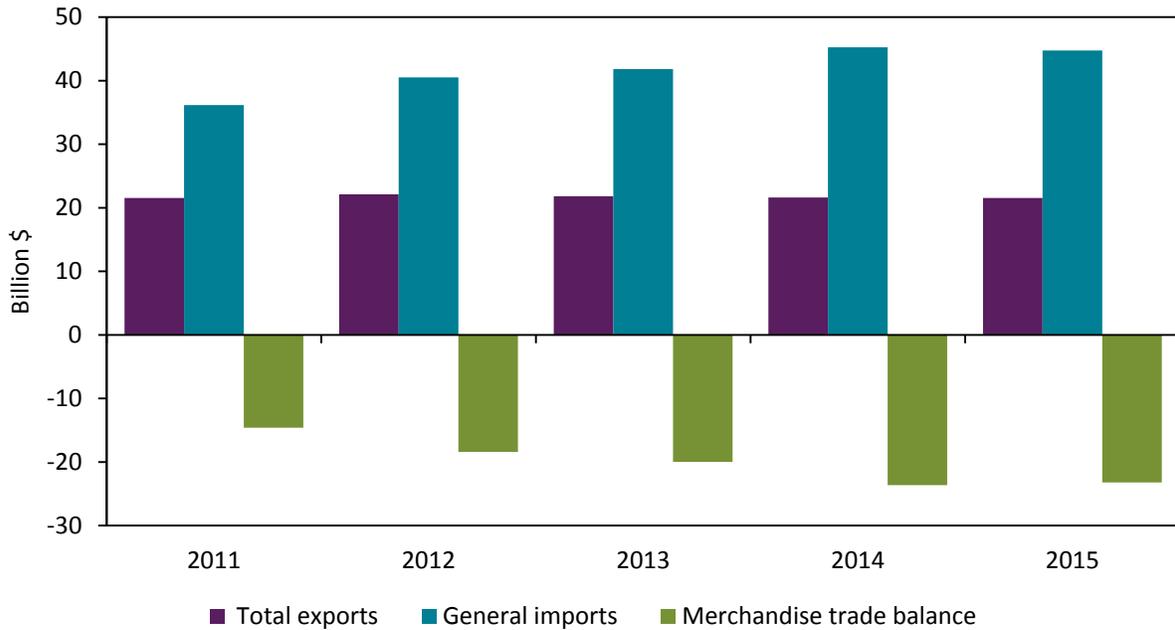
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<sup>637</sup> Because the United States and India are both major centers for global trade of cut or faceted diamonds, diamonds lead U.S.-India trade for both U.S. imports and exports. Though diamonds are the top U.S. export to India (at \$3.7 billion or 17.4 percent of total U.S. exports to India), nearly all (\$3.5 billion) of this trade was in re-exports. For more information on re-exports, see the “Trade Metrics” section of USITC, *Shifts in U.S. Merchandise Trade 2014*, June 2015.

<sup>638</sup> Global Trade Atlas database (accessed March 29, 2016).

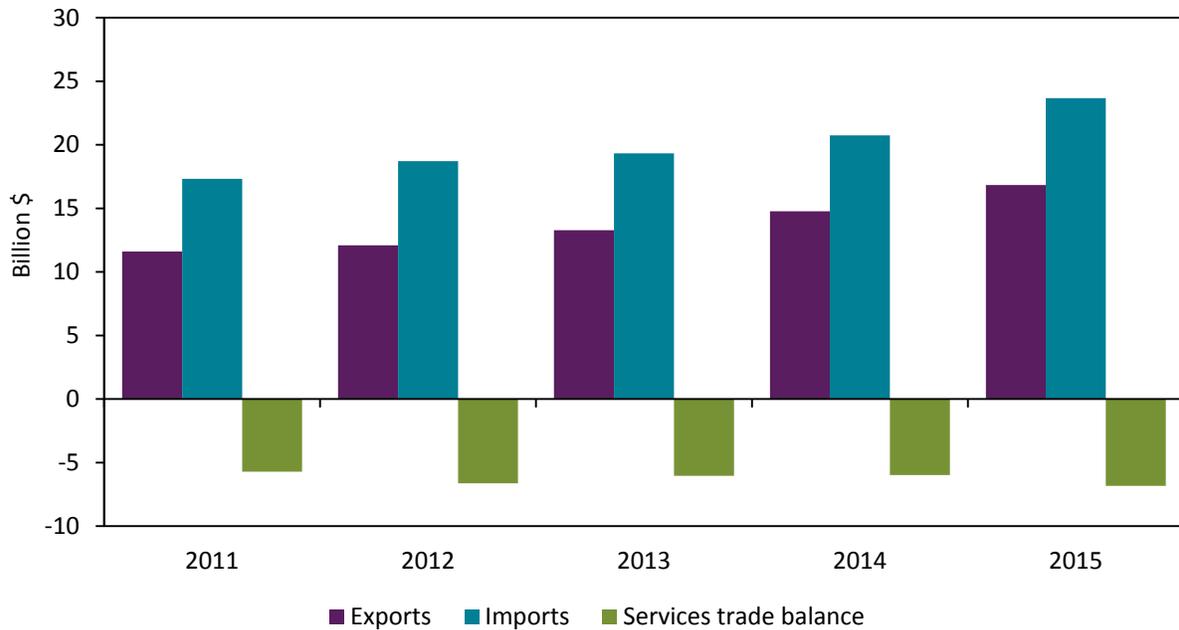
<sup>639</sup> The decline in the value of U.S. refined petroleum product imports from India is attributed to both a decline in the quantity imported as well as a decline in prices in 2015, as compared to 2014.

**Figure 6.16** U.S. merchandise trade with India, 2011–15



Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 4, 2016).

**Figure 6.17** U.S. private services trade with India, 2011–15<sup>a</sup>



Source: USDOC, BEA, International Transactions data, “Table 1.3: U.S. International Transactions, Expanded Detail by Area and Country,” and “Table 3.1: U.S. International Trade in Services,” March 17, 2016.

<sup>a</sup> Data for 2015 are preliminary.

Some ongoing WTO dispute settlement proceedings involving the United States and India continued in 2015.<sup>640</sup> In March 2015, the United States and India informed the Dispute Settlement Body that they had agreed upon a reasonable period of time for the United States to implement the Dispute Settlement Body’s recommendations and rulings in the dispute brought by India on U.S. countervailing measures on certain hot-rolled carbon steel flat products from India.<sup>641</sup> In June 2015, the WTO Appellate Body issued its report in the dispute brought by the United States on Indian measures concerning certain agricultural imports from the United States, and in December 2015 both parties agreed upon implementation of the Dispute Settlement Body’s recommendations and rulings in this area by June 19, 2016.<sup>642</sup> For more information on these WTO dispute settlement disputes, see chapter 3.

In 2015, the United States and India continued dialogue on improving bilateral trade and investment, including the protection of IPRs in India under the Modi government. These are discussed in detail below.<sup>643</sup>

## Trade and Investment Dialogue

In January 2015, President Obama and Prime Minister Narendra Modi held a bilateral summit in India, the second such meeting. While this summit covered many potential areas for cooperation, improving trade and investment possibilities between the two countries were among the top issues discussed. As a result, the United States and India agreed to hold public-private discussions in 2015 through the U.S.-India Commercial Dialogue.<sup>644</sup> The first U.S.-India

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<sup>640</sup> Additionally, in February 2016, the panel report was circulated in India—Certain Measures Relating to Solar Cells and Solar Modules (DS456), and in March 2016 a request for consultations was received on United States—Measures Concerning Non-Immigrant Visas (DS503). WTO, “Dispute Settlement: DS456; India—Certain Measures Relating to Solar Cells and Solar Modules” (accessed March 25, 2016); WTO, “Dispute Settlement: DS503; United States—Measures Concerning Non-Immigrant Visas” (accessed March 24, 2016).

<sup>641</sup> The reasonable period of time was to expire by March 19, 2016. On April 22, 2016, the United States considered that it had completed implementation with respect to the DSB recommendations and rulings because of new Commission and Commerce determinations in the case. WTO, “Dispute Settlement: DS436; United States—Countervailing Measures on Certain Hot-Rolled Carbon Steel Flat Products from India” (accessed May 31, 2016).

<sup>642</sup> WTO, “Dispute Settlement: DS430; India—Measures Concerning the Importation of Certain Agricultural Products” (accessed March 29, 2016).

<sup>643</sup> These and other issues affecting the bilateral trade and investment relationship between the United States and India are discussed in greater detail in two reports prepared by the Commission in 2014 and 2015. In December 2014 the Commission released a report prepared at the request of the House Committee on Ways and Means and the Senate Committee on Finance (the Committees)—*Trade, Investment, and Industrial Policies in India: Effects on the U.S. Economy*—that described India’s industrial policies that might act as barriers to U.S. trade and investment. In September 2015, the Commission released a second report requested by the Committees—*Trade and Investment Policies in India, 2014–2015*. This report described significant changes that were made under the Modi government from May 2014 to July 2015 to those policies identified in the first report, as well as other relevant policies and practices implemented by the Modi government during this period.

<sup>644</sup> White House, “U.S.-India Joint Statement—Shared Effort; Progress for All,” January 25, 2015.

Strategic and Commercial Dialogue was held in Washington, DC, in September 2015, co-chaired by the U.S. Secretaries of State and Commerce and the Indian Ministers of External Affairs and of Commerce and Industry. This is intended to be an annual forum through which policy discussions will be held to increase bilateral trade and investment as a means of economic growth and job creation in both the United States and India.<sup>645</sup> Also in September 2015, another bilateral meeting was held between the President and the Prime Minister in New York. Although this meeting focused on the Paris climate conference, ongoing efforts to increase bilateral trade and investment were also discussed.<sup>646</sup>

On October 29, 2015, Ambassador Froman met with the Indian Minister of Commerce and Industry in Washington, DC, for the ninth ministerial-level meeting of the United States and India Trade Policy Forum. Topics covered included agriculture, trade in goods and services, promoting investment in manufacturing, and improving cooperation on IPR protection.<sup>647</sup>

## Intellectual Property Rights

India has been on USTR's Priority Watch List or has been designated a priority foreign country since 1989. In 2015, it remained on USTR's Priority Watch List. While USTR's *2015 Special 301 Report* noted an expectation of "substantive and measurable action," under the Modi administration, IPR protection and enforcement challenges continued. For example, USTR described ongoing problems with copyright piracy; a lack of transparency in the patent system, particularly in the biopharmaceutical field; difficulties in enforcing patents; compulsory licensing issues; problems with the protection of trade secrets and trademarks; and localization policies that limit opportunities for U.S. firms.<sup>648</sup>

Similarly, in the *2015 Out-of-Cycle Review of Notorious Markets Report*, USTR noted that "numerous markets in India have appeared in past lists, with no identified meaningful, effective response by the Indian government."<sup>649</sup> The report further indicated that India ranked first in terms of the number of physical markets identified, and that reports of counterfeit apparel and footwear had increased.<sup>650</sup>

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<sup>645</sup> USDOS, "U.S.-India Commercial, Trade, and Economic Cooperation," September 22, 2015.

<sup>646</sup> White House, "Remarks by President Obama and Prime Minister Modi," September 28, 2015.

<sup>647</sup> USTR, "United States and India Joint Statement on the Trade Policy Forum," October 29, 2015.

<sup>648</sup> USTR, *2015 Special 301 Report to Congress*, April 2015, 45–46.

<sup>649</sup> USTR defines notorious markets as online or physical marketplaces that are reported to engage in or facilitate substantial copyright piracy and trademark counterfeiting. See the chapter 2 section on Section 301 for more information on this report.

<sup>650</sup> USTR, *2015 Out-of-Cycle Review of Notorious Markets*, December 2015, 21.

## Brazil

In 2015, Brazil was the United States' largest South American trading partner. Nonetheless, in 2015 two-way merchandise trade between the United States and Brazil decreased by 19.0 percent to \$59.1 billion. As a result, Brazil's share of U.S. merchandise trade with the world fell from 1.8 percent in 2014 to 1.6 percent, dropping its position from the 9th-largest U.S. trading partner in 2014 to the 12th-largest in 2015. This decline in two-way merchandise trade was primarily due to the gradual decrease in international crude oil prices<sup>651</sup> and Brazil's persisting recession,<sup>652</sup> circumstances which negatively affected Brazil's demand for imports from the United States and the value of trade in both directions. The United States still recorded a merchandise trade surplus with Brazil of \$4.3 billion in 2015; however, this surplus was down 65 percent from \$11.9 billion in 2014, because U.S. exports to Brazil declined more than U.S. imports from Brazil (figure 6.18). At the same time, the United States maintained a services trade surplus with Brazil in 2015. Although the services trade surplus experienced a minor decline (2.2 percent), from \$19.6 billion in 2014 to \$19.2 billion in 2015, Brazil became the United States' sixth-largest single-country trading partner in services, climbing one spot from its seventh position in 2014 (figure 6.19).

Facing a challenging Brazilian economy,<sup>653</sup> U.S. merchandise exports to Brazil fell by 25.4 percent, from \$42.4 billion in 2014 to \$31.7 billion in 2015. Leading U.S. exports to Brazil were civilian aircraft, engines, and parts (14.5 percent of total U.S. merchandise exports to Brazil), followed by refined petroleum products. Other leading U.S. exports to Brazil included medicaments, telecommunications equipment, processors or controllers, coal, liquefied propane, and insecticides. Most leading U.S. exports to Brazil experienced declines in 2015. U.S. exports of refined petroleum products recorded a \$2.3 billion decrease in value (54.4 percent), followed by a \$526 million decrease in the value of exports of liquefied propane (56.6 percent) and a \$379 million decrease in the value of exports of light oils (38.9 percent). All of these decreases more than offset the minor increases in U.S. exports of motor vehicle parts and disodium carbonate.

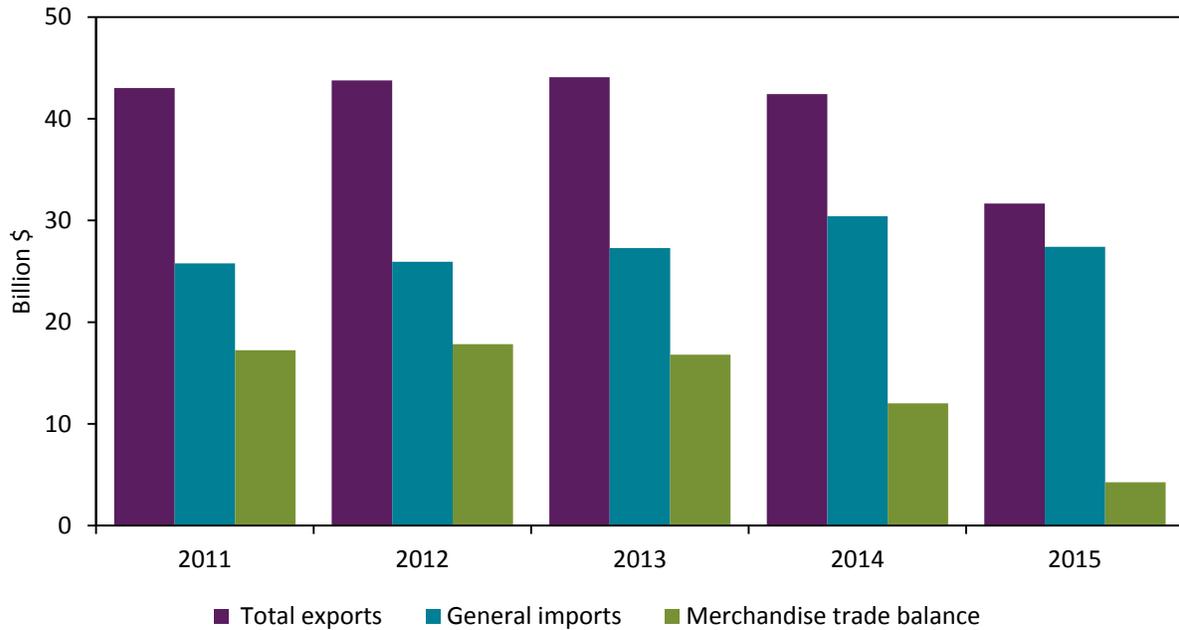
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<sup>651</sup> EIA, "Spot Prices for Crude Oil and Petroleum Products," May 4, 2016.

<sup>652</sup> IMF has estimated that Brazil's GDP contracted by 3.8 percent in 2015. IMF, "World Economic Outlook Update," January 19, 2016. Also, the U.S. dollar appreciated against the Brazilian real by 47 percent in 2015. U.S. Federal Reserve System, "Foreign Exchange Rates" (accessed May 13, 2016).

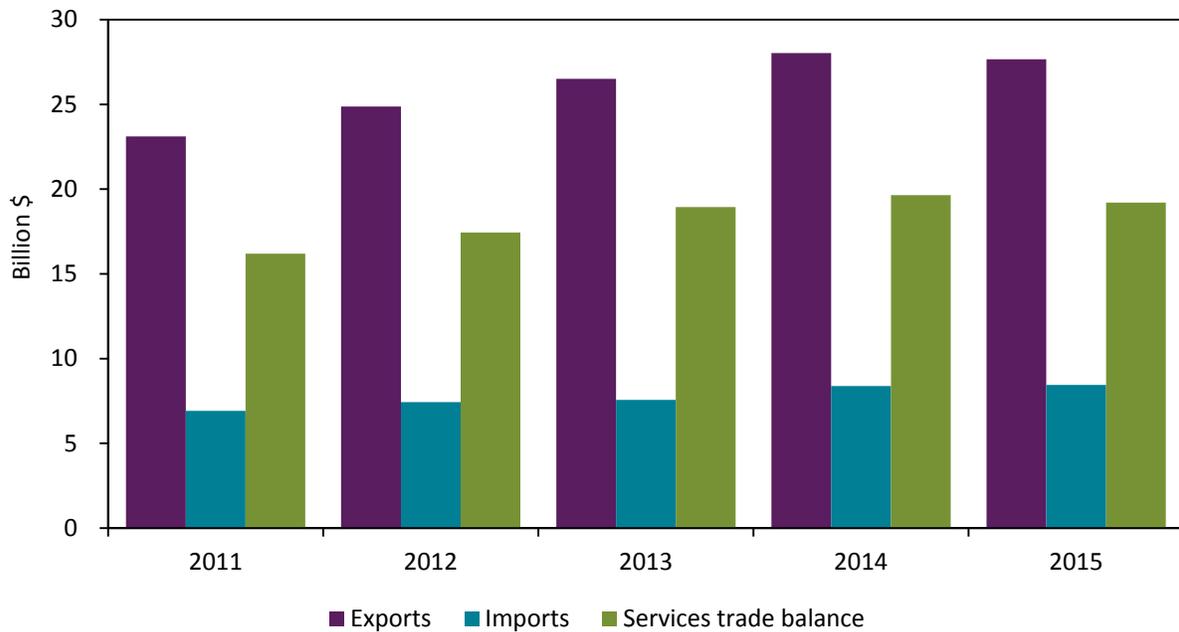
<sup>653</sup> IMF, "Growth in Latin America Weakens for Fifth Year," April 29, 2015.

**Figure 6.18** U.S. merchandise trade with Brazil, 2011–15



Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 4, 2016).

**Figure 6.19** U.S. private services trade with Brazil, 2011–15<sup>a</sup>



Source: USDOC, BEA, International Transactions data, "Table 1.3: U.S. International Transactions, Expanded Detail by Area and Country," and "Table 3.1: U.S. International Trade in Services," March 17, 2016.

<sup>a</sup> Data for 2015 are preliminary.

U.S. merchandise imports from Brazil dropped by 10.3 percent, from \$30.5 billion in 2014 to \$27.4 billion in 2015. Leading U.S. imports from Brazil included crude petroleum, airplanes and other aircraft, unroasted coffee, semi-finished iron or non-alloy steel products, chemical wood pulp, granite building stone, and refined petroleum products. A major cause of the decline in U.S. imports from Brazil was the decrease in the price of crude petroleum,<sup>654</sup> although the quantity imported actually rose by 37 percent (from 51.8 billion barrels in 2014 to 71 billion of barrels in 2015).<sup>655</sup> The value of U.S. imports of light oils and preparations, airplanes and other aircraft of unladen weight (2,000–15,000 kg) increased the most during 2015, by 97.8 percent and 57.9 percent, respectively; however, these values were not robust enough to counter the overall downward trend. U.S.-Brazil merchandise trade data are shown in appendix tables A.59 through A.62.

To improve the bilateral trade relationship, public and private sector leaders held a number of meetings in 2015 under the auspices of the U.S.-Brazil Commercial Dialogue and the Brazil-U.S. Business Summit (described in more detail below). As a result of the meetings, the leaders signed four separate bilateral economic cooperation agreements. The two presidents also met and discussed progress made and future steps on trade facilitation and standards and conformity assessment.<sup>656</sup>

## U.S.-Brazil Commercial Dialogue

On March 18–19, 2015, U.S. and Brazilian officials met in Washington, DC, as part of the U.S.-Brazil Commercial Dialogue. Officials focused their discussions on seven topics: standards and regulatory engagement; trade facilitation; trade statistics; intellectual property cooperation; industry and investment; standards and metrology; and services and supply chains.<sup>657</sup> Talks in the area of standards and regulatory engagement began the previous day, when officials from both nations met at the U.S.-Brazil Standards and Conformance Convergence Roundtable.<sup>658</sup> On March 19, U.S. and Brazilian officials signed a memorandum of intent on trade facilitation to support trade growth and business competitiveness, seeking to develop public-private partnerships that increase technical border management expertise, increase business competitiveness, support bilateral trade, and reduce costs for businesses.<sup>659</sup>

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<sup>654</sup> EIA, “Spot Prices for Crude Oil and Petroleum Products,” May 4, 2016.

<sup>655</sup> Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed March 18, 2016).

<sup>656</sup> White House, “Joint Communiqué by President Barack Obama and President Dilma Rousseff,” June 30, 2015.

<sup>657</sup> USDOC, ITA, “The U.S. Brazil Commercial Dialogue Joint Statement,” March 19, 2015.

<sup>658</sup> Ibid.

<sup>659</sup> Ibid.

U.S. and Brazilian officials met again in November in Brasilia to continue the U.S.-Brazil Commercial Dialogue and signed a memorandum of intent on regulatory coherence, in particular pledging to cooperate on promoting acceptable regulatory practices, including government-wide transparency.<sup>660</sup>

## Third Brazil-U.S. Business Summit and Presidential Official Working Visit

On June 30, 2015, the United States Chamber of Commerce hosted the third Brazil-U.S. Business Summit in Washington, DC, bringing together more than 400 U.S. and Brazilian private and public sector leaders. The discussions focused on improving the bilateral trade relationship, specifically in the areas of trade and investment, innovation, and competitiveness.<sup>661</sup>

At a separate meeting, on an official working visit, the presidents of both nations addressed various topics in the bilateral, regional, and multilateral agendas affecting their relationship. On trade, they stressed the importance of advancing bilateral trade and economic cooperation, and proposed new efforts to facilitate trade.<sup>662</sup> To that end, U.S. and Brazilian officials signed a non-binding memorandum of intent on standards, international accreditation arrangements, and conformity assessment to eliminate duplicate testing, inspection, or other conformity assessment procedures that impose unnecessary costs.<sup>663</sup> Separately, Brazil's National Institute of Industrial Property and the U.S. Patent and Trademark Office signed a memorandum of understanding and accompanying work plan in November 2015 on a pilot program for a Patent Prosecution Highway, which will facilitate information sharing between the two offices in order to speed the patenting process. The memorandum of understanding states that the program aims to "reduce patent workload and further improve patent quality."<sup>664</sup>

During their meeting in June, the Presidents also committed to holding the next meeting under the U.S.-Brazil Agreement on Trade and Economic Cooperation (ATEC) in fall 2015, but this meeting has been delayed until 2016.<sup>665</sup> ATEC, which was signed in March 2011, was intended to expand the trade and investment relationship between the two countries on a broad range of issues, including trade facilitation and IPRs.<sup>666</sup>

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<sup>660</sup> USDOC, ITA, "Commerce Official Advances U.S.-Brazil Commercial Relationship," November 19, 2015; government official, telephone interview with USITC staff, May 9, 2016.

<sup>661</sup> U.S. Chamber of Commerce, "U.S. Chamber Welcomes Brazilian President Rousseff," June 30, 2015.

<sup>662</sup> White House, "Joint Communique by President Barack Obama and President Dilma Rousseff," June 30, 2015.

<sup>663</sup> *Inside U.S. Trade*, "U.S.-Brazil Summit Yields Procedural Deal on Standards," July 10, 2015.

<sup>664</sup> USDOC, USPTO, "Memorandum of Understanding on A Patent Prosecution," November 24, 2015.

<sup>665</sup> USTR, *2016 Trade Policy Agenda and 2015 Annual Report*, March 2016, 131.

<sup>666</sup> *Ibid.*

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# Appendix A

## Data Tables

## Appendix A: Data Tables

**Table A.1** U.S. total exports to the world, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
Million \$					
1	Agricultural products	157,637	164,451	146,553	-10.9
2	Forest products	40,826	41,159	39,058	-5.1
3	Chemicals and related products	231,296	234,825	227,963	-2.9
4	Energy-related products	154,423	160,917	111,746	-30.6
5	Textiles and apparel	23,321	23,988	23,218	-3.2
6	Footwear	1,391	1,455	1,458	0.2
7	Minerals and metals	160,523	152,907	135,743	-11.2
8	Machinery	139,646	145,915	138,487	-5.1
9	Transportation equipment	322,173	336,278	326,269	-3.0
10	Electronic products	261,218	267,772	263,893	-1.4
11	Miscellaneous manufactures	43,849	47,628	47,321	-0.6
12	Special provisions	42,136	43,237	42,888	-0.8
Total		1,578,439	1,620,532	1,504,597	-7.2

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

**Table A.2** U.S. general imports from the world, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
Million \$					
1	Agricultural products	126,657	136,207	136,858	0.5
2	Forest products	39,985	42,105	42,290	0.4
3	Chemicals and related products	236,697	251,434	260,380	3.6
4	Energy-related products	384,142	351,628	194,475	-44.7
5	Textiles and apparel	118,012	121,689	126,569	4.0
6	Footwear	24,811	26,014	27,660	6.3
7	Minerals and metals	190,441	205,048	188,946	-7.9
8	Machinery	170,225	184,948	185,502	0.3
9	Transportation equipment	375,521	402,972	425,428	5.6
10	Electronic products	421,656	437,885	448,879	2.5
11	Miscellaneous manufactures	109,936	114,317	124,706	9.1
12	Special provisions	70,287	73,439	79,969	8.9
Total		2,268,370	2,347,685	2,241,664	-4.5

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

## Appendix A: Data Tables

**Table A.3** Leading U.S. total exports to the world, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
		Million \$			2014–15
8800.00	Civilian aircraft, engines, and parts	104,991	113,071	118,918	5.2
2710.19	Petroleum oils, oils from bituminous minerals (other than crude) and products containing by weight 70 percent or more of petroleum oils, not biodiesel or waste	77,494	73,183	48,739	-33.4
2710.12	Light oils and preparations containing by weight 70 percent or more of petroleum oils from bituminous minerals, not containing biodiesel, not waste oils	34,460	36,761	25,927	-29.5
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	22,820	25,407	21,671	-14.7
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	19,527	20,823	20,802	-0.1
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	22,763	22,397	20,727	-7.5
7108.12	Gold, nonmonetary, unwrought n.e.s.o.i. (other than powder)	31,650	20,754	19,057	-8.2
1201.90	Soybeans, other than seed	21,570	23,855	18,915	-20.7
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	15,861	17,234	18,506	7.4
7102.39	Diamonds, nonindustrial, worked, including polished or drilled	19,095	20,930	18,321	-12.5
8542.31	Processors and controllers, electronic integrated circuits	16,919	17,461	18,149	3.9
8473.30	Parts and accessories for automatic data processing machines and units thereof, magnetic or optical readers, transcribing machines, etc., n.e.s.o.i.	15,281	15,842	15,693	-0.9
3002.10	Antisera, other blood fractions and immunological products	8,512	11,089	13,282	19.8
9018.90	Instruments and appliances for medical, surgical or veterinary sciences, n.e.s.o.i., and parts and accessories thereof	11,198	11,688	11,844	1.3
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	10,798	10,675	11,782	10.4
8517.12	Telephones for cellular networks or for other wireless networks	9,693	11,208	10,498	-6.3
7113.19	Jewelry and parts thereof, of precious metal other than silver	9,088	9,748	9,103	-6.6
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	9,894	9,441	8,983	-4.8
8542.39	Electronic integrated circuits, n.e.s.o.i.	8,888	9,134	8,770	-4.0
2709.00	Petroleum oils and oils from bituminous minerals, crude	5,099	12,309	8,739	-29.0
1005.90	Corn (maize), other than seed corn	6,493	10,711	8,389	-21.7
8486.20	Machines and apparatus for the manufacture of semiconductor devices or of electronic integrated circuits	6,067	7,463	8,252	10.6
9701.10	Paintings, drawings and pastels, hand executed works of art, framed or not framed	5,322	7,372	7,861	6.6
8704.31	Motor vehicles for goods transport n.e.s.o.i., with spark-ignition internal combustion piston engine, gvw not over 5 metric tons	9,023	8,208	7,628	-7.1
8471.50	Digital processing units other than those of 8471.41 and 8471.49, n.e.s.o.i.	6,091	6,629	6,769	2.1
	Total of items shown	508,597	533,392	487,323	-8.6
	All other products	1,069,842	1,087,140	1,017,274	-6.4
	Total of all commodities	1,578,439	1,620,532	1,504,597	-7.2

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included; gvw = gross vehicle weight.

**Table A.4** Leading U.S. general imports from the world, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
					2014–15
		Million \$			
2709.00	Petroleum oils and oils from bituminous minerals, crude	273,836	246,969	126,065	-49.0
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	82,662	83,891	97,398	16.1
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	61,997	60,191	57,646	-4.2
8517.12	Telephones for cellular networks or for other wireless networks	49,727	53,014	52,707	-0.6
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	33,910	39,526	47,939	21.3
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	29,874	33,453	39,956	19.4
8471.30	Portable digital automatic data processing machines, weight not more than 10 kg, consisting of at least a central processing unit, keyboard and a display	42,638	41,983	39,148	-6.8
2710.19	Petroleum oils, oils from bituminous minerals (other than crude) and products containing by weight 70 percent or more of petroleum oils, not biodiesel or waste	52,587	48,802	29,311	-39.9
7102.39	Diamonds, nonindustrial, worked, including polished or drilled	22,852	24,054	23,095	-4.0
2710.12	Light oils and preparations containing by weight 70 percent or more of petroleum oils from bituminous minerals, not containing biodiesel, not waste oils	33,572	27,629	19,679	-28.8
8542.31	Processors and controllers, electronic integrated circuits	16,811	17,755	18,166	2.3
8471.50	Digital processing units other than those of 8471.41 and 8471.49, n.e.s.o.i.	15,260	14,600	17,739	21.5
8473.30	Parts and accessories for automatic data processing machines and units thereof, magnetic or optical readers, transcribing machines, etc., n.e.s.o.i.	15,486	17,184	16,604	-3.4
8528.72	Reception apparatus for television, color, n.e.s.o.i.	14,456	15,500	15,877	2.4
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	13,109	15,133	14,447	-4.5
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	12,695	13,533	13,571	0.3
9503.00	Tricycles, scooters, pedal cars and similar wheeled toys; dolls' carriages; dolls; other toys; etc.	11,122	12,148	13,523	11.3
8704.31	Motor vehicles for goods transport n.e.s.o.i., with spark-ignition internal combustion piston engine, gvw not over 5 metric tons	10,470	12,685	13,516	6.6
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	11,260	12,205	13,332	9.2
8802.40	Airplanes and other aircraft n.e.s.o.i., of an unladen weight exceeding 15,000 kg	9,232	11,750	12,780	8.8
8411.91	Parts of turbojets or turbo propellers	11,197	12,056	12,312	2.1
8471.70	Automatic data processing storage units, n.e.s.o.i.	11,998	11,471	11,066	-3.5
8544.30	Insulated ignition wiring sets and other wiring sets for vehicles, aircraft and ships	8,935	9,828	10,551	7.4
9401.90	Parts of seats (except parts of medical, dentist', barbers' and similar seats), n.e.s.o.i.	8,706	9,640	10,313	7.0
7108.12	Gold, nonmonetary, unwrought n.e.s.o.i. (other than powder)	14,148	12,817	10,149	-20.8
	Total of items shown	868,542	857,815	736,893	-14.1
	All other products	1,399,828	1,489,870	1,504,771	1.0
	Total of all commodities	2,268,370	2,347,685	2,241,664	-4.5

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included; gvw = gross vehicle weight.

## Appendix A: Data Tables

**Table A.5** U.S. trade with top 15 single-country trading partners, 2015

Rank	Country	Total exports	General imports	Total	% of total trade
Million \$					
1	China	116,186	481,881	598,067	16.0
2	Canada	280,017	295,190	575,207	15.4
3	Mexico	236,377	294,741	531,118	14.2
4	Japan	62,472	131,120	193,592	5.2
5	Germany	49,947	124,139	174,086	4.6
6	South Korea	43,499	71,827	115,326	3.1
7	United Kingdom	56,353	57,805	114,158	3.0
8	France	30,077	47,644	77,721	2.1
9	Taiwan	25,929	40,708	66,637	1.8
10	India	21,530	44,741	66,271	1.8
11	Italy	16,249	44,005	60,254	1.6
12	Brazil	31,666	27,405	59,071	1.6
13	Netherlands	40,706	16,752	57,458	1.5
14	Belgium	34,115	19,513	53,628	1.4
15	Switzerland	22,287	31,230	53,517	1.4
	Top 15 countries	1,067,409	1,728,703	2,796,112	74.6
	All others	437,188	512,961	950,149	25.4
	Total	1,504,597	2,241,664	3,746,261	100.0

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

**Table A.6** Top 15 U.S. single-country export markets, 2015

Rank	Country	Million \$	% of total exports
1	Canada	280,017	18.6
2	Mexico	236,377	15.7
3	China	116,186	7.7
4	Japan	62,472	4.2
5	United Kingdom	56,353	3.7
6	Germany	49,947	3.3
7	South Korea	43,499	2.9
8	Netherlands	40,706	2.7
9	Hong Kong, China	37,174	2.5
10	Belgium	34,115	2.3
11	Brazil	31,666	2.1
12	France	30,077	2.0
13	Singapore	28,657	1.9
14	Taiwan	25,929	1.7
15	Australia	25,038	1.7
	Top 15 countries	1,098,212	73.0
	All others	406,386	27.0
	Total	1,504,597	100.0

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. Exports here are measured in total exports.

**Table A.7** Top 15 U.S. single-country import sources, 2015

Rank	Country	Million \$	% of total imports
1	China	481,881	21.5
2	Canada	295,190	13.2
3	Mexico	294,741	13.1
4	Japan	131,120	5.8
5	Germany	124,139	5.5
6	South Korea	71,827	3.2
7	United Kingdom	57,805	2.6
8	France	47,644	2.1
9	India	44,741	2.0
10	Italy	44,005	2.0
11	Taiwan	40,708	1.8
12	Ireland	39,355	1.8
13	Vietnam	37,993	1.7
14	Malaysia	33,828	1.5
15	Switzerland	31,230	1.4
	Top 15 countries	1,776,209	79.2
	All others	465,455	20.8
	Total	2,241,664	100.0

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. Imports here are measured in general imports.

## Appendix A: Data Tables

**Table A.8** U.S. private services exports to the world, by category, 2013–15 (million dollars)

Service industry	2013	2014	2015	% change, 2014–15
Travel	172,901	177,241	178,297	0.6
Charges for the use of intellectual property n.i.e.	127,927	130,362	126,210	-3.2
Financial services	84,091	87,290	86,286	-1.2
Professional and management consulting services	55,649	59,487	66,058	11.0
Passenger fares <sup>a</sup>	41,642	43,516	38,570	-11.4
Technical, trade-related, and other business services	36,965	36,834	35,832	-2.7
Research and development services	29,258	33,192	33,370	0.5
Air transport <sup>b</sup>	23,881	23,982	22,801	-4.9
Maintenance and repair services, n.i.e.	18,648	22,389	24,123	7.7
Insurance services	17,058	17,417	18,665	7.2
Other	56,928	58,417	59,843	2.4
Total	664,948	690,127	690,055	0.0

Source: USDOC, BEA, International Transactions Data, "Table 3.1. U.S. International Trade in Services," March 17, 2016.

Note: Data for 2015 are preliminary. N.i.e. = not indicated elsewhere.

<sup>a</sup> Air passenger fares.

<sup>b</sup> Air transport includes airport and air freight services. Air passenger fares are reported separately.

**Table A.9** U.S. private services imports from the world, by category, 2013–15 (million dollars)

Service industry	2013	2014	2015	% change, 2014–15
Travel	104,107	110,787	120,471	8.7
Insurance services	53,420	50,096	48,331	-3.5
Charges for the use of intellectual property n.i.e.	38,999	42,124	39,157	-7.0
Professional and management consulting services	34,462	38,163	40,083	5.0
Sea transport <sup>a</sup>	36,264	36,254	37,313	2.9
Passenger fares <sup>b</sup>	32,029	34,890	35,494	1.7
Research and development services	30,978	33,048	35,094	6.2
Technical, trade-related, and other business services	25,949	24,542	26,539	8.1
Computer services	24,438	24,386	24,919	2.2
Financial services	18,519	19,503	20,134	3.2
Other	39,201	39,472	41,572	5.3
Total	438,366	453,265	469,108	3.5

Source: USDOC, BEA, International Transactions Data, "Table 3.1. U.S. International Trade in Services," March 17, 2016.

Note: Data for 2015 are preliminary. N.i.e. = not indicated elsewhere.

<sup>a</sup> Sea transport includes sea port and sea freight services.

<sup>b</sup> Air passenger fares.

**Table A.10** Antidumping cases active in 2015, by USITC investigation number

USITC investigation number	Product	Country of origin	Date of institution	USITC prelim	ITA <sup>a</sup> prelim	ITA final	USITC final	Date of final action <sup>b</sup>
Affirmative = A; Negative = N								
731-TA-1245	Calcium hypochlorite	China	12/18/2013	A	A	A	A	1/21/2015
731-TA-1246	Crystalline silicon photovoltaic products	China	12/31/2013	A	A	A	A	2/5/2015
731-TA-1247	Crystalline silicon photovoltaic products	Taiwan	12/31/2013	A	A	A	A	2/5/2015
731-TA-1248	Steel wire rod	China	1/31/2014	A	A	A	A	1/2/2015
731-TA-1249	Sugar	Mexico	3/28/2014	A	A	A	A	11/6/2015
731-TA-1250	53-foot domestic dry containers	China	4/23/2014	A	A	A	N	6/1/2015
731-TA-1252	Steel nails	Korea	5/29/2014	A	A	A	A	7/6/2015
731-TA-1253	Steel nails	Malaysia	5/29/2014	A	A	A	A	7/6/2015
731-TA-1254	Steel nails	Oman	5/29/2014	A	A	A	A	7/6/2015
731-TA-1255	Steel nails	Taiwan	5/29/2014	A	N	A	A	7/6/2015
731-TA-1257	Steel nails	Vietnam	5/29/2014	A	A	A	A	7/6/2015
731-TA-1258	Passenger vehicle and light truck tires	China	6/3/2014	A	A	A	A	8/3/2015
731-TA-1259	Boltless steel shelving units	China	8/26/2014	A	A	A	A	10/7/2015
731-TA-1260	Welded line pipe	Korea	10/16/2014	A	A	A	A	11/20/2015
731-TA-1261	Welded line pipe	Turkey	10/16/2014	A	A	A	A	11/20/2015
731-TA-1262	Melamine	China	11/12/2014	A	A	A	A	12/18/2015
731-TA-1263	Melamine	Trinidad & Tobago	11/12/2014	A	A	A	N	12/18/2015
731-TA-1264	Uncoated paper	Australia	1/21/2015	A	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1265	Uncoated paper	Brazil	1/21/2015	A	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1266	Uncoated paper	China	1/21/2015	A	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1267	Uncoated paper	Indonesia	1/21/2015	A	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1268	Uncoated paper	Portugal	1/21/2015	A	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1269	Silicomanganese	Australia	2/19/2015	A	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1270	Polyethylene terephthalate resin	Canada	3/10/2015	A	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1271	Polyethylene terephthalate resin	China	3/10/2015	A	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1272	Polyethylene terephthalate resin	India	3/10/2015	A	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1273	Polyethylene terephthalate resin	Oman	3/10/2015	A	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1274	Corrosion-resistant steel products	China	6/3/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1275	Corrosion-resistant steel products	India	6/3/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1276	Corrosion-resistant steel products	Italy	6/3/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1277	Corrosion-resistant steel products	Korea	6/3/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1278	Corrosion-resistant steel products	Taiwan	6/3/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1279	Hydrofluorocarbon blends	China	6/25/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1280	Heavy walled rectangular pipe	Korea	7/21/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1281	Heavy walled rectangular pipe	Mexico	7/21/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1282	Heavy walled rectangular pipe	Turkey	7/21/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1283	Cold-rolled steel flat products	Brazil	7/28/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1284	Cold-rolled steel flat products	China	7/28/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1285	Cold-rolled steel flat products	India	7/28/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1286	Cold-rolled steel flat products	Japan	7/28/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1287	Cold-rolled steel flat products	Korea	7/28/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )

## Appendix A: Data Tables

USITC investigation number	Product	Country of origin	Date of institution	USITC prelim	ITA <sup>a</sup> prelim	ITA final	USITC final	Date of final action <sup>b</sup>
731-TA-1288	Cold-rolled steel flat products	Netherlands	7/28/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1289	Cold-rolled steel flat products	Russia	7/28/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1290	Cold-rolled steel flat products	United Kingdom	7/28/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1291	Hot-rolled steel flat products	Australia	8/11/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1292	Hot-rolled steel flat products	Brazil	8/11/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1293	Hot-rolled steel flat products	Japan	8/11/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1294	Hot-rolled steel flat products	Korea	8/11/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1295	Hot-rolled steel flat products	Netherlands	8/11/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1296	Hot-rolled steel flat products	Turkey	8/11/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1297	Hot-rolled steel flat products	United Kingdom	8/11/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1298	Welded stainless steel pressure pipe	India	9/30/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1299	Circular welded carbon-quality steel pipe	Oman	10/28/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1300	Circular welded carbon-quality steel pipe	Pakistan	10/28/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1301	Circular welded carbon-quality steel pipe	Philippines	10/28/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1302	Circular welded carbon-quality steel pipe	United Arab Emirates	10/28/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1303	Circular welded carbon-quality steel pipe	Vietnam	10/28/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1304	Iron mechanical transfer drive components	Canada	10/28/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1305	Iron mechanical transfer drive components	China	10/28/2015	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1306	Large residential washers	China	12/16/2015	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )

Source: U.S. International Trade Commission.

Note: "Korea" refers to the "Republic of Korea (South Korea)."

<sup>a</sup> "ITA" is the International Trade Administration of the U.S. Department of Commerce (USDOC).

<sup>b</sup> For cases in which the final action was taken by the ITA, the date shown is the Federal Register notice date of that action. For cases in which the final action was taken by USITC, the date of the USITC notification of USDOC is shown.

<sup>c</sup> Pending as of December 31, 2015.

**Table A.11** Antidumping duty orders and suspension agreements in effect as of December 31, 2015

Country	Commodity	Effective date of original action
Argentina	Lemon juice (suspended)	Sept. 10, 2007
Belarus	Steel concrete reinforcing bar	Sept. 7, 2001
Belgium	Stainless steel plate in coils	May 21, 1999
Brazil	Frozen or canned warmwater shrimp and prawns	Feb. 1, 2005
	Prestressed concrete steel wire strand	Jan. 28, 2004
	Carbon and certain alloy steel wire rod	Oct. 29, 2002
	Stainless steel bar	Feb. 21, 1995
	Circular welded nonalloy steel pipe	Nov. 2, 1992
	Carbon steel butt-weld pipe fittings	Dec. 17, 1986
	Iron construction castings	May 9, 1986
Canada	Citric acid and certain citrate salts	May 29, 2009
	Iron construction castings	Mar. 5, 1986
Chile	Preserved mushrooms	Dec. 2, 1998
China	Melamine	Dec. 28, 2015
	Boltless steel shelving units prepackaged for sale	Oct. 21, 2015
	Passenger vehicle and light truck tires	Aug. 10, 2015
	Crystalline silicon photovoltaic products	Feb. 18, 2015
	Calcium hypochlorite	Jan. 30, 2015
	Carbon and certain alloy steel wire rod	Jan. 8, 2015
	Non-oriented electrical steel	Dec. 3, 2014
	Monosodium glutamate	Nov. 26, 2014
	Prestressed steel tie wire	June 24, 2014
	Xanthan gum	July 19, 2013
	Drawn stainless steel sinks	Apr. 11, 2013
	Utility-scale wind towers	Feb. 15, 2013
	Crystalline silicon photovoltaic cells	Dec. 07, 2012
	High-pressure steel cylinders	Jun. 21, 2012
	Stilbenic optical brightening agent	May 10, 2012
	Multilayered wood flooring	Dec. 8, 2011
	Aluminum extrusions	May 26, 2011
	Seamless refined copper pipe and tube	Nov. 22, 2010
	Coated paper	Nov. 17, 2010
	Seamless standard, line, and pressure pipe	Nov. 10, 2010
	Magnesia carbon bricks	Sept. 20, 2010
	Narrow woven ribbons	Sept. 1, 2010
	Steel grating	July 23, 2010
	Potassium phosphate salts	July 22, 2010
	Prestressed concrete steel wire strand	June 29, 2010
	Oil country tubular goods	May 21, 2010
	Kitchen appliance shelving and racks	Sept. 14, 2009
	Tow-behind lawn groomers	Aug. 3, 2009
	Citric acid and certain citrate salts	May 29, 2009
	Circular welded carbon-quality steel line pipe	May 13, 2009
	Steel threaded rod	April 14, 2009
	Circular welded austenitic stainless pressure pipe	Mar. 17, 2009
	Small-diameter graphite electrodes	Feb. 26, 2009
	Uncovered innerspring units	Feb. 19, 2009
	Lightweight thermal paper	Nov. 24, 2008
	Polyethylene terephthalate film, sheet, and strip	Nov. 10, 2008
	Electrolytic manganese dioxide	Oct. 7, 2008
	Steel wire garment hangers	Oct. 6, 2008
	Raw flexible magnets	Sept. 17, 2008
	Off-the-road tires	Sept. 4, 2008
	Sodium nitrite	Aug. 27, 2008
	Laminated woven sacks	Aug. 7, 2008
	Light-walled rectangular pipe and tube	Aug. 5, 2008
	Steel nails	Aug. 1, 2008
	Circular welded carbon-quality steel pipe	July 22, 2008
	Sodium hexametaphosphate	Mar. 19, 2008
	Certain polyester staple fiber	June 1, 2007
	Certain activated carbon	April 27, 2007
	Certain lined paper school supplies	Sept. 28, 2006
	Artist's canvas	June 1, 2006
	Chlorinated isocyanurates	June 24, 2005

## Appendix A: Data Tables

Country	Commodity	Effective date of original action
	Magnesium	April 15, 2005
	Tissue paper	Mar. 30, 2005
	Frozen or canned warmwater shrimp and prawns	Feb. 1, 2005
	Crepe paper	Jan. 25, 2005
	Wooden bedroom furniture	Jan. 4, 2005
	Carbazole violet pigment 23	Dec. 29, 2004
	Hand trucks	Dec. 2, 2004
	Polyethylene retail carrier bags	Aug. 9, 2004
	Ironing tables	Aug. 6, 2004
	Tetrahydrofurfuryl alcohol	Aug. 6, 2004
	Malleable iron pipe fittings	Dec. 12, 2003
	Refined brown aluminum oxide	Nov. 19, 2003
	Barium carbonate	Oct. 1, 2003
	Polyvinyl alcohol	Oct. 1, 2003
	Non-malleable cast iron pipe fittings	Apr. 7, 2003
	Ferrovandium	Jan. 28, 2003
	Folding gift boxes	Jan. 8, 2002
	Honey	Dec. 10, 2001
	Hot-rolled carbon steel flat products	Nov. 29, 2001
	Pure magnesium (granular)	Nov. 19, 2001
	Foundry coke	Sept. 17, 2001
	Steel concrete reinforcing bars	Sept. 7, 2001
	Preserved mushrooms	Feb. 19, 1999
	Carbon steel plate	Oct. 24, 1997
	Crawfish tail meat	Sept. 15, 1997
	Persulfates	July 7, 1997
	Furfuryl alcohol	June 21, 1995
	Pure magnesium (ingot)	May 12, 1995
	Glycine	Mar. 29, 1995
	Cased pencils	Dec. 28, 1994
	Silicomanganese	Dec. 22, 1994
	Paper clips	Nov. 25, 1994
	Fresh garlic	Nov. 16, 1994
	Helical spring lock washers	Oct. 19, 1993
	Sulfanilic acid	Aug. 19, 1992
	Carbon steel butt-weld pipe fittings	July 6, 1992
	Silicon metal	June 10, 1991
	Axes and adzes	Feb. 19, 1991
	Bars and wedges	Feb. 19, 1991
	Hammers and sledges	Feb. 19, 1991
	Picks and mattocks	Feb. 19, 1991
	Tapered roller bearings	June 15, 1987
	Porcelain-on-steel cooking ware	Dec. 2, 1986
	Petroleum wax candles	Aug. 28, 1986
	Iron construction castings	May 9, 1986
	Barium chloride	Oct. 17, 1984
	Chloropicrin	Mar. 22, 1984
	Potassium permanganate	Jan. 31, 1984
France	Low-enriched uranium	Feb. 13, 2002
	Brass sheet and strip	Mar. 6, 1987
Germany	Non-oriented electrical steel	Dec. 3, 2014
	Sodium nitrite	Aug. 27, 2008
	Seamless pipe	Aug. 3, 1995
	Brass sheet and strip	Mar. 6, 1987
India	Oil country tubular goods	Sept. 10, 2014
	Commodity matchbooks	Dec. 11, 2009
	Certain lined paper school supplies	Sept. 28, 2006
	Frozen or canned warmwater shrimp and prawns	Feb. 1, 2005
	Carbazole violet pigment 23	Dec. 29, 2004
	Prestressed concrete steel wire strand	Jan. 28, 2004
	Polyethylene terephthalate (PET) film	July 1, 2002
	Silicomanganese	May 23, 2002
	Hot-rolled carbon steel flat products	Dec. 3, 2001
	Carbon steel plate	Feb. 10, 2000
	Preserved mushrooms	Feb. 19, 1999

Country	Commodity	Effective date of original action
	Stainless steel bar	Feb. 21, 1995
	Stainless steel wire rod	Dec. 1, 1993
	Sulfanilic acid	Mar. 2, 1993
	Welded carbon-steel pipe	May 12, 1986
Indonesia	Monosodium glutamate	Nov. 26, 2014
	Coated paper	Nov. 11, 2010
	Polyethylene retail carrier bags	May 4, 2010
	Carbon and certain alloy steel wire rod	Oct. 29, 2002
	Hot-rolled carbon steel flat products	Dec. 3, 2001
	Steel concrete reinforcing bars	Sept. 7, 2001
	Carbon steel plate	Feb. 10, 2000
	Preserved mushrooms	Feb. 19, 1999
Iran	Raw in-shell pistachios	July 17, 1986
Italy	Stainless steel butt-weld pipe fittings	Feb. 23, 2001
	Stainless steel wire rod	Sept. 15, 1998
	Pasta	July 24, 1996
	Granular polytetrafluoroethylene resin	Aug. 30, 1988
	Brass sheet and strip	Mar. 6, 1987
	Pressure-sensitive plastic tape	Oct. 21, 1977
Japan	Non-oriented electrical steel	Dec. 3, 2014
	Diffusion-annealed, nickel-plated flat-rolled steel products	May 29, 2014
	Polyvinyl alcohol	July 2, 2003
	Welded large-diameter line pipe	Dec. 6, 2001
	Tin- and chromium-coated steel sheet	Aug. 28, 2000
	Large-diameter seamless pipe	June 26, 2000
	Small-diameter seamless pipe	June 26, 2000
	Stainless steel sheet and strip	July 27, 1999
	Stainless steel wire rod	Sept. 15, 1998
	Clad steel plate	July 2, 1996
	Stainless steel bar	Feb. 21, 1995
	Gray portland cement and clinker	May 10, 1991
	Brass sheet and strip	Aug. 12, 1988
	Carbon steel butt-weld pipe fittings	Feb. 10, 1987
	Prestressed concrete steel wire strand	Dec. 8, 1978
Kazakhstan	Silicomanganese	May 23, 2002
Korea	Welded line pipe	Dec. 1, 2015
	Steel nails	July 13, 2015
	Non-oriented electrical steel	Dec. 3, 2014
	Oil country tubular goods	Sept. 10, 2014
	Large residential washers	Feb. 15, 2013
	Large power transformers	Aug. 31, 2012
	Light-walled rectangular pipe and tube	Aug. 5, 2008
	Prestressed concrete steel wire strand	Jan. 28, 2004
	Polyester staple fiber	May 25, 2000
	Carbon steel plate	Feb. 10, 2000
	Stainless steel sheet and strip	July 27, 1999
	Stainless steel plate in coils	May 21, 1999
	Stainless steel wire rod	Sept. 15, 1998
	Welded ASTM A-312 stainless steel pipe	Dec. 30, 1992
	Circular welded non-alloy steel pipe	Nov. 2, 1992
Latvia	Steel concrete reinforcing bars	Sept. 7, 2001
Malaysia	Steel nails	July 13, 2015
	Welded stainless steel pressure pipe	July 21, 2014
	Polyethylene retail carrier bags	Aug. 9, 2004
	Stainless steel butt-weld pipe fittings	Feb. 23, 2001
Mexico	Sugar (suspended)	Dec. 29, 2014
	Steel concrete rebar	Nov. 6, 2014
	Prestressed steel tie wire	June 24, 2014
	Large residential washers	Feb. 15, 2013
	Seamless refined copper pipe and tube	Nov. 22, 2010
	Magnesia carbon bricks	Sept. 20, 2010
	Light-walled rectangular pipe and tube	Aug. 5, 2008
	Prestressed concrete steel wire strand	Jan. 28, 2004
	Carbon and certain alloy steel wire rod	Oct. 29, 2002
	Fresh tomatoes (suspended)	Nov. 1, 1996

## Appendix A: Data Tables

Country	Commodity	Effective date of original action
	Circular welded non-alloy steel pipe	Nov. 2, 1992
Moldova	Carbon and certain alloy steel wire rod	Oct. 29, 2002
	Steel concrete reinforcing bars	Sept. 7, 2001
Oman	Steel nails	July 13, 2015
Philippines	Stainless steel butt-weld pipe fittings	Feb. 23, 2001
Poland	Steel concrete reinforcing bars	Sept. 7, 2001
Romania	Small-diameter seamless pipe	Aug. 10, 2000
Russia	Silicon metal	Mar. 26, 2003
	Ammonium nitrate (suspended)	May 19, 2000
	Hot-rolled carbon steel flat products (suspended)	July 12, 1999
	Carbon steel plate (suspended)	Oct. 24, 1997
	Uranium (suspended)	Oct. 16, 1992
	Solid urea	July 14, 1987
South Africa	Uncovered innerspring units	Dec. 11, 2008
	Ferrovandium	Jan. 28, 2003
	Stainless steel plate in coils	May 21, 1999
Spain	Chlorinated isocyanurates	June 24, 2005
	Stainless steel wire rod	Sept. 15, 1998
	Stainless steel bar	Mar. 2, 1995
Sweden	Non-oriented electrical steel	Dec. 3, 2014
Taiwan	Steel nails	July 13, 2015
	Crystalline silicon photovoltaic products	Feb. 18, 2015
	Non-oriented electrical steel	Dec. 3, 2014
	Oil country tubular goods	Sept. 10, 2014
	Steel wire garment hangers	Dec. 10, 2012
	Stilbenic optical brightening agent	May 10, 2012
	Narrow woven ribbons	Sept. 1, 2010
	Polyethylene retail carrier bags	May 4, 2010
	Raw flexible magnets	Sept. 17, 2008
	Polyethylene terephthalate (PET) film	July 1, 2002
	Hot-rolled carbon steel flat products	Nov. 29, 2001
	Polyester staple fiber	May 25, 2000
	Stainless steel sheet and strip	July 27, 1999
	Stainless steel plate in coils	May 21, 1999
	Stainless steel wire rod	Sept. 15, 1998
	Helical spring lock washers	June 28, 1993
	Welded ASTM A-312 stainless steel pipe	Dec. 30, 1992
	Circular welded non-alloy steel pipe	Nov. 2, 1992
	Light-walled rectangular pipe	Mar. 27, 1989
	Carbon steel butt-weld pipe fittings	Dec. 17, 1986
	Small-diameter carbon steel pipe	May 7, 1984
Thailand	Welded stainless steel pressure pipe	July 21, 2014
	Frozen or canned warmwater shrimp and prawns	Feb. 1, 2005
	Polyethylene retail carrier bags	Aug. 9, 2004
	Prestressed concrete steel wire strand	Jan. 28, 2004
	Hot-rolled carbon steel flat products	Nov. 29, 2001
	Carbon steel butt-weld pipe fittings	July 6, 1992
	Welded carbon steel pipe	Mar. 11, 1986
Trinidad and Tobago	Carbon and certain alloy steel wire rod	Oct. 29, 2002
Turkey	Welded line pipe	Dec. 1, 2015
	Oil country tubular goods	Sept. 10, 2014
	Light-walled rectangular pipe and tube	May 30, 2008
	Pasta	July 24, 1996
	Welded carbon steel pipe	May 15, 1986
Ukraine	Hot-rolled carbon steel flat products	Nov. 29, 2001
	Silicomanganese	Sept. 17, 2001
	Ammonium nitrate	Sept. 12, 2001
	Steel concrete reinforcing bars	Sept. 7, 2001
	Carbon steel plate (suspended)	Oct. 24, 1997
	Solid urea	July 14, 1987
United Arab Emirates	Steel nails	May 10, 2012
	Polyethylene terephthalate film, sheet, and strip	Nov. 10, 2008
Venezuela	Silicomanganese	May 23, 2002
Vietnam	Steel nails	July 13, 2015
	Oil country tubular goods	Sept. 10, 2014

<b>Country</b>	<b>Commodity</b>	<b>Effective date of original action</b>
	Welded stainless steel pressure pipe	July 21, 2014
	Utility-scale wind towers	Feb. 15, 2013
	Steel wire garment hangers	Feb. 5, 2013
	Polyethylene retail carrier bags	May 4, 2010
	Uncovered innerspring units	Dec. 11, 2008
	Frozen or canned warmwater shrimp and prawns	Feb. 1, 2005
	Frozen fish fillets	Aug. 12, 2003

Source: U.S. International Trade Commission.

Note: "Korea" refers to the "Republic of Korea (South Korea)."

Appendix A: Data Tables

**Table A.12** Countervailing duty cases active in 2015, by USITC investigation number

USITC investigation no.	Product	Country of origin	Date of institution	USITC prelim	ITA <sup>a</sup> prelim	ITA final	USITC final	Date of final action <sup>b</sup>
Affirmative = A; Negative = N; <sup>(c)</sup> = Not applicable; <sup>(d)</sup> = Pending;								
701-TA-510	Calcium hypochlorite	China	12/18/2013	A	A	A	A	1/21/2015
701-TA-511	Crystalline silicon photovoltaic products	China	12/31/2013	A	A	A	A	2/5/2015
701-TA-512	Steel wire rod	China	1/31/2014	A	A	A	A	1/2/2015
701-TA-513	Sugar	Mexico	3/28/2014	A	A	A	A	11/6/2015
701-TA-514	53-foot domestic dry containers	China	4/23/2014	A	A	A	N	6/1/2015
701-TA-516	Steel nails	Korea	5/29/2014	A	N	N	<sup>(c)</sup>	5/20/2015
701-TA-517	Steel nails	Malaysia	5/29/2014	A	N	N	<sup>(c)</sup>	5/20/2015
701-TA-518	Steel nails	Oman	5/29/2014	A	N	N	<sup>(c)</sup>	5/20/2015
701-TA-519	Steel nails	Taiwan	5/29/2014	A	N	N	<sup>(c)</sup>	5/20/2015
701-TA-521	Steel nails	Vietnam	5/29/2014	A	A	A	A	7/6/2015
701-TA-522	Passenger vehicle and light truck tires	China	6/3/2014	A	A	A	A	8/3/2015
701-TA-523	Boltless steel shelving units	China	8/26/2014	A	A	A	A	10/7/2015
701-TA-524	Welded line pipe	Korea	10/16/2014	A	N	N	<sup>(c)</sup>	10/13/2015
701-TA-525	Welded line pipe	Turkey	10/16/2014	A	A	A	A	11/20/2015
701-TA-526	Melamine	China	11/12/2014	A	A	A	A	12/18/2015
701-TA-527	Melamine	Trinidad & Tobago	11/12/2014	A	A	A	N	12/18/2015
701-TA-528	Uncoated paper	China	1/21/2015	A	A	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-529	Uncoated paper	Indonesia	1/21/2015	A	A	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-530	Supercalendered paper	Canada	2/26/2015	A	A	A	A	12/3/2015
701-TA-531	Polyethylene terephthalate resin	China	3/10/2015	A	A	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-532	Polyethylene terephthalate resin	India	3/10/2015	A	A	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-533	Polyethylene terephthalate resin	Oman	3/10/2015	A	N	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-534	Corrosion-resistant steel products	China	6/3/2015	A	A	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-535	Corrosion-resistant steel products	India	6/3/2015	A	A	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-536	Corrosion-resistant steel products	Italy	6/3/2015	A	A	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-537	Corrosion-resistant steel products	Korea	6/3/2015	A	A	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-538	Corrosion-resistant steel products	Taiwan	6/3/2015	A	N	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-539	Heavy walled rectangular welded pipes	Turkey	7/21/2015	A	A	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-540	Cold-rolled steel flat products	Brazil	7/28/2015	A	A	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-541	Cold-rolled steel flat products	China	7/28/2015	A	A	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-542	Cold-rolled steel flat products	India	7/28/2015	A	A	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-543	Cold-rolled steel flat products	Korea	7/28/2015	A	N	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-544	Cold-rolled steel flat products	Russia	7/28/2015	A	A	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-545	Hot-rolled steel flat products	Brazil	8/11/2015	A	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-546	Hot-rolled steel flat products	Korea	8/11/2015	A	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-547	Hot-rolled steel flat products	Turkey	8/11/2015	A	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-548	Welded stainless steel pressure pipe	India	9/30/2015	A	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-549	Circular welded carbon-quality steel pipe	Pakistan	10/28/2015	A	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>
701-TA-550	Iron mechanical transfer drive components	China	10/28/2015	A	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>	<sup>(d)</sup>

Source: U.S. International Trade Commission.

Note: "Korea" refers to the "Republic of Korea (South Korea)."

<sup>a</sup> "ITA" is the International Trade Administration of the USDOC.

<sup>b</sup> For cases in which the final action was taken by the ITA, the date shown is the *Federal Register* notice date of that action. For cases in which the final action was taken by USITC, the date of the USITC notification of USDOC is shown.

**Table A.13** Countervailing duty orders and suspension agreements in effect as of December 31, 2015

Country	Commodity	Effective date of original action
Brazil	Carbon and certain alloy steel wire rod	Oct. 22, 2002
	Heavy iron construction castings	May 15, 1986
Canada	Supercalendered paper	Dec. 10, 2015
China	Melamine	Dec. 28, 2015
	Boltless steel shelving units prepackaged for sale	Oct. 21, 2015
	Passenger vehicle and light truck tires	Aug. 10, 2015
	Crystalline silicon photovoltaic products	Feb. 18, 2015
	Calcium hypochlorite	Jan. 30, 2015
	Carbon and certain alloy steel wire rod	Jan. 8, 2015
	Non-oriented electrical steel	Dec. 3, 2014
	Chlorinated isocyanurates	Nov. 13, 2014
	Drawn stainless steel sinks	April 11, 2013
	Utility-scale wind towers	Feb. 15, 2013
	Crystalline silicon photovoltaic cells	Dec. 07, 2012
	High pressure steel cylinders	Jun. 21, 2012
	Multilayered wood flooring	Dec. 8, 2011
	Aluminum extrusions	May 26, 2011
	Coated paper	Nov. 17, 2010
	Seamless carbon and alloy steel standard, line, and pressure pipe	Nov. 10, 2010
	Magnesia carbon bricks	Sept. 21, 2010
	Narrow woven ribbons	Sept. 1, 2010
	Steel grating	July 23, 2010
	Potassium phosphate salts	July 22, 2010
	Prestressed concrete steel wire strand	July 7, 2010
	Oil country tubular goods	Jan. 20, 2010
	Kitchen appliance shelving and racks	Sept. 14, 2009
	Citric acid and certain citrate salts	May 29, 2009
	Welded stainless steel pressure pipe	Mar. 19, 2009
	Circular welded carbon-quality steel line pipe	Jan. 23, 2009
	Lightweight thermal paper	Nov. 24, 2008
	Raw flexible magnets	Sept. 17, 2008
	Off-the-road tires	Sept. 4, 2008
	Sodium nitrite	Aug. 27, 2008
	Laminated woven sacks	Aug. 7, 2008
	Light-walled rectangular pipe and tube	Aug. 5, 2008
	Circular welded carbon-quality steel pipe	July 22, 2008
India	Oil country tubular goods	Sept. 10, 2014
	Commodity matchbooks	Dec. 11, 2009
	Lined paper school supplies	Sept. 28, 2006
	Carbazole violet pigment 23	Dec. 29, 2004
	Prestressed concrete steel wire strand	Feb. 4, 2004
	Polyethylene terephthalate (PET) film	July 1, 2002
	Hot-rolled carbon steel flat products	Dec. 3, 2001
	Carbon steel plate	Feb. 10, 2000
Indonesia	Sulfanilic acid	Mar. 2, 1993
	Coated paper	Nov. 17, 2010
	Hot-rolled carbon steel flat products	Dec. 3, 2001
Iran	Carbon steel plate	Feb. 10, 2000
	Roasted in-shell pistachios	Oct. 7, 1986
Italy	Raw in-shell pistachios	Mar. 11, 1986
	Pasta	July 24, 1996
Korea	Large residential washers	Feb. 15, 2013
	Carbon steel plate	Feb. 10, 2000
Mexico	Stainless steel sheet and strip	Aug. 6, 1999
	Sugar (suspended)	Dec. 29, 2014
South Africa	Stainless steel plate in coils	May 11, 1999
Taiwan	Non-oriented electrical steel	Dec. 3, 2014
Thailand	Hot-rolled carbon steel flat products	Dec. 3, 2001
Turkey	Welded line pipe	Dec. 1, 2015
	Steel concrete rebar	Nov. 6, 2014
	Oil country tubular goods	Sept. 10, 2014
	Pasta	July 24, 1996
	Welded carbon steel pipe	Mar. 7, 1986

## Appendix A: Data Tables

<b>Country</b>	<b>Commodity</b>	<b>Effective date of original action</b>
Vietnam	Steel nails	July 14, 2015
	Steel wire garment hangers	Feb. 5, 2013
	Polyethylene retail carrier bags	May 4, 2010

Source: U.S. International Trade Commission.

Note: "Korea" refers to the "Republic of Korea (South Korea)."

**Table A.14** Reviews of existing antidumping and countervailing duty orders and suspended investigations completed in 2015, by date of completion

USITC investigation number	Product	Country of origin	Action	Completion date <sup>a</sup>
731-TA-1124	Electrolytic manganese dioxide	Australia	Revoked	1/9/2015
701-TA-451	Lightweight thermal paper	China	Continued	1/16/2015
731-TA-1126	Lightweight thermal paper	China	Continued	1/16/2015
731-TA-1132	Polyethylene terephthalate film	China	Continued	1/16/2015
731-TA-1134	Polyethylene terephthalate film	United Arab Emirates	Continued	1/16/2015
731-TA-1153	Tow-behind lawn groomers	China	Continued	1/22/2015
731-TA-986	Ferrovandium	China	Continued	1/28/2015
731-TA-987	Ferrovandium	South Africa	Continued	1/28/2015
731-TA-1127	Lightweight thermal paper	Germany	Revoked	1/30/2015
731-TA-1020	Barium carbonate	China	Continued	2/2/2015
731-TA-1131	Polyethylene terephthalate film	Brazil	Revoked	2/6/2015
701-TA-458	Kitchen appliance shelving and racks	China	Continued	2/24/2015
731-TA-1154	Kitchen appliance shelving and racks	China	Continued	2/24/2015
701-TA-459	Commodity matchbooks	India	Continued	4/6/2015
731-TA-1155	Commodity matchbooks	India	Continued	4/6/2015
731-TA-1046	Tetrahydrofurfuryl alcohol	China	Continued	4/6/2015
701-TA-432	Prestressed concrete steel wire strand	India	Continued	4/10/2015
731-TA-1024	Prestressed concrete steel wire strand	Brazil	Continued	4/10/2015
731-TA-1025	Prestressed concrete steel wire strand	India	Continued	4/10/2015
731-TA-1026	Prestressed concrete steel wire strand	Korea	Continued	4/10/2015
731-TA-1027	Prestressed concrete steel wire strand	Mexico	Continued	4/10/2015
731-TA-1028	Prestressed concrete steel wire strand	Thailand	Continued	4/10/2015
AA1921-188	Prestressed concrete steel wire strand	Japan	Continued	4/10/2015
701-TA-463	Oil country tubular goods	China	Continued	5/7/2015
731-TA-1159	Oil country tubular goods	China	Continued	5/7/2015
731-TA-1014	Polyvinyl alcohol	China	Continued	5/12/2015
731-TA-1016	Polyvinyl alcohol	Japan	Continued	5/12/2015
731-TA-1017	Polyvinyl alcohol	Korea	Revoked	5/27/2015
731-TA-1013	Saccharin	China	Revoked	6/9/2015
701-TA-456	Citric acid and certain citrate salts	China	Continued	6/11/2015
731-TA-1151	Citric acid and certain citrate salts	Canada	Continued	6/11/2015
731-TA-1152	Citric acid and certain citrate salts	Canada	Continued	6/11/2015
731-TA-1059	Hand trucks	China	Continued	7/30/2015
731-TA-1163	Woven electric blankets	China	Revoked	8/1/2015
731-TA-776	Preserved mushrooms	Chile	Continued	8/14/2015
731-TA-777	Preserved mushrooms	China	Continued	8/14/2015
731-TA-778	Preserved mushrooms	India	Continued	8/14/2015
731-TA-779	Preserved mushrooms	Indonesia	Continued	8/14/2015
731-TA-1070A	Crepe paper	China	Continued	8/31/2015
731-TA-130	Chloropicrin	China	Continued	8/31/2015
731-TA-1092	Diamond sawblades	China	Continued	9/2/2015
731-TA-1047	Ironing tables	China	Continued	9/28/2015
701-TA-464	Prestressed concrete steel wire strand	China	Continued	9/28/2015
731-TA-1160	Prestressed concrete steel wire strand	China	Continued	9/28/2015
731-TA-149	Barium chloride	China	Continued	10/27/2015
701-TA-465	Steel grating	China	Continued	10/29/2015
731-TA-1161	Steel grating	China	Continued	10/29/2015
701-TA-437	Carbazole violet pigment 23	India	Continued	11/2/2015
731-TA-1060	Carbazole violet pigment 23	China	Continued	11/2/2015
731-TA-1061	Carbazole violet pigment 23	India	Continued	11/2/2015
731-TA-753	Cut-to-length carbon steel plate	China	Continued	12/3/2015
731-TA-754	Cut-to-length carbon steel plate	Russia	Continued	12/3/2015
731-TA-756	Cut-to-length carbon steel plate	Ukraine	Continued	12/3/2015
701-TA-473	Potassium phosphate salts	China	Continued	12/4/2015
731-TA-1173	Potassium phosphate salts	China	Continued	12/4/2015

Source: U.S. International Trade Commission.

Note: "Korea" refers to the "Republic of Korea (South Korea)."

<sup>a</sup> The completion date shown is the date of the USITC notification of USDOC, except in the case of a revocation where the date shown is the date of ITA's *Federal Register* notice.

## Appendix A: Data Tables

**Table A.15** Section 337 investigations and related proceedings completed by the Commission during 2015 and those pending on December 31, 2015

Status of investigation	Article	Country <sup>a</sup>	Commission determination <sup>b</sup>
<b>Completed</b>			
337-TA-055	Certain Novelty Glasses	Hong Kong	One related (ancillary) rescission proceeding; exclusion order rescinded.
337-TA-087	Certain Coin-Operated Audio Visual Games and Components Thereof	Taiwan, Japan	One related (ancillary) rescission proceeding; exclusion order modified.
337-TA-105	Certain Coin-Operated Audio Visual Games and Components Thereof (viz., Rally-X and Pac Man)	Taiwan, Japan	One related (ancillary) rescission proceeding; exclusion order modified.
337-TA-112	Certain Cube Puzzles	Taiwan, Japan	One related (ancillary) rescission proceeding; exclusion order modified.
337-TA-287	Certain Strip Lights	Taiwan	One related (ancillary) rescission proceeding; exclusion order rescinded.
337-TA-295	Certain Novelty Teleidoscopes	Hong Kong	One related (ancillary) rescission proceeding; exclusion order rescinded.
337-TA-562	Certain Incremental Dental Positioning Adjustment Appliances and Methods of Producing Same	British Virgin Islands, Pakistan	One related (ancillary) remand enforcement proceeding, terminated based on a settlement agreement.
337-TA-613	Certain 3G Mobile Handsets and Components Thereof	Finland	One related (ancillary) remand proceeding; terminated based on a finding of no violation.
337-TA-723	Certain Inkjet Ink Cartridges with Printheads and Components Thereof	Taiwan, Hong Kong, China	One related (ancillary) modification proceeding; modification denied.
337-TA-744	Certain Mobile Devices, Associated Software, and Components Thereof	No foreign respondents	One related (ancillary) rescission proceeding; exclusion order rescinded.
337-TA-823	Certain Kinesiotherapy Devices and Components Thereof	Sweden, China, Netherlands	One related (ancillary) rescission proceeding; exclusion order and cease and desist orders rescinded.
337-TA-841	Certain Computer and Computer Peripheral Devices and Components Thereof and Products Containing the Same	Taiwan, Japan, France, Korea	One related (ancillary) rescission proceeding; consent order rescinded.
337-TA-883	Certain Opaque Polymers	Turkey, Netherlands	Issued limited exclusion order and cease and desist order.
337-TA-884	Certain Consumer Electronics with Display and Processing Capabilities	Japan, Taiwan, China	Terminated based on a settlement agreement.
337-TA-887	Certain Crawler Cranes and Components Thereof	China	Issued limited exclusion order and cease and desist order.
337-TA-888	Certain Silicon Microphone Packages and Products Containing Same	China	Terminated based on a settlement agreement.
337-TA-893	Certain Flash Memory Chips and Products Containing Same	Taiwan, Japan, Hong Kong	Terminated based on a settlement agreement.
337-TA-895	Certain Multiple Mode Outdoor Grills and Parts Thereof	China, Hong Kong	Issued limited exclusion order and cease and desist orders.
337-TA-897	Certain Optical Disc Drives, Components Thereof, and Products Containing the Same	Hong Kong, Korea, Japan, Taiwan	Terminated based on a finding of no violation.
337-TA-899	Certain Vision-Based Driver Assistance System Cameras and Components Thereof	No foreign respondents	Terminated based on withdrawal of the complaint.
337-TA-907	Certain Vision-Based Driver Assistance System Cameras and Components Thereof	No foreign respondents	Terminated based on a finding of no violation.
337-TA-908	Certain Soft-Edged Trampolines and Components Thereof	Australia	Terminated based on a finding of no violation.
337-TA-909	Certain Non-Volatile Memory Devices and Products Containing Same	Thailand, United Kingdom, Germany	Terminated based on a settlement agreement.
337-TA-910	Certain Television Sets, Television Receivers, Television Tuners, and Components Thereof	Taiwan, Korea, Japan, China	Terminated based on a finding of no violation.
337-TA-913	Certain Hemostatic Products and Components Thereof	Denmark	Terminated based on a settlement agreement.
337-TA-914	Certain Sulfentrazone, Sulfentrazone Compositions, and Processes for Making Sulfentrazone	China	Terminated based on a finding of no violation.
337-TA-916	Certain Non-Volatile Memory Chips and Products Containing the Same	Taiwan, Hong Kong, Japan	Terminated based on a settlement agreement.
337-TA-918	Certain Toner Cartridges and Components Thereof	China, Hong Kong,	Issued general exclusion order and cease

Status of investigation	Article	Country <sup>a</sup>	Commission determination <sup>b</sup>
		Macau	and desist orders.
337-TA-921	Certain Marine Sonar Imaging Devices, Including Downscan and Sidescan Devices, Products Containing the Same, and Components Thereof	Taiwan	Issued limited exclusion order and cease and desist orders.
337-TA-922	Certain Devices Containing Non-Volatile Memory and Products Containing the Same	United Kingdom, Thailand	Terminated based on a settlement agreement.
337-TA-922	Certain Devices Containing Non-Volatile Memory and Products Containing the Same	United Kingdom, Thailand	One related (ancillary) rescission proceeding; consent order rescinded.
337-TA-923	Certain Loom Kits for Creating Linked Articles	China	Issued general exclusion order.
337-TA-924	Certain Light Reflectors and Components, Packaging, and Related Advertising Thereof	Hong Kong, China	Terminated based on withdrawal of the complaint.
337-TA-925	Certain Communications or Computing Devices, and Components Thereof	Taiwan, Korea	Terminated based on a settlement agreement.
337-TA-926	Certain Marine Sonar Imaging Systems, Products Containing the Same, and Components Thereof	Taiwan	Issued limited exclusion order and cease and desist order.
337-TA-928	Certain Windshield Wipers and Components Thereof	Belgium	Terminated based on a settlement agreement.
337-TA-931	Certain Formatted Magnetic Data Storage Tapes and Cartridges Containing the Same	Japan	Terminated based on a settlement agreement.
337-TA-932	Certain Consumer Electronics and Display Devices with Graphics Processing and Graphics Processing Units Therein	Korea	Terminated based on a finding of no violation.
337-TA-938	Certain Coaxial Cable Connectors and Components Thereof and Products Containing Same	No foreign respondents	Terminated based on withdrawal of the complaint.
337-TA-940	Certain Snowmobiles with Engines Having Exhaust Temperature-Controlled Engine Technology and Components Thereof	Canada	Terminated based on withdrawal of the complaint.
337-TA-942	Certain Wireless Devices, Including Mobile Phones and Tablets III	Taiwan, Singapore	Terminated based on a settlement agreement.
337-TA-948	Certain Toy Figurines and Toy Sets Containing the Same	Canada	Terminated based on consent orders and settlement agreements.
337-TA-950	Certain Electronic Products, Including Products With Near Field Communication (“NFC”) System-Level Functionality and/or Battery Power-Up Functionality, Components Thereof, and Products Containing Same	No foreign respondents	Terminated based on a settlement agreement.
337-TA-955	Certain Protective Cases for Electronic Devices and Components Thereof	United Kingdom	Terminated based on withdrawal of the complaint.
337-TA-960	Certain Toner Supply Containers and Components Thereof	Taiwan	Terminated based on a consent order.
337-TA-961	Certain Lip Balm Products, Containers for Lip Balm, and Components Thereof	China	Terminated based on a settlement agreement and withdrawal of the complaint.
<b>Pending</b>			
337-TA-698	Certain DC-DC Controllers and Products Containing the Same	Hong Kong, Taiwan	One related (ancillary) remand enforcement proceeding, pending before the Commission.
337-TA-854	Certain Two-Way Global Satellite Communication Devices, Systems and Components Thereof	No foreign respondents	One related (ancillary) rescission proceeding; pending before the Commission
337-TA-929	Certain Beverage Brewing Capsules, Components Thereof, and Products Containing the Same	China, Hong Kong	Pending before the Commission.
337-TA-930	Certain Laser Abraded Denim Garments	Canada, Italy, Sweden	Pending before the Commission.
337-TA-933	Certain Stainless Steel Products, Certain Processes for Manufacturing or Relating to Same and Certain Products Containing Same	India, Germany, Taiwan	Pending before the Commission.
337-TA-934	Certain Dental Implants	Brazil	Pending before the Commission.
337-TA-935	Certain Personal Transporters, Components Thereof, and Manuals Therefor	China	Pending before the Commission.
337-TA-936	Certain Footwear Products	Canada, Italy, Australia, Japan, China	Pending before the Commission.
337-TA-937	Certain Windshield Wipers and Components Thereof	Mexico	Pending before the ALJ.
337-TA-939	Certain Three-Dimensional Cinema Systems and Components Thereof	Korea	Pending before the Commission.

## Appendix A: Data Tables

Status of investigation	Article	Country <sup>a</sup>	Commission determination <sup>b</sup>
337-TA-941	Certain Graphics Processing Chips, Systems on a Chip, and Products Containing the Same	Taiwan, Hong Kong	Pending before the Commission.
337-TA-943	Certain Wireless Headsets	Japan, Germany, Australia, Singapore, Ireland, Denmark	Pending before the Commission.
337-TA-944	Certain Network Devices, Related Software and Components Thereof (I)	No foreign respondents	Pending before the ALJ.
337-TA-945	Certain Network Devices, Related Software and Components Thereof (II)	No foreign respondents	Pending before the ALJ.
337-TA-946	Certain Ink Cartridges and Components Thereof	China, Hong Kong	Pending before the Commission.
337-TA-947	Certain Light-Emitting Diode Products and Components Thereof	China, Taiwan	Pending before the ALJ.
337-TA-949	Certain Audio Processing Hardware and Software and Products Containing Same	Taiwan, China, Japan	Pending before the ALJ.
337-TA-951	Certain Lithium Metal Oxide Cathode Materials, Lithium-Ion Batteries for Power Tool Products Containing Same, and Power Tools Products With Lithium-Ion Batteries Containing Same	Belgium, Japan	Pending before the ALJ.
337-TA-952	Certain Electronic Devices, Including Wireless Communication Devices, Computers, Tablet Computers, Digital Media Players, and Cameras	No foreign respondents	Pending before the ALJ.
337-TA-953	Certain Wireless Standard Compliant Electronic Devices, Including Communication Devices and Tablet Computers	No foreign respondents	Pending before the ALJ.
337-TA-954	Certain Variable Valve Actuation Devices and Automobiles Containing the Same	Mexico, Italy, Serbia, United Kingdom	Pending before the ALJ.
337-TA-956	Certain Recombinant Factor VIII Products	Denmark	Pending before the ALJ.
337-TA-957	Certain Touchscreen Controllers and Products Containing the Same	China	Pending before the ALJ.
337-TA-958	Certain Automated Teller Machines and Point of Sale Devices and Associated Software Thereof	Canada	Pending before the ALJ.
337-TA-959	Certain Electric Skin Care Devices, Brushes and Chargers Therefor, and Kits Containing Same	China, Korea, United Kingdom, Canada, Israel	Pending before the ALJ.
337-TA-962	Certain Resealable Packages with Slider Devices	No foreign respondents	Pending before the ALJ.
337-TA-963	Certain Activity Tracking Devices, Systems, and Components Thereof	Mauritius	Pending before the ALJ.
337-TA-964	Certain Windscreen Wipers and Components Thereof	Mexico	Pending before the ALJ.
337-TA-965	Certain Table Saws Incorporating Active Injury Mitigation Technology and Components Thereof	Germany	Pending before the ALJ.
337-TA-966	Certain Silicon-on-Insulator Wafers	France	Pending before the ALJ.
337-TA-967	Certain Document Cameras and Software for Use Therewith	No foreign respondents	Pending before the ALJ.
337-TA-968	Certain Radiotherapy Systems and Treatment Planning Software, and Components Thereof	Sweden, United Kingdom, Germany, China	Pending before the ALJ.
337-TA-969	Certain Blood Cholesterol Test Strips and Associated Systems Containing Same	Korea	Pending before the ALJ.
337-TA-970	Certain Height-Adjustable Desk Platforms and Components Thereof	No foreign respondents	Pending before the ALJ.
337-TA-971	Certain Air Mattress Systems, Components Thereof, and Methods of Using the Same	No foreign respondents	Pending before the ALJ.
337-TA-972	Certain Automated Teller Machines, ATM Modules, Components Thereof, and Products Containing the Same	Korea	Pending before the ALJ.
337-TA-973	Certain Wearable Activity Tracking Devices, Systems, and Components Thereof	No foreign respondents	Pending before the ALJ.
337-TA-974	Certain Aquarium Fittings and Parts Thereof	China	Pending before the ALJ.
337-TA-975	Certain Computer Cables, Chargers, Adapters, Peripheral Devices and Packaging Containing the Same	China	Pending before the ALJ.
337-TA-976	Certain Woven Textile Fabrics and Products Containing Same	India	Pending before the ALJ.
337-TA-977	Certain Arrowheads With Deploying Blades and	China	Pending before the ALJ.

Status of investigation	Article	Country <sup>a</sup>	Commission determination <sup>b</sup>
337-TA-978	Components Thereof and Packaging Therefor Certain Chassis Parts Incorporating Movable Sockets and Components Thereof	Canada	Pending before the ALJ.

Source: U.S. International Trade Commission.

<sup>a</sup>The country designation is based on the address of the foreign respondents named in the notice of investigation. "Hong Kong" refers to "Hong Kong, China;" "Macau" refers to "Macau, China;" and "Korea" refers to the "Republic of Korea (South Korea)."

<sup>b</sup>ALJ = administrative law judge.

## Appendix A: Data Tables

**Table A.16** Outstanding section 337 exclusion orders as of December 31, 2015

Investigation no.	Article	Country <sup>a</sup>	Date patent expires <sup>b</sup>
337-TA-69	Certain Airtight Cast-Iron Stoves	Taiwan, Korea	Nonpatent
337-TA-87	Certain Coin-Operated Audio-Visual Games and Components Thereof	Japan, Taiwan	Nonpatent
337-TA-105	Certain Coin-Operated Audio-Visual Games and Components Thereof (viz., Rally-X and Pac-Man)	Japan, Taiwan	Nonpatent
337-TA-112	Certain Cube Puzzles	Taiwan, Japan	Nonpatent
337-TA-114	Certain Miniature Plug-In Blade Fuses	Taiwan	Nonpatent
337-TA-118	Certain Sneakers with Fabric Uppers and Rubber Soles	Korea	Nonpatent
337-TA-137	Certain Heavy-Duty Staple Gun Tackers	Taiwan, Hong Kong, Korea	Nonpatent
337-TA-152	Certain Plastic Food Storage Containers	Hong Kong, Taiwan	Nonpatent
337-TA-167	Certain Single Handle Faucets	Taiwan	Nonpatent
337-TA-174	Certain Woodworking Machines	Taiwan, South Africa	Nonpatent
337-TA-195	Certain Cloisonne Jewelry	Taiwan	Nonpatent
337-TA-197	Certain Compound Action Metal Cutting Snips and Components Thereof	Taiwan	Nonpatent
337-TA-229	Certain Nut Jewelry and Parts Thereof	Philippines, Taiwan	Nonpatent
337-TA-231	Certain Soft Sculpture Dolls, Popularly Known as "Cabbage Patch Kids," Related Literature and Packaging Therefor	No foreign respondents	Nonpatent
337-TA-266	Certain Reclosable Plastic Bags and Tubing	Singapore, Taiwan, Korea, Thailand, Hong Kong, Malaysia	Nonpatent
337-TA-279	Certain Plastic Light Duty Screw Anchors	Taiwan	Nonpatent
337-TA-285	Certain Chemiluminescent Compositions and Components Thereof and Methods of Using, and Products Incorporating, the Same	France	Nonpatent
337-TA-319	Certain Automotive Fuel Caps and Radiator Caps and Related Packaging and Promotional Materials	Taiwan	Nonpatent
337-TA-321	Certain Soft Drinks and Their Containers	Colombia	Nonpatent
337-TA-378	Certain Asian-Style Kamaboko Fish Cakes	Japan	Nonpatent
337-TA-380	Certain Agricultural Tractors under 50 Power Take-Off Horsepower	Japan	Nonpatent
337-TA-424	Certain Cigarettes and Packaging Thereof	No foreign respondents	Nonpatent
337-TA-440	Certain 4-Androstenediol	China	July 13, 2018
337-TA-481/491	Certain Display Controllers with Upscaling Functionality and Products Containing Same; and Certain Display Controllers and Products Containing Same	Taiwan	Feb. 24, 2017
337-TA-486	Certain Agricultural Tractors, Lawn Tractors, Riding Lawnmowers, and Components Thereof	China	Nonpatent
337-TA-487c	Certain Agricultural Vehicles and Components Thereof	China, Netherlands, France, Germany, Canada	Nonpatent
337-TA-494	Certain Automotive Measuring Devices, Products Containing Same, and Bezels for Such Devices	Taiwan	Nonpatent
337-TA-498	Certain Insect Traps	No foreign respondents	Jan. 30, 2018
337-TA-500	Certain Purple Protective Gloves	Malaysia	Nonpatent
337-TA-505	Certain Gun Barrels Used in Firearms Training Systems	Switzerland, Netherlands	Aug. 25, 2017
337-TA-512	Certain Light-Emitting Diodes and Products Containing Same	Malaysia	Sept. 22, 2017 Sept. 22, 2017 Sept. 22, 2017 Sept. 22, 2017 Sept. 22, 2017 July 27, 2018 July 27, 2018 July 27, 2018
337-TA-514	Certain Plastic Food Containers	China	Dec. 23, 2017 Dec. 23, 2017
337-TA-522	Certain Ink Markers and Packaging Thereof	China, India, Korea, Hong Kong	Nonpatent
337-TA-539	Certain Tadalafil or Any Salt or Solvate Thereof and Products Containing Same	India, Panama, Haiti, Nicaragua, Mexico, Australia	June 12, 2016
337-TA-541	Certain Power Supply Controllers and Products Containing Same	Taiwan	Sept. 24, 2019 Sept. 24, 2019
337-TA-545	Certain Laminated Floor Panels	Canada, China, Malaysia	June 10, 2017 June 10, 2017 June 10, 2017
337-TA-549	Certain Ink Sticks for Solid Ink Printers	Korea	Apr. 29, 2022 Apr. 29, 2022 Apr. 29, 2022
337-TA-557	Certain Automotive Parts	Taiwan	June 22, 2018

Investigation no.	Article	Country <sup>a</sup>	Date patent expires <sup>b</sup>
			July 27, 2018 Sept. 28, 2018 Oct. 5, 2018 Oct. 26, 2018 Mar. 1, 2019 Mar. 22, 2019
337-TA-563	Certain Portable Power Stations and Packaging Therefor	China	Feb. 4, 2017 Nonpatent
337-TA-565	Certain Ink Cartridges and Components Thereof	Hong Kong, China, Germany, Korea	May 18, 2019 May 18, 2019 Apr. 3, 2022 Aug. 17, 2023 Aug. 26, 2023
337-TA-567	Certain Foam Footwear	Canada	Mar. 28, 2020 Oct. 3, 2020
337-TA-575	Certain Lighters	Hong Kong, China	Nonpatent
337-TA-582	Certain Hydraulic Excavators and Components Thereof	Canada	Nonpatent
337-TA-588	Certain Digital Multimeters, and Products with Multimeter Functionality	Hong Kong, China	Nonpatent
337-TA-590	Certain Coupler Devices for Power Supply Facilities, Components Thereof, and Products Containing Same	Taiwan, Germany, China	Aug. 5, 2024
337-TA-603	Certain DVD Players and Recorders and Certain Products Containing Same	China, Hong Kong	Jan. 30, 2016
337-TA-604	Certain Sucralose, Sweeteners Containing Sucralose, and Related Intermediate Compounds Thereof	China, United Kingdom, Hong Kong	Oct. 17, 2017 Apr. 18, 2023
337-TA-611	Certain Magnifying Loupe Products and Components Thereof	China	May 20, 2022
337-TA-615	Certain Ground Fault Circuit Interrupters and Products Containing the Same	China	Nov. 21, 2020 May 3, 2021 Apr. 28, 2025
337-TA-617	Certain Digital Televisions and Certain Products Containing Same and Methods of Using Same	Taiwan, Hong Kong, China	Apr. 9, 2018
337-TA-629	Certain Silicon Microphone Packages and Products Containing the Same	Malaysia	June 21, 2021 Sept. 16, 2022
337-TA-637	Certain Hair Irons and Packaging Thereof	Singapore, China, Hong Kong	Nonpatent
337-TA-643	Certain Cigarettes and Packaging Thereof	Moldova, Belize, Singapore, Ukraine, Kyrgyzstan, Gibraltar, United Kingdom, Switzerland	Nonpatent
337-TA-644	Certain Composite Wear Components and Products Containing Same	India, Italy	Aug. 27, 2017
337-TA-650d	Certain Coaxial Cable Connectors and Components Thereof and Products Containing Same	Taiwan, China	Aug. 2, 2017 Jan. 24, 2020
337-TA-655	Certain Cast Steel Railway Wheels, Processes for Manufacturing or Relating to Same and Certain Products Containing Same	China	Nonpatent
337-TA-678	Certain Energy Drink Products	No foreign respondents	Nonpatent
337-TA-679	Certain Products Advertised as Containing Creatine Ethyl Ester	No foreign respondents	Nonpatent
337-TA-691	Certain Inkjet Ink Supplies and Components Thereof	China, Hong Kong	Mar. 9, 2018 May 11, 2018
337-TA-700	Certain MEMS Devices and Products Containing Same	No foreign respondents	Jan. 29, 2021
337-TA-718	Certain Electronic Paper Towel Dispensing Devices and Components Thereof	Canada, Hong Kong, Taiwan, Turkey	Feb. 9, 2021 Feb. 9, 2021 Mar. 15, 2021 May 27, 2021
337-TA-720	Certain Biometric Scanning Devices, Components Thereof, Associated Software, and Products Containing the Same	Korea	May 9, 2017 Jan. 16, 2023
337-TA-722	Certain Automotive Vehicles and Designs Therefore	China	Jan. 3, 2020
337-TA-723	Certain Inkjet Ink Cartridges with Printheads and Components Thereof	Taiwan, China, Hong Kong	Aug. 30, 2019 July 24, 2020 July 24, 2020 Oct. 30, 2020 Oct. 30, 2020
337-TA-725	Certain Caskets	Mexico	July 9, 2016 Sept. 13, 2020
337-TA-730	Certain Inkjet Ink Supplies and Components Thereof	China	Aug. 20, 2023 Oct. 29, 2023

## Appendix A: Data Tables

Investigation no.	Article	Country <sup>a</sup>	Date patent expires <sup>b</sup>
337-TA-739	Certain Ground Fault Circuit Interrupters and Products Containing Same	China	Oct. 21, 2023
337-TA-740	Certain Toner Cartridges and Components Thereof	China, Hong Kong, Canada, Korea, Macau	Feb. 16, 2016 Feb. 16, 2016 Dec. 20, 2016 Dec. 20, 2016 Dec. 20, 2016 Dec. 20, 2016 Feb. 18, 2018 Sept. 22, 2019 July 18, 2021 July 15, 2022 July 15, 2022 Apr. 29, 2023 May 21, 2023 Dec. 19, 2024
337-TA-754	Certain Handbags, Luggage, Accessories, and Packaging Thereof	China	Nonpatent
337-TA-759	Certain Birthing Simulators and Associated Systems	China	May 8, 2016 May 8, 2016
337-TA-763	Certain Radio Control Hobby Transmitters and Receivers and Products Containing Same	China	Oct. 18, 2025 Nonpatent
337-TA-780	Certain Protective Cases and Components Thereof	China, Hong Kong	Sept. 29, 2023 May 11, 2024 June 15, 2024 June 15, 2024 Mar. 22, 2025 Apr. 19, 2025 Jan. 25, 2029 Nonpatent
337-TA-791/826	Certain Electric Fireplaces, Components Thereof, Manuals for Same, Certain Processes for Manufacturing or Relating to Same and Certain Products Containing Same; and Certain Electric Fireplaces, Components Thereof, Manuals for Same, Certain Processes for Manufacturing or Relating to Same and Certain Products Containing Same	China	Nonpatent
337-TA-796	Certain Electronic Digital Media Devices and Components Thereof	Korea	Sept. 6, 2026 Jan. 5, 2027
337-TA-804	Certain LED Photographic Lighting Devices and Components Thereof	China, Taiwan	Dec. 7, 2021 Dec. 7, 2021
337-TA-807	Certain Digital Photo Frames and Image Display Devices and Components Thereof	Taiwan, Canada, Japan	July 6, 2020 Dec. 26, 2020 Oct. 29, 2021
337-TA-829	Certain Toner Cartridges and Components Thereof	Vietnam, Mexico, China, Hong Kong, Canada	March 26, 2016 March 26, 2016
337-TA-832	Certain Ink Application Devices and Components Thereof and Methods of Using the Same	Canada, China	Feb. 28, 2020 Sept. 2, 2020
337-TA-849	Certain Rubber Resins and Processes for Manufacturing Same	China, Hong Kong, Canada	Nonpatent
337-TA-861/867	Certain Cases for Portable Electronic Devices; and Certain Cases for Portable Electronic Devices	Taiwan, Hong Kong, China	Feb. 6, 2029
337-TA-878	Certain Electronic Devices Having Placeshifting or Display Replication Functionality and Products Containing Same	No foreign respondents	May 26, 2019 May 26, 2019 June 7, 2025 June 7, 2025 June 7, 2025 May 1, 2029
337-TA-883	Certain Opaque Polymers	Turkey, Netherlands	Nonpatent
337-TA-887	Certain Crawler Cranes and Components Thereof	China	May 12, 2027
337-TA-890	Certain Sleep-Disordered Breathing Treatment Systems and Components Thereof	China	May 11, 2017 Feb. 16, 2018 March 19, 2023

Investigation no.	Article	Country <sup>a</sup>	Date patent expires <sup>b</sup>
337-TA-894	Certain Tires and Products Containing Same	China, Thailand	March 19, 2023
			July 20, 2027
			June 4, 2016
			March 9, 2018
			Jan. 19, 2024
337-TA-895	Certain Multiple Mode Outdoor Grills and Parts Thereof	China	March 2, 2024
			March 2, 2024
337-TA-918	Certain Toner Cartridges and Components Thereof	China, Hong Kong, Macau	May 4, 2027
			Dec. 26, 2027
			Dec. 26, 2027
			Dec. 26, 2027
			March 24, 2028
337-TA-919	Certain Archery Products and Related Marketing Materials	China	March 30, 2018
			Jan. 15, 2023
			Nonpatent
337-TA-921	Certain Marine Sonar Imaging Devices, Including Downscan and Sidescan Devices, Products Containing Same, and Components Thereof	Taiwan	July 14, 2019 July 14, 2029
337-TA-923	Certain Loom Kits for Creating Linked Articles	China	Dec. 15, 2031
337-TA-926	Certain Marine Sonar Imaging Systems, Products Containing the Same, and Components Thereof	Taiwan	Aug. 2, 2025

Source: U.S. International Trade Commission.

<sup>a</sup> This column lists the countries of the foreign respondents named in the notice of investigation. "Hong Kong" refers to "Hong Kong, China;" "Macau" refers to "Macau, China;" and "Korea" refers to the "Republic of Korea."

<sup>b</sup> Multiple dates indicate the expiration dates of separate patents within the investigation.

<sup>c</sup> There are three outstanding exclusion orders in inv. no. 337-TA-487.

<sup>d</sup> There are two outstanding exclusion orders in inv. no. 337-TA-650.

## Appendix A: Data Tables

**Table A.17** U.S. imports for consumption claiming eligibility under GSP, by source, 2013–15

Source	2013	2014	2015	% change 2014–15
	Thousand \$			
India	4,222,990	4,445,068	4,478,654	0.8
Thailand	3,335,700	3,491,637	3,549,138	1.6
Brazil	2,290,603	1,899,126	1,899,125	0.0
Indonesia	1,835,159	1,683,443	1,659,225	-1.4
Philippines	1,267,828	1,329,448	1,357,773	2.1
Turkey	1,215,588	1,139,228	1,194,293	4.8
South Africa	1,090,017	1,364,540	1,137,265	-16.7
Ecuador	183,662	291,046	315,653	8.5
Tunisia	146,534	81,009	203,248	150.9
Pakistan	224,766	160,011	179,262	12.0
Sri Lanka	158,439	178,512	174,850	-2.1
Congo, Democratic Republic of the	50,155	96,618	111,010	14.9
Kazakhstan	100,431	213,705	104,377	-51.2
Bolivia	157,112	100,995	100,879	-0.1
Venezuela	110,262	90,751	94,370	4.0
Georgia	107,444	151,597	88,733	-41.5
Uruguay	92,184	76,624	86,587	13.0
Egypt	70,853	67,152	69,508	3.5
Cambodia	41,085	55,922	68,945	23.3
Paraguay	79,579	60,533	66,306	9.5
Côte d'Ivoire	84,655	71,881	59,789	-16.8
Serbia	36,015	38,629	48,911	26.6
Zimbabwe	5,795	50,685	46,077	-9.1
Armenia	86,784	81,323	45,693	-43.8
Lebanon	56,274	40,196	43,024	7.0
Subtotal, top 25 GSP beneficiaries in 2015	17,049,912	17,259,680	17,182,696	-0.4
All other beneficiaries	1,454,514	1,444,324	227,477	-84.3
Total U.S. imports for consumption under GSP	18,504,426	18,704,004	17,410,173	-6.9

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

**Table A.18** Value of U.S. imports for consumption claiming eligibility under GSP, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
		Million \$			
1	Agricultural products	2,965	2,643	2,933	10.9
2	Forest products	600	643	680	5.8
3	Chemicals and related products	3,700	3,529	3,331	-5.6
4	Energy-related products	711	846	0	-100.0
5	Textiles and apparel	569	524	570	8.9
6	Footwear	4	10	7	-28.5
7	Minerals and metals	3,909	4,175	3,473	-16.8
8	Machinery	2,092	2,287	2,033	-11.1
9	Transportation equipment	1,684	1,786	2,091	17.1
10	Electronic products	959	1,076	1,030	-4.3
11	Miscellaneous manufactures	1,311	1,186	1,262	6.4
Total U.S. imports for consumption under GSP		18,504	18,704	17,410	-6.9

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

**Table A.19** Share of U.S. imports for consumption claiming eligibility under GSP, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015
1	Agricultural products	16.0	14.1	16.8
2	Forest products	3.2	3.4	3.9
3	Chemicals and related products	20.0	18.9	19.1
4	Energy-related products	3.8	4.5	0.0
5	Textiles and apparel	3.1	2.8	3.3
6	Footwear	0.0	0.1	0.0
7	Minerals and metals	21.1	22.3	19.9
8	Machinery	11.3	12.2	11.7
9	Transportation equipment	9.1	9.5	12.0
10	Electronic products	5.2	5.8	5.9
11	Miscellaneous manufactures	7.1	6.3	7.3
Total U.S. imports for consumption under GSP		100.0	100.0	100.0

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

## Appendix A: Data Tables

**Table A.20** Leading U.S. imports for consumption claiming eligibility under GSP, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
					2014–15
		Million \$			
7113.19	Jewelry and parts thereof, of precious metal other than silver	334	267	337	26.2
2202.90	Nonalcoholic beverages, n.e.s.o.i. (including milk-based drinks and nonalcoholic beer)	184	228	274	20.0
8415.90	Parts, n.e.s.o.i., of air conditioning machines	262	381	263	-31.1
7202.41	Ferrochromium, containing more than 4% (wt.) carbon	320	458	259	-43.4
4015.19	Gloves, except surgical and medical gloves, of vulcanized rubber, n.e.s.o.i.	238	208	242	16.3
7606.12	Aluminum alloy rectangular (including square) plates, sheets and strip, over 0.2 mm thick	266	274	222	-19.1
8708.94	Steering wheels, steering columns and steering boxes for motor vehicles	125	157	212	34.9
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	206	202	201	-0.6
2106.99	Food preparations n.e.s.o.i.	211	203	198	-2.5
6802.99	Worked monumental or building stone n.e.s.o.i., of stone n.e.s.o.i.	196	181	186	3.0
7202.30	Ferrosilicon manganese	172	293	178	-39.1
4412.31	Plywood consisting solely of sheets of wood (excl. bamboo), each ply not exceeding 6 mm in thickness, trop wd spec in subhead nt 1	145	159	176	10.8
8483.10	Transmission shafts (including camshafts and crankshafts) and cranks	134	138	174	26.7
6802.91	Worked monumental or building stone n.e.s.o.i., of marble, travertine and alabaster	123	135	174	28.9
8481.80	Taps, cocks, valves and similar appliances for pipes, vats or the like, including thermostatically controlled valves, n.e.s.o.i.	145	191	164	-13.8
2008.99	Fruit and other edible parts of plants, n.e.s.o.i., prepared or preserved, whether or not containing added sweetening or spirit, n.e.s.o.i.	150	165	164	-0.4
4011.10	New pneumatic tires, of rubber, of a kind used on motor cars (including station wagons and racing cars)	347	186	163	-12.6
7323.93	Table, kitchen or other household articles and parts thereof, of stainless steel	134	139	162	16.0
8409.99	Parts for use with compression-ignition internal combustion piston engines, n.e.s.o.i.	101	126	157	24.3
8708.70	Road wheels and parts and accessories thereof for motor vehicles	118	113	146	28.8
9001.50	Spectacle lenses of materials other than glass	128	139	146	4.6
1509.10	Olive oil and its fractions, virgin, not chemically modified	115	47	142	204.7
8501.10	Electric motors of an output not exceeding 37.5 w	90	109	141	29.1
7801.10	Refined lead, unwrought	36	175	131	-25.1
7403.11	Refined copper cathodes and sections of cathodes	130	106	124	16.5
	Total of items shown	4,410	4,780	4,736	-0.9
	All other HTS products	14,094	13,924	12,677	-9.0
	Total of all commodities	18,504	18,704	17,410	-6.9

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included; trop wd = tropical wood.

**Table A.21** U.S. imports for consumption claiming eligibility under AGOA, by source, 2013–15

Source	2013	2014	2015	% change 2014–15
	Thousand \$			
Angola	6,000,958	3,539,542	1,830,054	-48.3
South Africa	2,578,496	1,750,301	1,727,143	-1.3
Chad	2,397,799	1,632,682	1,478,697	-9.4
Nigeria	10,818,897	2,798,015	1,403,195	-49.9
Kenya	336,601	417,136	427,437	2.5
Lesotho	320,807	288,889	299,314	3.6
Congo, Republic of	1,039,454	360,168	254,572	-29.3
Mauritius	188,260	218,173	206,906	-5.2
Gabon	924,951	607,486	167,003	-72.5
Ethiopia	31,714	35,675	40,780	14.3
Malawi	47,084	57,386	40,232	-29.9
Madagascar	<sup>(a)</sup>	42	39,831	93723.2
Tanzania	10,360	17,486	28,166	61.1
Senegal	11	24	15,544	65803.6
Ghana	60,489	57,046	9,655	-83.1
Botswana	5,856	9,458	8,251	-12.8
Côte d'Ivoire	229	555	530	-4.5
Cape Verde	146	333	523	57.0
Djibouti	0	411	464	12.7
Rwanda	9	187	435	132.5
Mozambique	1,362	802	284	-64.6
Zambia	8	36	265	643.4
Uganda	56	59	144	143.3
Cameroon	36,427	23,005	53	-99.8
Mali	<sup>(a)</sup>	6	14	137.7
Togo	0	3	11	308.7
Guinea	6	0	4	<sup>(b)</sup>
Burkina Faso	7	10	3	-74.6
Swaziland	53,940	59,076	<sup>(a)</sup>	-100.0
Niger	<sup>(c)</sup>	2	0	-100.0
Total U.S. imports for consumption under AGOA	24,853,927	11,873,995	7,979,510	-32.8

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

<sup>a</sup> Neither Madagascar nor Mali were AGOA eligible in 2013, and Swaziland was not AGOA eligible in 2015.

<sup>b</sup> Undefined.

<sup>c</sup> Less than \$500.

## Appendix A: Data Tables

**Table A.22** Leading U.S. imports for consumption claiming eligibility under AGOA, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
					2014–15
		Million \$			
2709.00	Petroleum oils and oils from bituminous minerals, crude	20,039	7,919	4,814	-39.2
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	2,098	1,298	1,344	3.5
2710.12	Light oils and preparations containing by weight 70 percent or more of petroleum oils from bituminous minerals, not containing biodiesel, not waste oils	771	580	278	-52.0
6203.42	Men's or boys' trousers, bib and brace overalls, breeches and shorts of cotton, not knitted or crocheted	140	166	179	7.9
6205.20	Men's or boys' shirts of cotton, not knitted or crocheted	149	148	148	0.0
6110.30	Sweaters, pullovers, sweatshirts, vests and similar articles of manmade fibers, knitted or crocheted	99	98	102	3.9
0802.62	Macadamia nuts, shelled, fresh or dried	52	71	101	42.3
6104.63	Women's or girls' trousers, bib and brace overalls, breeches and shorts of synthetic fibers, knitted or crocheted	84	84	98	16.3
7202.11	Ferromanganese, containing more than 2% (wt.) carbon	180	183	89	-51.4
6204.62	Women's or girls' trousers, bib and brace overalls, breeches and shorts of cotton, not knitted or crocheted	88	95	88	-6.4
6105.20	Men's or boys' shirts of manmade fibers, knitted or crocheted	49	53	60	14.7
2710.19	Petroleum oils, oils from bituminous minerals (other than crude) and products containing by weight 70 percent or more of petroleum oils, not biodiesel or waste	465	514	55	-89.2
6109.90	T-shirts, singlets, tank tops and similar garments, of textile materials n.e.s.o.i., knitted or crocheted	40	53	47	-11.1
0805.10	Oranges, fresh	51	41	46	12.7
3823.70	Industrial fatty alcohols	61	46	42	-9.1
2204.21	Wine of fresh grapes (other than sparkling wine) and grape must with fermentation prevented, etc. by adding alcohol, containers of not over 2 liters	33	33	35	4.3
6204.63	Women's or girls' trousers, bib and brace overalls, breeches and shorts of synthetic fibers, not knitted or crocheted	30	36	32	-12.1
6103.43	Men's or boys' trousers, bib and brace overalls, breeches and shorts of synthetic fibers, knitted or crocheted	28	32	31	-2.8
2401.20	Tobacco, partly or wholly stemmed/stripped	37	48	26	-46.7
6104.53	Women's or girls' skirts and divided skirts of synthetic fibers, knitted or crocheted	5	14	21	49.5
6104.62	Women's or girls' trousers, bib and brace overalls, breeches and shorts of cotton, knitted or crocheted	22	19	21	10.9
6203.43	Men's or boys' trousers, bib and brace overalls, breeches and shorts of synthetic fibers, not knitted or crocheted	8	15	19	30.5
6110.20	Sweaters, pullovers, sweatshirts, vests and similar articles of cotton, knitted or crocheted	27	28	19	-32.1
8111.00	Manganese and articles thereof, including waste and scrap	23	25	19	-25.8
2207.10	Ethyl alcohol, un-denatured, of an alcoholic strength by volume of 80% vol. or higher	17	17	16	-7.0
	Total of items shown	24,597	11,615	7,730	-33.4
	All other HTS products	257	258	249	-3.6
	Total of all commodities	24,854	11,874	7,980	-32.8

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included.

**Table A.23** U.S. imports for consumption claiming eligibility under CBERA, by source, 2013–15

Source	2013	2014	2015	% change 2014–15
	Thousand \$			
Trinidad and Tobago	1,640,709	1,234,474	828,770	-32.9
Haiti	362,266	405,395	433,516	6.9
Bahamas	141,654	158,191	88,416	-44.1
Jamaica	90,231	71,768	81,220	13.2
Belize	104,777	60,582	36,895	-39.1
Guyana	4,532	11,857	35,004	195.2
Barbados	2,081	5,295	22,570	326.3
St. Kitts and Nevis	18,933	18,341	12,334	-32.8
Grenada	295	443	1,717	288.0
St. Lucia	3,210	1,162	1,263	8.7
Aruba	18	75	93	24.5
Antigua and Barbuda	24	19	79	314.6
Dominica	170	66	77	16.1
St. Vincent and the Grenadines	141	182	16	-91.4
British Virgin Islands	103	50	9	-82.3
Sint Maarten <sup>a</sup>		5,365	3	-100.0
Curaçao <sup>a</sup>		0	0	( <sup>b</sup> )
Montserrat	0	0	0	( <sup>b</sup> )
<b>Total U.S. imports for consumption under CBERA</b>	<b>2,369,144</b>	<b>1,973,267</b>	<b>1,541,980</b>	<b>-21.9</b>

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

<sup>a</sup> The Netherlands Antilles no longer exists, but CBERA trade is reported for one portion of the Netherlands Antilles that includes Sint Maarten in 2014–15. Eligibility for Sint Maarten itself has not been implemented. Curaçao, the other part of the Netherlands Antilles, was a designated CBERA beneficiary in 2014–15, but no CBERA trade was reported.

<sup>b</sup> Undefined.

## Appendix A: Data Tables

**Table A.24** Leading U.S. imports for consumption claiming eligibility under CBERA, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
					2014–15
		Million \$			
2905.11	Methanol (methyl alcohol)	1172	1024	649	-36.6
6109.10	T-shirts, singlets, tank tops and similar garments of cotton, knitted or crocheted	209	247	272	9.9
2709.00	Petroleum oils and oils from bituminous minerals, crude	371	192	145	-24.7
6110.20	Sweaters, pullovers, sweatshirts, vests and similar articles of cotton, knitted or crocheted	118	121	121	-0.1
3903.11	Polystyrene, expandable, in primary forms	140	156	87	-44.2
1701.14	Other cane sugar, raw, in solid form, raw, not containing added flavoring or coloring matter, n.e.s.o.i	0	20	28	42.5
7108.13	Gold, nonmonetary, semimanufactured forms n.e.s.o.i. (other than powder)	<sup>(a)</sup>	<sup>(a)</sup>	21	23112.5
0714.30	Yams, ( <i>dioscorea</i> spp.), fresh, chilled, frozen, or dried)	17	18	20	11.9
9030.33	Instruments and apparatus for measuring or checking voltage, current, resistance or power, with a recording device (excluding multimeters), n.e.s.o.i.	0	0	18	4191.8
6109.90	T-shirts, singlets, tank tops and similar garments, of textile materials n.e.s.o.i, knitted or crocheted	11	13	18	30.1
0804.50	Guavas, mangoes and mangosteens, fresh or dried	12	13	14	7.1
2106.90	Food preparations n.e.s.o.i.	8	10	13	37.5
2103.90	Sauces and preparations therefor, n.e.s.o.i; mixed condiments and mixed seasonings	11	14	13	-6.4
0807.20	Papayas (papaws), fresh	12	8	8	2.1
2009.19	Orange juice, other than frozen, whether or not sweetened	5	7	8	18.4
2009.11	Orange juice, frozen, whether or not sweetened	7	9	6	-34.3
2008.99	Fruit and other edible parts of plants, n.e.s.o.i, prepared or preserved, whether or not containing added sweetening or spirit, n.e.s.o.i.	5	5	5	4.8
2933.61	Melamine	17	17	4	-75.0
2202.90	Nonalcoholic beverages, n.e.s.o.i. (including milk-based drinks and nonalcoholic beer)	4	4	4	5.5
2005.99	Vegetables, and mixtures of vegetables prepared or preserved otherwise than by vinegar, acetic acid or sugar, not frozen	5	4	4	2.8
0406.30	Cheese, processed, not grated or powdered	2	3	4	31.8
8525.50	Transmission apparatus for radio-broadcasting or television	11	10	4	-62.8
2710.12	Light oils and preparations containing by weight 70 percent or more of petroleum oils from bituminous minerals, not containing biodiesel, not waste oils	0	0	4	<sup>(b)</sup>
8504.31	Electrical transformers n.e.s.o.i., having a power handing capacity not exceeding 1 kva	<sup>(a)</sup>	<sup>(a)</sup>	3	1612.7
1006.30	Rice, semi-milled or wholly milled, whether or not polished or glazed	0	1	3	111.9
	Total of items shown	2,137	1,897	1,475	-22.2
	All other HTS products	232	77	67	-13.2
	Total of all commodities	2,369	1,973	1,542	-21.9

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included; kva = kilovolt-amps.

<sup>a</sup> Less than \$500,000.

<sup>b</sup> Undefined.

**Table A.25** WTO dispute settlement cases to which the United States was a party, developments in 2015

Case no.	Title	Complainant	Action (month/day/year)
DS217	United States—Continued Dumping and Subsidy Offset Act of 2000 (Byrd Amendment)	Australia, Brazil, Chile, European Communities (EC), India, Indonesia, Japan, Korea, Thailand	<p>Complaining parties request consultations (12/21/00). Panel is established (08/23/01) and composed (10/25/01). Panel report is circulated (09/16/02). U.S. notifies Dispute Settlement Body (DSB) it will appeal panel decision (10/18/02). Appellate Body report is circulated (01/16/03). Arbitrator finds that U.S. has failed to implement the DSB recommendations and rulings (01/15/04). Arbitrator circulates decisions relating to level of suspension of concessions to offset U.S. Byrd Amendment distributions (08/31/04). Authority to retaliate granted (11/26/04, 12/17/04). DSB authorizes or takes note of various requests or agreements to suspend concessions (2004–05). U.S. states at DSB meeting that recent changes bring U.S. law into conformity with its WTO obligations (02/17/06). Japan and EC notify DSB annually of the new list of products on which the additional import duty would apply, prior to the entry into force of a level of suspension of concessions (2006–14). Japan notifies DSB that as the level of authorization was marginal, no suspension of concessions would be applied for the tenth year starting September 1, 2014 (08/18/14). Japan notifies the DSB that it will continue its non-application of the suspension of concessions because the authorized level continues to be marginal (09/18/15).</p>
DS316	European Communities—Measures Affecting Trade in Large Civil Aircraft	United States	<p>U.S. requests consultations with EC (10/06/04). Panel is established (07/20/05) and composed (10/17/05). Panel report is circulated (06/30/10). European Union (EU) notifies DSB it will appeal decision to Appellate Body (07/21/10); U.S. does the same (08/19/10). Appellate Body report is circulated (05/18/11). DSB adopts Appellate Body and panel reports (06/01/11). EU informs DSB it intends to implement DSB recommendation (06/17/11). EU informs DSB it has taken steps to bring its measures into conformity with obligations (12/01/11). U.S. requests consultations with EU under Article 21.5 and requests authority to take countermeasures (12/09/11). EU objects to requested level of U.S. measures and requests matter be referred to arbitration under Article 22.6; DSB refers to arbitration (12/22/11). U.S. and EU request arbitrator to suspend work (01/19/12). Arbitrator suspends work until either party requests resumption (01/20/12).</p>
DS322	United States—Measures Relating to Zeroing and Sunset Reviews	Japan	<p>Japan requests consultations (11/24/04). Panel is established (02/28/05) and composed (04/15/05). Panel report is circulated (09/20/06). Japan informs the DSB it will appeal the decision (10/11/06); U.S. informs the DSB it will also appeal (10/23/06). Appellate Body report is circulated (01/9/07). DSB adopts Appellate Body and panel reports (01/23/07). Implementation of adopted reports. Japan asks that a reasonable period of time for implementation be determined by binding arbitration pursuant to Article 21.3(c) of the DSU (03/29/07); DSB appoints arbitrator ((04/27/07). U.S. and Japan inform DSB they have agreed on a reasonable period of time, expiring December 24, 2007, and no longer seek to have the reasonable period of time determined through binding arbitration (05/04/07). Compliance proceedings. Japan requests establishment of a compliance panel (04/07/08), and DSB refers to the original panel (04/18/08). Article 21.5 compliance panel report is circulated (04/24/09). U.S. notifies DSB it will appeal compliance panel decision to the Appellate Body (05/20/09). Article 21.5 Appellate Body report is circulated (08/18/09), and the DSB</p>

## Appendix A: Data Tables

Case no.	Title	Complainant	Action (month/day/year)
			adopts Appellate Body and compliance panel reports (08/31/09). Proceedings under Article 22 of the DSU (remedies). Japan seeks authorization to suspend concessions pursuant to Article 22.2 of the DSU (01/10/08). U.S. objects to the level of suspension and requests the matter be referred to arbitration under Article 22.6 of the DSU (01/18/08). The DSB agrees to refer to arbitration (01/21/08). U.S. and Japan ask arbitrator to suspend work (06/06/08); Japan asks arbitrator to resume (04/23/10); U.S. and Japan ask arbitrator to suspend work (12/15/10); and U.S. and Japan inform the DSB of a memorandum of understanding regarding the dispute (02/06/12). Japan withdraws request for authorization to suspend concessions/obligations under Article 22.6 after U.S. completes steps notified to the DSB in February 2012 (08/03/12). Arbitrator informs DSB, following receipt of request from Japan and U.S., that no award is necessary, that it is not necessary to issue a decision, and that work is considered completed (08/14/12).
DS350	United States—Continued Existence and Application of Zeroing Methodology	European Communities	EC requests consultations (10/02/06). Panel is established (06/04/07) and composed (07/06/07). Panel report is circulated (10/01/08). EC (11/06/08) and U.S. (11/18/08) notify DSB of decision to appeal. Appellate Body report is circulated (02/04/09); DSB adopts Appellate Body and panel reports (02/19/09). U.S. and EC agree that a reasonable period for the U.S. to implement the DSB's recommendations and rulings is December, 19, 2009 (06/02/09). EU and U.S. notify the DSB of agreed procedures under Articles 21 and 22 (01/04/10). EU and U.S. inform the DSB of a memorandum between the U.S. and European Commission which envisages a roadmap addressing the dispute (02/06/12).
DS353	United States—Measures Affecting Trade in Large Civil Aircraft—Second Complaint	European Communities	EC requests consultations (06/27/05). Panel is established (02/17/06) and composed (11/22/06). Panel chairman informs DSB multiple times that panel needs additional time to complete work in light of complexities of the dispute (05/18/07, 07/11/08, 12/16/09, 07/07/10). Panel report is circulated (03/31/11). EU notifies DSB that it will appeal the decision to the Appellate Body (04/01/11); the U.S. also notifies its decision to appeal (04/28/11). Appellate Body report is circulated (03/12/12); DSB adopts Appellate Body and panel reports (03/23/12). U.S. informs DSB it intends to implement DSB recommendations and rulings (04/13/12). EU and U.S. inform DSB of agreed procedures under Articles 21 and 22 of DSU and Article 7 of SCM Agreement (04/24/12). U.S. notifies DSB of withdrawal of subsidies and removal of adverse effects in this dispute, and that it fully complies with DSB recommendations and rulings (09/23/12). Compliance proceedings: EU requests consultations under Article 21.5 (09/25/12), and then requests establishment of a compliance panel (10/11/12). A compliance panel is composed (10/30/12). The chair initially informs the DSB that, due to the scale and complexity of the dispute, the panel expects to circulate its report within the first half of 2014 (01/15/13). The chair later informs the DSB that the panel does not expect to complete its work before mid-2015 (05/27/14). Countermeasures: EU requests authority to take countermeasures under Article 22 of the DSU and Articles 4, 10, and 7.9 of the SCM Agreement (09/27/12). The U.S. objects to the level of suspension of concessions and other obligations, and refers the matter to arbitration under Article 22.6 of the DSU (10/22/12). At the DSB meeting it is agreed to refer the matter to arbitration (10/23/10). The U.S. and EU later ask the arbitrator to suspend arbitration proceedings (11/27/12), and the arbitrator suspends proceedings (11/28/12).
DS363	China—Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products	United States	U.S. requests consultations with China (04/10/07). Panel is established (11/27/07) and composed (03/27/08). Panel report is circulated (08/12/09). China (09/22/09) and U.S. (10/05/09) notify the DSB of their respective decisions to appeal the panel decision to the Appellate Body.

Case no.	Title	Complainant	Action (month/day/year)
			<p>Appellate Body report is circulated (12/21/09).  DSB adopts Appellate Body and panel reports (01/19/10).  China and U.S. inform DSB that they have agreed that a reasonable period for China to implement the DSB recommendations and rulings is by March 14, 2011 (07/12/10).  China reports to DSB that it has made efforts to implement DSB recommendations and rulings, but the U.S. expresses concern about lack of progress by China (03/25/11).  U.S. and China inform the DSB of agreed procedures under Articles 21 and 22 of the DSU (04/13/11).  China reports to the DSB it has completed amendments to most measures and has signed a memorandum of understanding with the U.S. (02/22/12).  China tells the DSB that it has ensured full implementation of DSB recommendations and rulings except for measures concerning films for theatrical release. U.S. states that it is not in a position to agree that China has fully implemented DSB recommendations and rulings in all areas except films for theatrical release (03/23/12).  China and the U.S. inform the DSB of key elements relating to theatrical release as set forth in the Memorandum of Understanding (MOU) noted at the Feb. 22, 2012, DSB meeting (05/09/12).  China tells DSB it has taken all necessary steps and has complied with DSB recommendations. U.S. says that MOU represented significant progress but not a final resolution (05/24/12).</p>
DS379	United States—Definitive Anti-Dumping and Countervailing Duties on Certain Products from China	China	<p>China requests consultations with U.S. (09/19/08).  Panel is established (01/20/09) and composed (03/04/09).  Panel report is circulated (10/22/10).  China notifies DSB it will appeal the panel's decision to the Appellate Body (12/01/10).  Appellate Body report is circulated (03/11/11).  DSB adopts Appellate Body and panel reports (03/25/11).  China and the U.S. inform DSB that they have agreed that a reasonable time for the U.S. to implement the DSB's recommendations and rulings is February 25, 2012 (07/05/11).  China and the U.S. inform the DSB that they have modified the reasonable time period, with the period to expire April 25, 2012 (01/17/12).  China and U.S. notify the DSB of agreed procedures under Articles 21 and 22 of the DSU (05/11/12).  U.S. tells the DSB it has brought the measures at issue into full compliance with DSB recommendations and rulings (08/31/12); however, China says that it does not agree with the U.S. claim to such effect (09/28/12).</p>
DS381	United States—Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products	Mexico	<p>Mexico requests consultations with the U.S. (10/24/08).  Panel is established (04/20/09) and composed (12/14/09).  Panel chairman informs DSB panel expects to issue report in February 2011 (06/15/10).  Parties agree on new panel member following death of one member (08/12/10).  Panel report is circulated (09/15/11).  U.S. notifies the DSB of its decision to appeal the panel's decision (01/20/12); Mexico does the same (01/25/12).  Appellate Body report is circulated (05/16/12); DSB adopted the Appellate Body and panel reports (06/13/12).  U.S. states that it intends to implement the DSB recommendations and rulings (06/25/12), and the U.S. and Mexico inform the DSB that they have agreed that a reasonable period of time to do so is by July 13, 2013 (09/17/12).  U.S. advises DSB that it has made effective a final rule amending dolphin-safe labelling requirements, bringing its requirements into compliance (07/23/13).  Mexico and U.S. inform the DSB of agreed procedures under Articles 21 and 22 of the DSU (08/02/13).  Compliance proceedings. Mexico requests establishment of a compliance panel (11/14/13); DSB agrees to refer to the original panel (01/22/14); panel is composed (01/27/14).  Compliance panel report circulated to members (04/14/15).  U.S. notifies the DSB of decision to appeal certain issues of law covered in</p>

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Case no.	Title	Complainant	Action (month/day/year)
			<p>the compliance panel report (06/05/15); Mexico files an appeal in the same dispute (06/10/15).</p> <p>Appellate Body report is circulated to members (11/20/15).</p> <p>DSB adopts Article 21.5 Appellate Body reports and panel reports, as modified by Appellate Body reports (12/03/15).</p>
DS384	United States—Certain Country of Origin Labelling (COOL) Requirements	Canada	<p>Canada requests consultations with the U.S. (12/01/08).</p> <p>Single panel is established to examine this dispute and DS386 (11/19/09); panel composed (05/10/10).</p> <p>Panel report is circulated (11/18/11).</p> <p>U.S. notifies the DSB that it will appeal the decision to the Appellate Body (03/23/12), and Canada notifies the DSB it will do the same (03/28/12).</p> <p>Appellate Body report is circulated (06/29/12); the DSB adopts the Appellate Body and panel reports (07/23/12).</p> <p>Reasonable period of time, arbitration. U.S. informs DSB it intends to implement DSB recommendations and rulings and will need a reasonable period of time to do so (08/21/12). Canada requests that reasonable time to implement be determined through binding arbitration (09/13/12), and requests that the Director-General appoint an arbitrator (09/26/12); arbitrator appointed (10/04/12). Arbitrator determines that the reasonable time is by May 23, 2013 (12/04/12). U.S. informs DSB that USDA has issued a final rule that brings U.S. labelling requirements into compliance (05/24/13). Canada disagrees that changes bring U.S. requirements into compliance, and the U.S. and Canada inform DSB of agreed procedures under Articles 21 and 22 of DSU (06/10/13).</p> <p>Compliance proceedings. Canada requests establishment of a compliance panel (08/19/13); DSB refers to original panel if possible (09/25/13); compliance panel composed (09/27/13) to review matters in DS384 and DS386. Compliance panel issues report finding violation in this dispute and DS386 (10/20/14). United States notifies the DSB it will appeal decision to the Appellate Body (11/28/14). Canada files appeal (12/12/14).</p> <p>Compliance Appellate Body report is circulated to members (05/18/15). DSB adopts Article 21.5 Appellate Body reports and panel reports, as modified by Appellate Body reports (05/29/15).</p> <p>Canada requests authorization from DSB to suspend, pursuant to Article 22.2 of the DSU, application of certain tariff concessions and related obligations to U.S. under the GATT 1994 (06/04/15).</p> <p>U.S. objects to level of suspension of concessions and obligations proposed by Canada (06/16/15).</p> <p>DSB takes note that the matter has been referred to arbitration as required under Article 22.6 of the DSU ((06/17/15).</p> <p>Decision of arbitrator is circulated to members (12/07/15).</p> <p>Canada requests authorization from DSB to suspend application of certain tariff concessions and related obligations to the U.S. under the GATT 1994 in the amount of CAD \$1,054,729 on an annual basis (12/07/15).</p> <p>DSB authorizes Canada to suspend application to the U.S. of concessions or other obligations (12/21/15).</p>
DS386	United States—Certain Country of Origin Labelling Requirements	Mexico	<p>Mexico requests consultations with the U.S. (12/17/08).</p> <p>Single panel is established to examine this dispute and DS384 (11/19/09); panel composed (05/10/10).</p> <p>Panel report is circulated (11/18/11).</p> <p>U.S. notifies the DSB that it will appeal decision to the Appellate Body (03/23/12), and Mexico notifies the DSB it will do the same (03/28/12).</p> <p>Appellate Body report is circulated (06/29/12); Appellate Body and panel reports are adopted (07/23/12).</p> <p>Reasonable period of time, arbitration. U.S. informs DSB it intends to implement DSB recommendations and rulings (08/21/12). Mexico requests that reasonable time to implement be determined through binding arbitration (09/13/12), and requests that the Director-General appoint an arbitrator (09/26/12); arbitrator appointed (10/04/12). Arbitrator determines that the reasonable time is by May 23, 2013 (12/04/12). U.S. informs DSB that USDA has issued a final rule that brings U.S. labelling requirements into compliance (05/24/13). Mexico disagrees that changes bring U.S. requirements into compliance, and the U.S. and Mexico inform DSB of agreed procedures under Articles 21 and 22 of DSU (06/10/13).</p>

Case no.	Title	Complainant	Action (month/day/year)
			<p>Compliance proceedings. Mexico requests establishment of a compliance panel (08/19/13); DSB refers to original panel if possible (09/25/13); compliance panel composed (09/27/13) to review matters in DS384 and DS386. Compliance panel issues report finding violation in this dispute and DS384 (10/20/14).</p> <p>United States notifies the DSB it will appeal decision to the Appellate Body (11/28/14).</p> <p>Mexico files appeal (12/12/14).</p> <p>Compliance Appellate Body report is circulated (05/18/15).</p> <p>DSB adopts the Article 21.5 Appellate Body reports and panel reports, as modified by the Appellate Body reports. (05/29/15).</p> <p>Mexico requests authorization from the DSB, pursuant to Article 22.2 of the DSU, to suspend application of certain tariff concessions and related obligations to the U.S. under the GATT 1994 (06/04/15).</p> <p>Mexico submits corrigendum concerning requested amount of suspension of concessions (06/12/15).</p> <p>Mexico resubmits its request for DSB authorization to suspend concessions to U.S. under GATT 1994 (06/17/15).</p> <p>U.S. objects to level of suspension of concessions or other obligations proposed by Mexico; parties agree that the matter has been referred to arbitration (06/22/15).</p> <p>Decision of arbitrator circulated to members (12/07/15).</p> <p>Mexico requests authorization from DSB to suspend application to U.S. of tariff concessions and other related obligations in the goods sector under the GATT 1994 in an amount of US\$227,758, 000 annually (12/07/15).</p> <p>DSB authorizes Mexico to suspend application to U.S. of concessions or other obligations (12/21/15).</p>
DS387	China—Grants, Loans and Other Incentives	United States	U.S. requests consultations (12/19/08).
DS389	European Communities—Certain Measures Affecting Poultry Meat and Poultry Meat Products from the United States	United States	U.S. requests consultations (01/16/09). Panel established (11/19/09).
DS403	Philippines—Taxes on Distilled Spirits	United States	<p>U.S. requests consultations (01/14/10).</p> <p>Single panel established to consider DS403 and DS396 (complaint by the EU) (04/20/10); panel composed (07/05/10).</p> <p>Panel report circulated to members (08/15/11).</p> <p>Philippines notifies the DSB of its decision to appeal to the Appellate Body (09/23/11), as does EU (09/28/11).</p> <p>Appellate Body report is circulated (12/21/11), and DSB adopts the Appellate Body and panel reports (01/20/12).</p> <p>Philippines states that it intends to implement DSB's recommendations and ruling and would require a reasonable period of time to do so (02/22/12), and Philippines and U.S. inform DSB that they have agreed that the reasonable period of time is by March 8, 2013 (04/20/12).</p> <p>Philippines reports enactment of legislation that completes implementation of the DSB's recommendations and rulings (01/28/13).</p>
DS404	United States—Anti-dumping Measures on Certain Shrimp from Viet Nam	Vietnam	<p>Vietnam requests consultations (02/01/10).</p> <p>Panel is established (05/18/10) and composed (07/26/10).</p> <p>Panel report is circulated (07/11/11); and the DSB adopts the panel report (09/02/11).</p> <p>Vietnam and U.S. inform DSB they have agreed that a reasonable period of time for the U.S. to implement the DSB recommendations expires on July 2, 2012 (10/31/11).</p>
DS406	United States—Measures Affecting the Production and Sale of Clove Cigarettes	Indonesia	<p>Indonesia requests consultations (04/07/10).</p> <p>Panel established (07/20/10) and composed (09/09/10).</p> <p>Panel report circulated to members (09/02/11).</p> <p>U.S. notifies DSB of its decision to appeal to the Appellate Body (01/05/12).</p> <p>Appellate Body report is circulated to members (04/04/12) and adopted (04/24/12).</p> <p>U.S. informs DSB of its intent to implement DSB recommendations and rulings in a manner that protects public health and respects its WTO obligations, and will need a reasonable period of time to do so (05/24/12).</p> <p>Indonesia and the U.S. inform the DSB that the reasonable period of time is</p>

## Appendix A: Data Tables

Case no.	Title	Complainant	Action (month/day/year)
			by July 24, 2013 (06/14/12). Proceedings under Article 22 of the DSU (remedies). Indonesia requests authorization from DSB to suspend concessions or other obligations under Article 22.2 of the DSU (08/12/13). U.S. objects to level of suspension of concessions or other obligations and refers the matter to arbitration pursuant to Article 22.6 of the DSU (08/22/13). Matter referred to arbitration at DSB meeting (08/23/13). U.S. and Indonesia request arbitrator to suspend circulation of arbitrator's award (06/23/14), and arbitrator does so (06/24/14). U.S. and Indonesia notify the DSB they have reached a mutually agreed solution, and that Indonesia is withdrawing its request to suspend concessions or other obligations (10/03/14). Chair of arbitrator notifies DSB it is not necessary to issue a decision, and that the arbitrator has completed its work (10/08/14).
DS413	China—Certain Measures Affecting Electronic Payment Services	United States	U.S. requests consultations (09/15/10). Panel is established (03/25/11) and composed (07/04/11). Panel report is circulated to members (07/16/12) and adopted by DSB (08/31/12). China states that it intends to implement the DSB's recommendations and rulings and will need a reasonable period of time to do so (09/28/12). China and U.S. inform the DSB that the reasonable period of time for China to implement is by July 31, 2013 (11/22/12). China reports to the DSB that it has fully implemented the DSB's recommendations and rulings; the U.S. states that it does not agree, and that it will monitor and review China's actions (07/23/13). China and the U.S. inform the DSB of agreed procedures under Articles 21 and 22 of the DSU (08/19/13).
DS414	China—Countervailing and Anti-dumping Duties on Grain Oriented Flat-rolled Electrical Steel from the United States	United States	U.S. requests consultations (09/15/10). Panel established (03/25/11) and composed (05/10/11). Panel report circulated to members (06/15/12). China notifies DSB of its decision to appeal to the Appellate Body (07/20/12). Appellate Body report is circulated to members (10/18/12) and adopted by DSB (11/16/12). Reasonable period of time; arbitrator's determination. China states that it intends to implement the DSB's recommendations and rulings and will need a reasonable period of time to do so (11/30/12). U.S. requests that the reasonable period of time be determined through binding arbitration pursuant to Article 21.3(c) of the DSU (02/08/13). Director-General appoints arbitrator (02/28/13). Arbitration report circulated; arbitrator determines that the reasonable period of time is July 31, 2013 (05/03/13). China and U.S. inform DSB of agreed procedures under Articles 21 and 22 of DSU (08/19/13). China and U.S. inform DSB of agreed procedures under Articles 21 and 22 of DSU (08/19/13). Compliance proceedings. U.S. requests consultations pursuant to Article 21.5 of the DSU (01/13/14). U.S. requests establishment of a compliance panel (02/13/14); the DSB agrees to refer to original panel if possible (02/26/14); the panel is composed (03/17/14). Compliance panel report circulated to members (07/31/15). DSB adopts compliance panel report (08/31/15). China informs DSB that the antidumping and countervailing duty measures on imports of GOES from the U.S. expired on April 10, 2015 (08/31/15).
DS419	China—Measures Concerning Wind Power Equipment	United States	U.S. requests consultations (12/22/10). EU and Japan request to join consultations (01/12/11 and 01/17/11, respectively).
DS420	United States—Anti-Dumping Measures on Corrosion-Resistant Carbon Steel Flat Products from Korea	Korea	Korea requests consultations (01/31/11). Korea requests establishment of a panel (09/15/11). Korea withdraws request for panel (09/27/11). Korea requests establishment of a panel (02/09/12). Korea informs DSB of agreement on procedures between U.S. and Korea (02/14/12). Panel is established (02/22/12). Prior to composition of the panel, Korea requests that panel proceedings be suspended in accordance with Article 12.12 of the DSU until further notification (06/12/12).
DS422	United States—Anti-dumping	China	China requests consultations (02/28/11).

Case no.	Title	Complainant	Action (month/day/year)
	Measures on Shrimp and Diamond Sawblades from China		Panel is established (10/25/11) and composed (12/21/11). Panel report is circulated (06/08/12), and DSB adopts panel report (07/23/12). China and U.S. inform DSB that they have agreed that the reasonable period of time for the U.S. to implement is by March 23, 2013 (07/27/12). U.S. informs DSB that it has fully implemented DSB recommendations and rulings; China states that it does not share U.S. view as U.S. has not revoked antidumping duty on sawblades (03/26/13).
DS424	United States—Anti-dumping Measures on Imports of Stainless Steel Sheet and Strip in Coils from Italy	European Union	EU requests consultations (04/01/11). Japan requests to join the consultations (04/18/11).
DS427	China—Anti-dumping and Countervailing Duty Measures on Broiler Products from the United States	United States	U.S. requests consultations (09/20/11). Panel established (01/20/12) and composed (05/24/12). Panel report circulated (08/02/13) and is adopted by DSB (09/25/13). China informs DSB it intends to implement DSB recommendations and rulings (10/22/13). China and U.S. inform DSB that they have agreed that a reasonable period of time to implement is by July 9, 2014 (12/19/13). China informs the DSB that it has fully implemented the DSB recommendations and rulings, but the U.S. disagrees that China has fully complied (07/22/14). China and the U.S. inform the DSB of agreed procedures under Articles 21 and 22 of the DSU (07/15/14).
DS429	United States—Anti-Dumping Measures on Certain Shrimp from Viet Nam	Vietnam	Vietnam requests consultations (02/20/12). Panel is established (02/27/13) and composed (07/12/13). Panel report is circulated (11/17/14). Vietnam notifies DSB it will appeal decision to the Appellate Body (01/06/15). Appellate Body report is circulated to members (04/07/15). DSB adopts Appellate Body report and panel report, as upheld by the Appellate Body report (04/22/15). U.S. informs DSB that it intends to implement the DSB's recommendations and ruling, and will need a reasonable period of time to do so (05/20/15). Vietnam requests that the reasonable period of time be determined through binding arbitration pursuant to Article 21.3(c) of the DSU (09/17/15). Award of the arbitrator is circulated to the members; arbitrator determines the reasonable period of time is 15 months, to expire on July 22, 2016 (12/15/15).
DS430	India—Measures Concerning the Importation of Certain Agricultural Products from the United States	United States	U.S. requests consultations (03/06/12). Panel is established (06/25/12) and composed (02/18/13). Panel report is circulated (10/14/14). India and U.S. request DSB to extend period for filing an appeal by 60 days (11/06/14), and DSB agrees (11/18/14). India notifies DSB it will appeal the decision to the Appellate Body (01/26/15). Appellate Body issues its report (06/04/15). DSB adopts the Appellate Body report and the panel report, as modified by the Appellate Body report (06/19/15). India informs the DSB it intends to implement the DSB's recommendations and rulings and will need a reasonable period of time to do so (07/13/15). India and the U.S. inform the DSB that they have agreed that the reasonable period of time is 12 months, to expire on June 19, 2016 (12/08/15).
DS431	China—Measures Related to the Exportation of Rare Earths, Tungsten and Molybdenum	United States	U.S. requests consultations (03/13/12). Single panel is established to examine DS431 (as well as DS432 and DS433 brought by the EU and Japan) (07/23/12); panel is composed (09/24/12). Panel report is circulated (03/26/14). U.S. notifies the DSB that it will appeal the decision to the Appellate Body (04/08/14); China notifies the DSB it will appeal the decision in this dispute (04/17/14) and the other two disputes (04/25/14). Appellate Body issues three reports in one document (08/07/14); DSB adopts Appellate Body and panel reports (08/29/14). China informs the DSB that it intends to implement the DSB's recommendations and rulings, and will need a reasonable period of time to

## Appendix A: Data Tables

Case no.	Title	Complainant	Action (month/day/year)
			do so (09/26/14). China and U.S. inform the DSB they have agreed that a reasonable period of time will expire on May 2, 2015 (12/08/14). China informs the DSB that the export duties and export quotas and restrictions on trading rights of exporting enterprises found to be inconsistent with WTO rules have been removed and China has fully implemented the DSB's recommendations and rulings; the U.S. indicated it does not share China's assessment it has fully complied (05/20/15). China and the U.S. inform the DSB of agreed procedures under Articles 21 and 22 of the DSU (05/21/15).
DS436	United States—Countervailing Measures on Certain Hot-Rolled Carbon Steel Flat Products from India	India	India requests consultations (04/12/12). Panel is established (08/31/12) and composed (02/18/13). Panel report is circulated (07/14/14). India notifies the DSB that it will appeal the decision (08/08/14), and U.S. files an appeal (08/13/14). Appellate Body issues its report (12/08/14); and the DSB adopts the Appellate Body and panel reports (12/19/14). U.S. informs the DSB that it intends to implement the DSB's recommendations and rulings and will need a reasonable period of time to do so (01/16/15).
DS437	United States—Countervailing Duty Measures on Certain Products from China	China	China requests consultations (05/25/12). Panel is established (09/28/12) and composed (11/26/12). Panel report is circulated (07/14/14). China appeals the panel decision to the Appellate Body (08/22/14); U.S. files a cross-appeal of a preliminary determination by the panel (08/27/14). Appellate Body issues its report (12/18/14); DSB adopts Appellate Body and panel reports (01/16/15). U.S. informs DSB that it intends to implement the DSB's recommendations and rulings and that it will need a reasonable period of time to do so (02/13/15). China requests that the reasonable period of time be determined through binding arbitration pursuant to Article 21.3(c) of the DSU (06/26/15). China requests the Director-General to appoint the arbitrator (07/09/15); the Director-General appoints the arbitrator (07/17/15). Award of the arbitrator is circulated to members. The arbitrator determines that the reasonable period of time expires on April 1, 2016 (10/09/15). China and the U.S. inform the DSB of agreed procedures under Articles 21 and 22 of the DSU (04/15/16).
DS440	China—Anti-dumping and Countervailing Duties on Certain Automobiles from the United States	United States	U.S. requests consultations (07/05/12). Panel is established (10/23/12) and composed (02/11/13). Panel report is circulated (05/23/14), and adopted by the DSB (06/18/14).
DS444	Argentina—Measures Affecting the Importation of Goods	United States	U.S. requests consultations (08/21/12). Single panel is established to examine DS438, DS444, and DS445 (01/28/13); the panel is composed (05/27/13). Panel report is circulated (08/22/14). Argentina notifies DSB of its decision to appeal (09/26/14). Appellate Body issues its reports in DS438, DS444, and DS445 (01/15/15); and the DSB adopts the Appellate Body and panel reports (01/26/15). Argentina informs the DSB that it intends to implement the DSB's recommendations and rulings and that it will need a reasonable period of time to do so (02/23/15). Argentina and the U.S. inform the DSB that they had agreed that the reasonable period of time would expire on December 31, 2015 (07/02/15). The U.S. and Argentina inform the DSB of agreed procedures under Articles 21 and 22 of the DSU (01/18/16).
DS447	United States—Measures Affecting the Importation of Animals, Meat and Other Animal Products from Argentina	Argentina	Argentina requests consultations (08/30/12). Panel is established (01/28/13) and composed (08/08/13). Panel report is circulated to members (07/24/15). DSB adopts the panel report (08/31/15).
DS448	United States—Measures Affecting the Importation of Fresh Lemons	Argentina	Argentina requests consultations (09/03/12). Argentina requests establishment of a panel (12/06/12); establishment is deferred (12/17/12).
DS449	United States—Countervailing and Anti-dumping Measures on Certain Products from China	China	China requests consultations (09/17/12). Panel is established (12/17/12) and composed (03/04/13). Panel report is circulated (03/27/14).

Case no.	Title	Complainant	Action (month/day/year)
			China notifies the DSB it will appeal the decision to the Appellate Body (04/08/14); the U.S. notifies the DSB of its decision to appeal (04/17/14). Appellate Body issues its report (07/07/14), and the DSB adopts the Appellate Body and panel reports (07/22/14); U.S. informs DSB it intends to implement the DSB recommendations and rulings and will need a reasonable period of time to do so (08/21/14). China and the U.S. inform the DSB that they had agreed that the reasonable period of time would expire on July 22, 2015 (02/20/15). China and the U.S. inform the DSB that they had mutually agreed to modify the reasonable period time so as to expire on August 5, 2015 (07/23/15). China and the U.S. inform the DSB of agreed procedures under Articles 21 and 22 of the DSU (08/21/15).
DS450	China—Certain Measures Affecting the Automobile and Automobile-Parts Industries	United States	U.S. requests consultations (09/17/12).
DS455	Indonesia—Importation of Horticultural Products, Animals and Animal Products	United States	U.S. requests consultations (01/10/13). Panel is established (04/24/13).
DS456	India—Certain Measures Relating to Solar Cells and Solar Modules	United States	U.S. requests consultations (02/06/13); U.S. requests supplementary consultations (02/10/14). Panel is established (05/23/14) and composed (09/24/14). Panel report is circulated to members (02/24/16). Panel chair informs DSB that it had issued the final report to the parties on August 28, 2015, and that public circulation was originally scheduled for late December 2015; due to several requests from the parties, circulation was delayed due to continuing discussions relating to the dispute (02/25/16). India notifies the DSB of its decision to appeal to the Appellate Body certain issues of law and legal interpretation in the panel report (04/20/16).
DS464	United States—Anti-dumping and Countervailing Measures on Large Residential Washers from Korea	Korea	Korea requests consultations (08/29/13). Panel is established (01/22/14) and composed (06/20/14). Panel report is circulated to members (03/11/16). U.S. notifies the DSB of its decision to appeal to the Appellate Body certain issues of law and legal interpretation in the panel report (04/19/16).
DS465	Indonesia—Importation of Horticultural Products, Animals and Animal Products	United States	U.S. requests consultations (08/30/13).
DS471	United States—Certain Methodologies and Their Application to Anti-dumping Proceedings Involving China	China	China requests consultations (12/3/13). Panel is established (03/26/14) and composed (08/28/14). Chair of panel informs DSB that the start of proceedings was deferred due to unavailability of Secretariat lawyers, and in light of amount and complexity of work involved, the panel expects to issue its final report in June 2016 (02/23/15).
DS478	Indonesia—Importation of Horticultural Products, Animals and Animal Products	United States	U.S. requests consultations (05/08/14). U.S. requests establishment of a panel (03/18/15); panel established (05/20/15); panel composed (10/08/15).
DS487	United States—Conditional Tax Incentives for Large Civil Aircraft	European Union	EU requests consultations (12/19/14). EU requests establishments of a panel (02/12/15); panel established (02/23/15); panel composed (04/13/15).
DS488	United States—Anti-dumping Measures on Certain Oil Country Tubular Goods from Korea	Korea	Korea requests consultations (12/22/14). Korea requests establishment of a panel (02/23/15). DSB establishes panel (03/25/15). Parties agree on composition of the panel (07/13/15).
DS489	China—Measures Related to Demonstration Bases and Common Service Platforms Programmes	United States	U.S. requests consultations (02/11/15). U.S. requests establishment of a panel (04/09/15). DSB establishes a panel (04/22/15). China and U.S. inform the DSB that they had reached an agreement in relation to the dispute in the form of a memorandum of understanding (04/14/16).
DS491	United States—Anti-dumping Measures and Countervailing Measures on Certain Coated Paper from Indonesia	Indonesia	Indonesia requests consultations (03/13/15). Indonesia requests establishment of a panel (07/09/15). DSB establishes a panel (09/28/15). Indonesia requests the Director-General to compose the panel (01/25/16); panel composed (02/04/16).
DS501	China—Tax Measures	United States	U.S. requests consultations (12/08/15).

## Appendix A: Data Tables

Case no.	Title	Complainant	Action (month/day/year)
	Concerning Certain Domestically Produced Aircraft		

Source: WTO, “Chronological List of Disputes Cases,” [https://www.wto.org/english/tratop\\_e/dispu\\_e/dispu\\_status\\_e.htm](https://www.wto.org/english/tratop_e/dispu_e/dispu_status_e.htm), (accessed at various times during March–May 2016).

Note: This list focuses on formal actions in disputes during 2015; some intermediate procedural actions are omitted. Selected pre-2015 and post-2015 actions are noted to place the 2015 actions in context. “Korea” refers to the “Republic of Korea (South Korea).”

**Table A.26** NAFTA Chapter 19 substantive challenges to original and five-year review determinations of USITC and USDOC, developments in 2015

File no.	Dispute	Action (month/day/year)
USA-CDA-2015-1904-01	Supercalendered Paper from Canada (AD) (Investigating authority: International Trade Administration)	Request for panel review (11/18/15). Status: Active.
USA-CDA-2015-1904-02	Supercalendered Paper from Canada (AD) (investigating authority: International Trade Commission)	Request for panel review (12-30-15). Status: Terminated.
USA-MEX-2014-1904-02	Steel Concrete Reinforcing Bar from Mexico and Turkey (AD) (Investigating authority: International Trade Commission)	Request for panel review (12/01/14). Status: Active.
USA-MEX-2014-1904-01	Steel Concrete Reinforcing Bar from Mexico (AD) (Investigating authority: International Trade Administration)	Request for panel review (10/16/14). Panel review precluded. Status: Terminated. <sup>b</sup>
		Status: Active. <sup>b</sup>
MEX-USA-2012-1904-01	Chicken Thighs and Legs (AD) (Investigating authority: Secretaría de Economía)	Request for panel review (09/03/12). Hearing date (08/25/15). Status: Active.
MEX-USA-2012-1904-02	Ethylene Glycol Monobutyl Ether (AD) (Investigating authority: Secretaría de Economía)	Request for panel review (10/09/12). Hearing date (03/10/15). Status: Active.
MEX-USA-2015-1904-01	Ammonium Sulfate from U.S. and China (AD) (investigating authority: Secretaría de Economía)	Request for panel review (11/06/15) Status: Active

Source: NAFTA Secretariat, “Status Report: NAFTA and FTA Dispute Settlement Proceedings,” <http://www.nafta-sec-alena.org/en/StatusReport.aspx> (accessed March 24, 2015).

Note: This list includes active cases during 2014, including those in which little if any formal action occurred during 2014.

<sup>a</sup> AD stands for antidumping duty and CVD stands for countervailing duty.

<sup>b</sup> The request for panel review was subsequently withdrawn and the status of the case changed to “terminated.” See notice of the U.S. NAFTA Secretariat published in the *Federal Register* on May 29, 2015, 80 Fed. Reg. 30661.

**Table A.27** U.S. total exports to the EU, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
Million \$					
1	Agricultural products	13,982	14,843	14,133	-4.8
2	Forest products	5,171	5,273	5,355	1.6
3	Chemicals and related products	57,275	59,057	62,813	6.4
4	Energy-related products	26,479	23,944	17,493	-26.9
5	Textiles and apparel	2,512	2,600	2,611	0.4
6	Footwear	111	105	89	-15.2
7	Minerals and metals	21,191	24,458	22,453	-8.2
8	Machinery	19,333	21,126	20,794	-1.6
9	Transportation equipment	52,986	56,772	59,666	5.1
10	Electronic products	46,501	49,445	48,412	-2.1
11	Miscellaneous manufactures	8,949	10,502	10,458	-0.4
12	Special provisions	7,595	8,018	8,412	4.9
Total		262,086	276,142	272,688	-1.3

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

**Table A.28** U.S. general imports from the EU, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
Million \$					
1	Agricultural products	21,484	22,786	23,554	3.4
2	Forest products	4,752	4,945	5,088	2.9
3	Chemicals and related products	86,886	96,137	105,998	10.3
4	Energy-related products	24,483	22,335	14,247	-36.2
5	Textiles and apparel	5,696	6,227	6,079	-2.4
6	Footwear	1,869	2,091	2,062	-1.4
7	Minerals and metals	29,461	32,626	29,978	-8.1
8	Machinery	41,886	47,552	45,932	-3.4
9	Transportation equipment	91,012	100,003	105,834	5.8
10	Electronic products	43,078	45,081	44,776	-0.7
11	Miscellaneous manufactures	17,412	17,870	19,190	7.4
12	Special provisions	19,626	20,546	23,265	13.2
Total		387,643	418,201	426,006	1.9

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

## Appendix A: Data Tables

**Table A.29** Leading U.S. total exports to the EU, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
		Million \$			2014–15
8800.00	Civilian aircraft, engines, and parts	29,070	30,799	32,846	6.6
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	10,064	10,483	11,245	7.3
2710.19	Petroleum oils, oils from bituminous minerals (other than crude) and products containing by weight 70 percent or more of petroleum oils, not biodiesel or waste	18,181	15,442	11,191	-27.5
3002.10	Antisera, other blood fractions and immunological products	5,078	6,911	8,304	20.2
9018.90	Instruments and appliances for medical, surgical or veterinary sciences, n.e.s.o.i., and parts and accessories thereof	4,177	4,381	4,395	0.3
8703.33	Passenger motor vehicles with compression-ignition internal combustion piston engine (diesel), cylinder capacity over 2,500 cc	3,434	3,741	3,855	3.0
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	3,391	3,554	3,696	4.0
7108.12	Gold, nonmonetary, unwrought n.e.s.o.i. (other than powder)	1,504	3,293	3,670	11.4
9701.10	Paintings, drawings and pastels, hand executed works of art, framed or not framed	2,911	3,837	3,586	-6.5
7102.39	Diamonds, nonindustrial, worked, including polished or drilled	3,503	4,355	3,535	-18.8
9018.39	Medical etc. needles n.e.s.o.i., catheters, cannulae and the like; parts and accessories thereof	2,779	2,902	2,872	-1.0
3822.00	Composite diagnostic or laboratory reagents, other than pharmaceutical preparations of heading 3002 or 3006	2,577	2,624	2,735	4.2
8703.32	Passenger motor vehicles with compression-ignition internal combustion piston engine (diesel), cylinder capacity over 1,500 cc but not over 2,500 cc	1,931	2,326	2,528	8.7
2701.12	Bituminous coal, whether or not pulverized, but not agglomerated	4,533	3,818	2,465	-35.4
3002.20	Vaccines for human medicine	698	1,411	2,216	57.1
1201.90	Soybeans, other than seed	1,528	1,860	1,879	1.0
0802.12	Almonds, fresh or dried, shelled	1,452	1,675	1,792	7.0
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	1,533	1,974	1,747	-11.5
8471.50	Digital processing units other than those of 8471.41 and 8471.49, n.e.s.o.i.	1,268	1,487	1,604	7.8
7113.19	Jewelry and parts thereof, of precious metal other than silver	1,375	1,597	1,543	-3.4
9021.39	Artificial joints and parts and accessories thereof, n.e.s.o.i.	1,243	1,451	1,442	-0.6
2934.99	Nucleic acids and their salts, whether or not chemically defined; other heterocyclic compounds, n.e.s.o.i.	1,733	984	1,418	44.0
2937.19	Polypeptide, protein and glycoprotein hormones, their derivatives and structural analogues	1,158	1,139	1,406	23.5
9018.19	Electro-diagnostic apparatus (and apparatus for functional exploratory examination or for checking physiological parameters) n.e.s.o.i., and parts, etc.	1,426	1,481	1,382	-6.7
9021.90	Artificial parts of the body n.e.s.o.i.; and parts and accessories thereof	1,051	1,055	1,273	20.6
	Total of items shown	107,598	114,578	114,622	0.0
	All other products	154,488	161,565	158,066	-2.2
	Total of all commodities	262,086	276,142	272,688	-1.3

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included.

**Table A.30** Leading U.S. general imports from the EU, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
					2014–15
		Million \$			
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	16,708	18,461	24,196	31.1
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	14,829	18,759	23,469	25.1
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	18,281	18,371	17,911	-2.5
2710.12	Light oils and preparations containing by weight 70 percent or more of petroleum oils from bituminous minerals, not containing biodiesel, not waste oils	15,456	12,980	9,013	-30.6
8411.91	Parts of turbojets or turbo propellers	7,085	7,314	7,564	3.4
8802.40	Airplanes and other aircraft n.e.s.o.i., of an unladen weight exceeding 15,000 kg	5,778	6,642	7,289	9.7
2934.99	Nucleic acids and salts, whether or not chemically defined; other heterocyclic compounds, n.e.s.o.i.	3,715	4,818	7,246	50.4
9701.10	Paintings, drawings and pastels, hand executed works of art, framed or not framed	5,210	4,931	6,686	35.6
3002.10	Antisera, other blood fractions and immunological products	4,308	5,004	6,496	29.8
3002.20	Vaccines for human medicine	2,383	3,065	4,988	62.7
3004.39	Medicaments, in measured doses, etc., containing hormones or other steroids used primarily as hormones, but not containing antibiotics, n.e.s.o.i.	3,608	3,738	4,530	21.2
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	4,526	4,754	4,334	-8.8
7102.39	Diamonds, nonindustrial, worked, including polished or drilled	4,198	4,107	4,062	-1.1
3004.31	Medicaments, in measured doses, etc., containing insulin but not containing antibiotics	3,587	4,926	4,055	-17.7
8411.12	Turbojets of a thrust exceeding 25 kN	3,595	4,156	3,568	-14.1
2710.19	Petroleum oils, oils from bituminous minerals (other than crude) and products containing by weight 70 percent or more of petroleum oils, not biodiesel or waste	5,550	6,696	3,153	-52.9
8407.34	Spark-ignition reciprocating piston engines for propulsion of vehicles except railway or tramway stock, over 1,000 cc cylinder capacity	2,672	3,001	2,976	-0.8
2933.59	Heterocyclic compounds containing a pyrimidine ring (hydrogenated or not) or a piperazine ring in the structure, n.e.s.o.i.	4,096	3,357	2,873	-14.4
2204.21	Wine of fresh grapes (other than sparkling wine) and grape must with fermentation prevented, etc. by adding alcohol, containers of not over 2 liters	2,789	2,884	2,826	-2.0
2935.00	Sulfonamides	353	2,037	2,609	28.1
9021.39	Artificial joints and parts and accessories thereof, n.e.s.o.i.	2,794	2,425	2,467	1.7
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	2,180	2,540	2,414	-4.9
3302.10	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of these substances used in the food or drink industries	2,017	2,125	2,404	13.1
3002.90	Human blood; animal blood prepared for therapeutic, etc. uses; toxins, cultures of microorganisms (excluding yeasts) and similar products n.e.s.o.i.	1,682	2,609	2,357	-9.7
2933.99	Heterocyclic compounds with nitrogen hetero-atom(s) only, n.e.s.o.i.	4,138	1,955	2,332	19.3
	Total of items shown	141,538	151,656	161,818	6.7
	All other products	246,105	266,545	264,188	-0.9
	Total of all commodities	387,643	418,201	426,006	1.9

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included; kN = kilonewtons.

## Appendix A: Data Tables

**Table A.31** U.S. total exports to China, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
Million \$					
1	Agricultural products	26,835	25,738	21,623	-16.0
2	Forest products	6,900	7,021	6,432	-8.4
3	Chemicals and related products	14,543	14,721	14,451	-1.8
4	Energy-related products	3,145	2,120	2,652	25.1
5	Textiles and apparel	1,387	1,274	1,011	-20.6
6	Footwear	51	56	81	45.2
7	Minerals and metals	12,199	10,933	8,009	-26.7
8	Machinery	9,554	10,106	10,036	-0.7
9	Transportation equipment	26,069	29,992	28,791	-4.0
10	Electronic products	19,304	19,867	21,189	6.7
11	Miscellaneous manufactures	777	857	956	11.6
12	Special provisions	957	992	955	-3.8
Total		121,721	123,676	116,186	-6.1

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

**Table A.32** U.S. general imports from China, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
Million \$					
1	Agricultural products	6,989	7,006	6,808	-2.8
2	Forest products	8,275	8,834	9,472	7.2
3	Chemicals and related products	29,470	31,873	31,009	-2.7
4	Energy-related products	511	634	537	-15.3
5	Textiles and apparel	46,469	47,220	48,910	3.6
6	Footwear	17,016	17,064	17,277	1.2
7	Minerals and metals	27,786	30,927	31,944	3.3
8	Machinery	44,345	48,035	50,431	5.0
9	Transportation equipment	18,052	21,474	23,856	11.1
10	Electronic products	176,141	186,332	188,954	1.4
11	Miscellaneous manufactures	60,788	62,863	67,865	8.0
12	Special provisions	4,592	4,490	4,818	7.3
Total		440,434	466,754	481,881	3.2

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

**Table A.33** Leading U.S. total exports to China, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
					2014–15
		Million \$			
8800.00	Civilian aircraft, engines, and parts	12,587	13,924	15,439	10.9
1201.90	Soybeans, other than seed	13,300	14,476	10,529	-27.3
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	4,972	7,236	6,549	-9.5
8542.31	Processors and controllers, electronic integrated circuits	1,936	2,749	3,474	26.4
1007.90	Grain sorghum, other than seed	95	1,467	2,115	44.1
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	3,279	2,991	2,043	-31.7
7404.00	Copper waste and scrap	2,791	2,116	1,684	-20.4
2303.30	Brewing or distilling dregs and waste, whether or not in the form of pellets	1,382	1,247	1,582	26.8
8486.20	Machines and apparatus for the manufacture of semiconductor devices or of electronic integrated circuits	834	1,136	1,432	26.0
8517.12	Telephones for cellular networks or for other wireless networks	1,434	1,094	1,317	20.4
7602.00	Aluminum waste and scrap	2,245	1,762	1,307	-25.8
4707.10	Waste and scrap of unbleached kraft paper or paperboard or of corrugated paper or paperboard	1,073	1,024	1,077	5.2
4101.50	Whole hides and skins, of a weight exceeding 16 kg, or bovine/equine animals, whether or not de-haired or split	1,042	1,125	917	-18.5
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	652	804	901	12.1
2711.12	Propane, liquefied	140	285	898	215.1
5201.00	Cotton, not carded or combed	2,183	1,108	864	-22.0
4703.21	Chemical wood pulp, soda or sulfate, other than dissolving grades, semi-bleached or bleached, coniferous	812	831	858	3.3
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	509	713	823	15.5
8542.39	Electronic integrated circuits, n.e.s.o.i.	653	764	737	-3.6
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	468	840	719	-14.4
3002.10	Antisera, other blood fractions and immunological products	270	328	632	92.4
2710.12	Light oils and preparations containing by weight 70 percent or more of petroleum oils from bituminous minerals, not containing biodiesel, not waste oils	581	606	609	0.5
8542.32	Memories, electronic integrated circuits	1,044	707	594	-16.0
9018.90	Instruments and appliances for medical, surgical or veterinary sciences, n.e.s.o.i., and parts and accessories thereof	375	520	586	12.7
8473.30	Parts and accessories for automatic data processing machines and units thereof, magnetic or optical readers, transcribing machines, etc., n.e.s.o.i.	580	506	529	4.7
	Total of items shown	55,236	60,358	58,218	-3.5
	All other products	66,485	63,317	57,968	-8.4
	Total of all commodities	121,721	123,676	116,186	-6.1

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included.

## Appendix A: Data Tables

**Table A.34** Leading U.S. general imports from China, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
		Million \$			2014–15
8517.12	Telephones for cellular networks or for other wireless networks	37,596	41,904	40,400	-3.6
8471.30	Portable digital automatic data processing machines, weight not more than 10 kg, consisting of at least a central processing unit, keyboard and a display	39,610	38,583	36,573	-5.2
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	11,904	13,244	16,810	26.9
9503.00	Tricycles, scooters, pedal cars and similar wheeled toys; dolls' carriages; dolls; other toys; etc.	9,467	10,311	11,538	11.9
8473.30	Parts and accessories for automatic data processing machines and units thereof, magnetic or optical readers, transcribing machines, etc., n.e.s.o.i.	8,794	10,636	10,811	1.6
8504.40	Electrical static converters; power supplies for automatic data processing machines or units of 8471	4,061	4,474	4,699	5.0
9504.50	Video game consoles and machines, other than those of subheading 9504.30	4,653	4,537	4,690	3.4
8528.72	Reception apparatus for television, color, n.e.s.o.i.	2,991	4,190	4,362	4.1
8443.99	Parts and accessories of printers, copying machines and facsimile machines, n.e.s.o.i.	3,741	3,915	3,548	-9.4
6403.99	Footwear, with outer soles of rubber, plastics or composition leather and uppers of leather n.e.s.o.i., not covering the ankle	4,293	3,868	3,528	-8.8
6402.99	Footwear, with outer soles and uppers of rubber or plastics n.e.s.o.i., not covering the ankle	3,803	3,494	3,367	-3.6
9401.61	Seats with wooden frames, upholstered, n.e.s.o.i.	2,762	2,953	3,356	13.7
8471.50	Digital processing units other than those of 8471.41 and 8471.49, n.e.s.o.i.	2,791	2,877	3,188	10.8
4202.92	Container bags, boxes, cases and satchels n.e.s.o.i., with outer surface of sheeting of plastics or of textile materials	3,101	3,057	3,160	3.4
8471.70	Automatic data processing storage units, n.e.s.o.i.	3,787	3,595	3,147	-12.5
9403.20	Metal furniture, n.e.s.o.i.	2,699	2,843	3,112	9.5
8543.70	Electrical machines and apparatus, having individual functions, n.e.s.o.i.	2,012	2,336	2,944	26.0
6110.20	Sweaters, pullovers, sweatshirts, vests and similar articles of cotton, knitted or crocheted	3,308	3,117	2,874	-7.8
6404.19	Footwear, with outer soles of rubber or plastics and uppers of textile materials, n.e.s.o.i.	2,387	2,525	2,869	13.6
8443.31	Machines which perform two or more of the functions of printing, copying or fax transmission, capable of connecting to an adp machine or to a network	3,544	3,183	2,829	-11.1
6403.91	Footwear, with outer soles of rubber, plastics or composition leather and uppers of leather n.e.s.o.i., covering the ankle	2,471	2,805	2,814	0.3
8471.80	Automatic data processing units, n.e.s.o.i.	1,531	1,977	2,787	41.0
8523.51	Solid-state non-volatile semiconductor storage devices	1,368	2,083	2,719	30.5
9403.60	Wooden furniture, n.e.s.o.i.	2,420	2,516	2,672	6.2
9405.40	Electric lamps and lighting fittings, n.e.s.o.i.	2,422	2,504	2,621	4.7
	Total of items shown	167,515	177,527	181,419	2.2
	All other products	272,919	289,227	300,466	3.9
	Total of all commodities	440,434	466,754	481,881	3.2

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included; adp = automatic data processing.

**Table A.35** U.S. total exports to Canada, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
Million \$					
1	Agricultural products	26,568	27,380	25,952	-5.2
2	Forest products	11,008	10,787	10,173	-5.7
3	Chemicals and related products	40,537	41,280	38,090	-7.7
4	Energy-related products	25,837	33,635	22,105	-34.3
5	Textiles and apparel	5,423	5,533	5,159	-6.8
6	Footwear	459	497	496	-0.3
7	Minerals and metals	31,002	30,598	26,354	-13.9
8	Machinery	30,651	32,192	28,930	-10.1
9	Transportation equipment	77,507	78,028	73,260	-6.1
10	Electronic products	35,152	35,174	32,155	-8.6
11	Miscellaneous manufactures	9,432	9,903	8,794	-11.2
12	Special provisions	7,179	7,414	8,549	15.3
Total		300,755	312,421	280,017	-10.4

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

**Table A.36** U.S. general imports from Canada, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
Million \$					
1	Agricultural products	24,941	26,362	25,197	-4.4
2	Forest products	18,088	18,939	18,059	-4.6
3	Chemicals and related products	33,299	33,520	32,159	-4.1
4	Energy-related products	110,230	117,932	71,185	-39.6
5	Textiles and apparel	2,323	2,302	2,243	-2.6
6	Footwear	47	58	73	24.3
7	Minerals and metals	32,671	33,261	29,819	-10.4
8	Machinery	13,591	13,657	12,894	-5.6
9	Transportation equipment	71,545	74,271	73,705	-0.8
10	Electronic products	9,101	9,090	8,930	-1.8
11	Miscellaneous manufactures	4,402	4,513	5,244	16.2
12	Special provisions	12,320	13,893	15,684	12.9
Total		332,558	347,798	295,190	-15.1

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

## Appendix A: Data Tables

**Table A.37** Leading U.S. total exports to Canada, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
					2014–15
		Million \$			
2709.00	Petroleum oils and oils from bituminous minerals, crude	5,073	11,664	8,108	-30.5
8800.00	Civilian aircraft, engines, and parts	6,506	7,424	7,804	5.1
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	6,156	6,442	6,629	2.9
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	5,960	6,802	6,241	-8.2
8704.31	Motor vehicles for goods transport n.e.s.o.i., with spark-ignition internal combustion piston engine, gvw not over 5 metric tons	7,462	6,881	6,229	-9.5
2710.12	Light oils and preparations containing by weight 70 percent or more of petroleum oils from bituminous minerals, not containing biodiesel, not waste oils	7,918	8,202	4,958	-39.6
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	5,402	5,073	4,640	-8.5
2710.19	Petroleum oils, oils from bituminous minerals (other than crude) and products containing by weight 70 percent or more of petroleum oils, not biodiesel or waste	5,403	5,361	4,033	-24.8
8407.34	Spark-ignition reciprocating piston engines for propulsion of vehicles except railway or tramway stock, over 1,000 cc cylinder capacity	3,590	3,047	2,992	-1.8
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	2,499	2,824	2,742	-2.9
2711.21	Natural gas, gaseous	3,705	4,440	2,213	-50.2
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	2,201	2,384	2,165	-9.2
8471.30	Portable digital automatic data processing machines, weight not more than 10 kg, consisting of at least a central processing unit, keyboard and a display	1,980	2,177	2,053	-5.7
8701.20	Road tractors for semi-trailers	1,889	2,048	1,969	-3.9
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	1,998	2,207	1,964	-11.0
8708.40	Gear boxes for motor vehicles	3,163	2,379	1,924	-19.1
8481.80	Taps, cocks, valves and similar appliances for pipes, vats or the like, including thermostatically controlled valves, n.e.s.o.i.	1,660	1,691	1,563	-7.6
8517.12	Telephones for cellular networks or for other wireless networks	643	997	1,480	48.5
8708.30	Brakes and servo-brakes; parts thereof	1,315	1,380	1,460	5.8
8471.50	Digital processing units other than those of 8471.41 and 8471.49, n.e.s.o.i.	1,605	1,619	1,393	-14.0
7606.12	Aluminum alloy rectangular (including square) plates, sheets and strip, over 0.2 mm thick	1,198	1,253	1,244	-0.7
8708.80	Suspension shock absorbers for motor vehicles	1,370	1,271	1,235	-2.8
8708.94	Steering wheels, steering columns and steering boxes for motor vehicles	1,155	1,151	1,231	6.9
8537.10	Boards, panels, consoles, etc. with electrical apparatus, for electric control or distribution of electricity, for a voltage not exceeding 1,000 v	1,210	1,325	1,170	-11.7
8409.91	Parts for use with spark-ignition internal combustion piston engines (including rotary engines), n.e.s.o.i.	996	1,144	1,163	1.6
	Total of items shown	82,056	91,185	78,601	-13.8
	All other products	218,698	221,236	201,415	-9.0
	Total of all commodities	300,755	312,421	280,017	-10.4

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included; gvw = gross vehicle weight.

**Table A.38** Leading U.S. general imports from Canada, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
					2014–15
		Million \$			
2709.00	Petroleum oils and oils from bituminous minerals, crude	76,654	83,155	46,974	-43.5
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	25,458	23,952	21,081	-12.0
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	17,679	18,628	21,038	12.9
2711.21	Natural gas, gaseous	9,168	12,615	7,303	-42.1
2710.19	Petroleum oils, oils from bituminous minerals (other than crude) and products containing by weight 70 percent or more of petroleum oils, not biodiesel or waste	9,381	7,851	5,863	-25.3
2710.12	Light oils and preparations containing by weight 70 percent or more of petroleum oils from bituminous minerals, not containing biodiesel, not waste oils	7,131	5,727	4,755	-17.0
4407.10	Coniferous wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, etc., over 6 mm (.236 in.) thick	4,226	4,810	4,425	-8.0
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	2,587	3,165	3,717	17.4
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	3,129	3,404	3,561	4.6
8802.40	Airplanes and other aircraft n.e.s.o.i., of an unladen weight exceeding 15,000 kg	2,294	3,331	3,139	-5.8
3104.20	Potassium chloride	3,073	2,483	2,764	11.3
7108.12	Gold, nonmonetary, unwrought n.e.s.o.i. (other than powder)	3,183	3,266	2,618	-19.8
7601.20	Aluminum alloys, unwrought	2,112	2,661	2,483	-6.7
8407.34	Spark-ignition reciprocating piston engines for propulsion of vehicles except railway or tramway stock, over 1,000 cc cylinder capacity	1,900	2,458	2,402	-2.3
2716.00	Electrical energy	2,429	2,670	2,399	-10.1
7601.10	Aluminum, not alloyed, unwrought	2,358	2,083	2,141	2.8
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	2,321	2,194	1,979	-9.8
3901.90	Polymers of ethylene n.e.s.o.i., in primary forms	1,836	2,150	1,884	-12.4
8802.30	Airplanes and other aircraft n.e.s.o.i., of an unladen weight exceeding 2,000 kg but not exceeding 15,000 kg	1,193	1,072	1,859	73.3
3901.20	Polyethylene having a specific gravity of 0.94 or more, in primary forms	1,357	1,445	1,405	-2.8
4703.21	Chemical wood pulp, soda or sulfate, other than dissolving grades, semi-bleached or bleached, coniferous	1,446	1,518	1,396	-8.0
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	1,367	1,486	1,357	-8.7
0102.29	Cattle, live, other than purebred breeding	1,263	1,743	1,304	-25.2
1905.90	Bread, pastry, cakes, biscuits and similar baked products, n.e.s.o.i., and puddings, whether or not containing chocolate, fruit, nuts or confectionary	898	1,014	1,144	12.8
7403.11	Refined copper cathodes and sections of cathodes	1,274	1,359	1,112	-18.2
	Total of items shown	185,717	196,240	150,100	-23.5
	All other products	146,841	151,558	145,090	-4.3
	Total of all commodities	332,558	347,798	295,190	-15.1

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included.

## Appendix A: Data Tables

**Table A.39** U.S. total exports to Mexico, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
Million \$					
1	Agricultural products	18,874	20,101	18,295	-9.0
2	Forest products	5,733	5,827	5,859	0.6
3	Chemicals and related products	33,712	35,761	34,153	-4.5
4	Energy-related products	23,531	24,097	19,071	-20.9
5	Textiles and apparel	5,360	5,734	5,991	4.5
6	Footwear	121	120	134	11.3
7	Minerals and metals	20,903	23,067	22,786	-1.2
8	Machinery	21,215	23,138	23,454	1.4
9	Transportation equipment	39,139	41,345	42,273	2.2
10	Electronic products	47,935	50,644	54,142	6.9
11	Miscellaneous manufactures	2,655	3,018	3,085	2.2
12	Special provisions	6,893	7,395	7,133	-3.5
Total		226,070	240,249	236,377	-1.6

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

**Table A.40** U.S. general imports from Mexico, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
Million \$					
1	Agricultural products	19,296	21,196	22,968	8.4
2	Forest products	1,652	1,814	1,950	7.5
3	Chemicals and related products	9,652	10,654	10,750	0.9
4	Energy-related products	34,813	30,282	13,687	-54.8
5	Textiles and apparel	5,830	5,974	5,899	-1.2
6	Footwear	549	499	494	-1.0
7	Minerals and metals	19,278	19,404	17,983	-7.3
8	Machinery	26,357	28,926	29,915	3.4
9	Transportation equipment	85,151	96,238	103,998	8.1
10	Electronic products	65,188	64,651	72,093	11.5
11	Miscellaneous manufactures	5,382	6,113	6,537	6.9
12	Special provisions	7,408	8,323	8,468	1.7
Total		280,555	294,074	294,741	0.2

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

**Table A.41** Leading U.S. total exports to Mexico, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
					2014–15
		Million \$			
8473.30	Parts and accessories for automatic data processing machines and units thereof, magnetic or optical readers, transcribing machines, etc., n.e.s.o.i.	9,310	10,453	10,662	2.0
2710.12	Light oils and preparations containing by weight 70 percent or more of petroleum oils from bituminous minerals, not containing biodiesel, not waste oils	11,450	10,685	9,140	-14.5
2710.19	Petroleum oils, oils from bituminous minerals (other than crude) and products containing by weight 70 percent or more of petroleum oils, not biodiesel or waste	7,270	7,783	5,764	-25.9
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	4,521	3,550	5,002	40.9
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	2,471	2,648	3,456	30.5
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	3,195	3,246	3,240	-0.2
8800.00	Civilian aircraft, engines, and parts	3,227	2,822	3,121	10.6
8542.31	Processors and controllers, electronic integrated circuits	2,385	2,362	2,771	17.3
8408.20	Compression-ignition internal combustion piston engines (diesel or semi-diesel), for the propulsion of vehicles except railway or tramway stock	2,255	3,802	2,665	-29.9
2603.00	Copper ores and concentrates	1,548	2,178	2,502	14.9
8538.90	Parts for electrical apparatus for electrical circuits, boards, panels etc. for electric control or distribution of electricity, n.e.s.o.i.	1,931	2,322	2,429	4.6
3926.90	Articles of plastics, n.e.s.o.i.	2,156	2,389	2,405	0.7
8708.40	Gear boxes for motor vehicles	2,123	2,273	2,370	4.3
1005.90	Corn (maize), other than seed corn	1,788	2,282	2,336	2.4
8471.70	Automatic data processing storage units, n.e.s.o.i.	2,307	2,254	2,306	2.3
2711.21	Natural gas, gaseous	2,164	2,875	2,178	-24.2
8542.39	Electronic integrated circuits, n.e.s.o.i.	2,027	2,004	1,828	-8.8
8536.90	Electrical apparatus for switching, protecting or making connections to or in electrical circuits, for a voltage not exceeding 1,000 v, n.e.s.o.i.	1,600	1,804	1,809	0.3
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	1,779	1,921	1,629	-15.2
8528.71	Reception apparatus for television, not designed to incorporate a video display or screen	746	916	1,588	73.4
8409.91	Parts for use with spark-ignition internal combustion piston engines (including rotary engines), n.e.s.o.i.	1,380	1,516	1,569	3.5
7326.90	Articles of iron or steel, n.e.s.o.i.	1,435	1,559	1,507	-3.3
8544.49	Insulated electric conductors, for a voltage not exceeding 80 v, not fitted with connectors	1,429	1,492	1,477	-1.0
1201.90	Soybeans, other than seed	1,534	1,825	1,426	-21.9
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	1,840	1,597	1,359	-14.9
	Total of items shown	73,872	78,555	76,539	-2.6
	All other products	152,198	161,693	159,839	-1.1
	Total of all commodities	226,070	240,249	236,377	-1.6

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included.

## Appendix A: Data Tables

**Table A.42** Leading U.S. general imports from Mexico, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
					2014–15
		Million \$			
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	15,332	14,852	16,387	10.3
8471.50	Digital processing units other than those of 8471.41 and 8471.49, n.e.s.o.i.	11,196	10,480	13,389	27.8
8704.31	Motor vehicles for goods transport n.e.s.o.i., with spark-ignition internal combustion piston engine, gvw not over 5 metric tons	9,898	11,903	12,816	7.7
2709.00	Petroleum oils and oils from bituminous minerals, crude	31,940	27,740	12,487	-55.0
8528.72	Reception apparatus for television, color, n.e.s.o.i.	10,757	10,792	11,052	2.4
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	6,547	7,272	10,164	39.8
8701.20	Road tractors for semi-trailers	5,010	6,810	7,997	17.4
8544.30	Insulated ignition wiring sets and other wiring sets for vehicles, aircraft and ships	5,686	6,522	7,074	8.5
9401.90	Parts of seats (except parts of medical, dentists, barbers and similar seats), n.e.s.o.i.	5,179	5,782	6,385	10.4
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	3,871	4,239	4,613	8.8
8537.10	Boards, panels, consoles, etc. with electrical apparatus, for electric control or distribution of electricity, for a voltage not exceeding 1,000 v	3,462	3,668	3,817	4.0
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	3,256	3,689	3,770	2.2
8704.22	Motor vehicles for goods transport n.e.s.o.i., with compression-ignition internal combustion piston engine (diesel), gvw over 5 but not over 20 metric tons	3,293	4,019	3,394	-15.5
9018.90	Instruments and appliances for medical, surgical or veterinary sciences, n.e.s.o.i., and parts and accessories thereof	2,784	3,038	3,157	3.9
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	2,761	2,759	3,075	11.4
8708.40	Gearboxes for motor vehicles	2,278	2,435	2,974	22.1
8418.10	Combined refrigerator-freezers fitted with separate external doors	2,441	2,517	2,793	11.0
2203.00	Beer made from malt	1,925	2,450	2,720	11.0
8407.34	Spark-ignition reciprocating piston engines for propulsion of vehicles except railway or tramway stock, over 1,000 cc cylinder capacity	2,752	2,785	2,702	-3.0
7108.12	Gold, nonmonetary, unwrought n.e.s.o.i. (other than powder)	3,668	2,778	2,673	-3.8
8409.91	Parts for use with spark-ignition internal combustion piston engines (including rotary engines), n.e.s.o.i.	2,103	2,246	2,426	8.0
8708.95	Safety airbags with inflator system; parts thereof	1,787	1,971	2,311	17.3
8703.22	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,000 cc but not over 1,500 cc	809	2,089	2,264	8.4
8704.21	Motor vehicles for goods transport n.e.s.o.i., with compression-ignition internal combustion piston engine (diesel), gvw not over 5 metric tons	1,691	2,092	2,243	7.2
8708.94	Steering wheels, steering columns and steering boxes for motor vehicles	1,473	1,719	1,948	13.3
	Total of items shown	141,900	146,647	144,634	-1.4
	All other products	138,655	147,427	150,107	1.8
	Total of all commodities	280,555	294,074	294,741	0.2

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included; gvw = gross vehicle weight.

**Table A.43** U.S. total exports to Japan, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
Million \$					
1	Agricultural products	13,395	14,359	12,440	-13.4
2	Forest products	2,251	2,189	2,000	-8.6
3	Chemicals and related products	11,205	11,731	11,201	-4.5
4	Energy-related products	3,309	2,955	2,024	-31.5
5	Textiles and apparel	722	660	569	-13.7
6	Footwear	84	77	75	-2.8
7	Minerals and metals	3,667	3,861	3,590	-7.0
8	Machinery	3,877	4,342	4,794	10.4
9	Transportation equipment	10,517	10,410	10,403	-0.1
10	Electronic products	13,315	13,076	12,382	-5.3
11	Miscellaneous manufactures	1,864	1,945	1,839	-5.5
12	Special provisions	1,011	1,223	1,155	-5.6
Total		65,216	66,827	62,472	-6.5

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

**Table A.44** U.S. general imports from Japan, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
Million \$					
1	Agricultural products	763	781	823	5.3
2	Forest products	468	453	460	1.6
3	Chemicals and related products	12,659	12,641	11,723	-7.3
4	Energy-related products	779	572	660	15.4
5	Textiles and apparel	712	744	769	3.4
6	Footwear	3	2	5	174.3
7	Minerals and metals	7,431	7,392	6,753	-8.6
8	Machinery	18,911	18,805	17,368	-7.6
9	Transportation equipment	67,916	65,174	66,124	1.5
10	Electronic products	24,214	22,875	21,663	-5.3
11	Miscellaneous manufactures	1,223	1,148	1,262	10.0
12	Special provisions	3,495	3,418	3,510	2.7
Total		138,574	134,004	131,120	-2.2

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

## Appendix A: Data Tables

**Table A.45** Leading U.S. total exports to Japan, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
					2014–15
		Million \$			
8800.00	Civilian aircraft, engines, and parts	6,164	6,503	6,382	-1.9
1005.90	Corn (maize), other than seed corn	1,849	2,695	2,051	-23.9
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	1,903	2,243	2,014	-10.2
8486.20	Machines and apparatus for the manufacture of semiconductor devices or of electronic integrated circuits	696	779	1,203	54.6
9018.90	Instruments and appliances for medical, surgical or veterinary sciences, n.e.s.o.i., and parts and accessories thereof	1,330	1,205	1,169	-3.0
1201.90	Soybeans, other than seed	1,004	991	1,049	5.9
0203.19	Meat of swine, n.e.s.o.i., fresh or chilled	1,075	1,000	924	-7.6
3002.10	Antisera, other blood fractions and immunological products	441	514	789	53.6
1001.99	Wheat and meslin, not durum wheat, other than seed	1,027	915	747	-18.3
2909.19	Acyclic ethers (excluding diethyl ether) and their halogenated, sulfonated, nitrated or nitrosated derivatives	668	855	720	-15.7
9018.39	Medical etc. needles n.e.s.o.i., catheters, cannulae and the like; parts and accessories thereof	805	738	681	-7.7
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	740	746	677	-9.3
7113.19	Jewelry and parts thereof, of precious metal other than silver	510	615	605	-1.7
0201.30	Meat of bovine animals, boneless, fresh or chilled	708	753	598	-20.6
8536.69	Electrical plugs and sockets for a voltage not exceeding 1,000 v	65	311	597	92.2
2711.12	Propane, liquefied	544	906	567	-37.5
2804.61	Silicon, containing by weight not less than 99.99% of silicon	643	747	557	-25.4
0203.29	Meat of swine, n.e.s.o.i., frozen	723	726	542	-25.4
9021.39	Artificial joints and parts and accessories thereof, n.e.s.o.i.	692	531	536	0.8
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	657	602	529	-12.0
1214.90	Forage products, n.e.s.o.i., including rutabagas (swedes), mangolds, fodder roots, hay, clover, forage kale, vetches, etc., whether or not in pellet form	579	502	476	-5.2
3822.00	Composite diagnostic or laboratory reagents, other than pharmaceutical preparations of heading 3002 or 3006	465	450	397	-11.8
0202.30	Meat of bovine animals, boneless, frozen	456	556	395	-28.9
4403.20	Coniferous wood in the rough, whether or not stripped of bark or sapwood or roughly squared, not treated	455	424	361	-14.8
8486.90	Machines and apparatus of a kind used for the manufacture of semiconductor boules or wafers, etc., parts and accessories	303	298	349	17.4
	Total of items shown	24,501	26,604	24,916	-6.3
	All other products	40,715	40,224	37,556	-6.6
	Total of all commodities	65,216	66,827	62,472	-6.5

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included.

**Table A.46** Leading U.S. general imports from Japan, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
					2014–15
		Million \$			
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	22,097	20,474	22,456	9.7
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	13,054	12,145	11,912	-1.9
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	3,810	4,847	4,755	-1.9
8443.99	Parts and accessories of printers, copying machines and facsimile machines, n.e.s.o.i.	3,164	2,987	2,878	-3.6
8708.40	Gear boxes for motor vehicles	3,366	3,088	2,294	-25.7
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	2,314	2,192	2,169	-1.1
8429.52	Mechanical shovels, excavators and shovel loaders with 360 degree revolving superstructure, self-propelled	1,871	2,055	2,032	-1.1
8411.91	Parts of turbojets or turbo propellers	1,666	1,870	1,913	2.3
8703.22	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,000 cc but not over 1,500 cc	2,523	1,186	1,375	15.9
8409.91	Parts for use with spark-ignition internal combustion piston engines (including rotary engines), n.e.s.o.i.	1,249	1,329	1,225	-7.8
8525.80	Television cameras, digital cameras and video camera recorders	1,449	1,066	1,033	-3.1
9018.19	Electro-diagnostic apparatus (and apparatus for functional exploratory examination or for checking physiological parameters) n.e.s.o.i., and parts, etc.	781	878	946	7.8
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	397	408	924	126.2
9102.11	Wristwatches, battery powered, with cases of materials (except of or clad with precious metal) n.e.s.o.i., with mechanical display only	1,023	982	921	-6.2
8486.20	Machines and apparatus for the manufacture of semiconductor devices or of electronic integrates circuits	1,604	1,517	894	-41.1
8701.90	Tractors, n.e.s.o.i.	783	774	866	11.9
8408.90	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines), n.e.s.o.i.	811	953	862	-9.5
8486.90	Machines and apparatus of a kind used for the manufacture of semiconductor boules or wafers, etc., parts and accessories	957	901	836	-7.2
8481.80	Taps, cocks, valves and similar appliances for pipes, vats or the like, including thermostatically controlled valves, n.e.s.o.i.	751	803	771	-4.0
8407.21	Outboard engines for marine propulsion	593	701	707	0.8
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	676	733	682	-6.9
8541.40	Photosensitive semiconductor devices, including photovoltaic cells; light-emitting diodes	545	596	665	11.5
8504.40	Electrical static converters; power supplies for adp machines or units of 8471	653	692	655	-5.4
8457.10	Machining centers for working metal	715	786	644	-18.1
3818.00	Chemical elements doped for use in electronics, in the form of discs, wafers or similar forms; chemical compounds doped for use in electronics	603	615	625	1.7
	Total of items shown	67,456	64,577	65,038	0.7
	All other products	71,119	69,426	66,082	-4.8
	Total of all commodities	138,574	134,004	131,120	-2.2

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included; adp = automatic data processing.

## Appendix A: Data Tables

**Table A.47** U.S. total exports to South Korea, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
Million \$					
1	Agricultural products	5,836	7,511	6,755	-10.1
2	Forest products	866	890	829	-6.8
3	Chemicals and related products	7,158	7,409	6,902	-6.8
4	Energy-related products	1,607	1,993	1,378	-30.8
5	Textiles and apparel	409	391	381	-2.7
6	Footwear	94	88	74	-16.5
7	Minerals and metals	4,081	3,700	3,214	-13.1
8	Machinery	5,944	6,822	6,234	-8.6
9	Transportation equipment	6,379	6,152	7,844	27.5
10	Electronic products	7,974	8,021	8,407	4.8
11	Miscellaneous manufactures	768	810	824	1.7
12	Special provisions	569	684	656	-4.1
Total		41,687	44,471	43,499	-2.2

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

**Table A.48** U.S. general imports from South Korea, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
Million \$					
1	Agricultural products	638	671	736	9.8
2	Forest products	540	616	578	-6.1
3	Chemicals and related products	5,030	5,855	6,234	6.5
4	Energy-related products	3,035	3,067	2,928	-4.5
5	Textiles and apparel	1,313	1,331	1,327	-0.3
6	Footwear	23	18	22	20.4
7	Minerals and metals	5,550	7,712	6,907	-10.4
8	Machinery	6,635	7,104	7,720	8.7
9	Transportation equipment	20,868	23,956	27,021	12.8
10	Electronic products	16,701	17,371	16,166	-6.9
11	Miscellaneous manufactures	828	820	896	9.2
12	Special provisions	1,274	997	1,292	29.7
Total		62,433	69,518	71,827	3.3

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

**Table A.49** Leading U.S. total exports to South Korea, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
					2014–15
		Million \$			
8800.00	Civilian aircraft, engines, and parts	2,613	2,001	3,947	97.3
8542.31	Processors and controllers, electronic integrated circuits	2,456	2,579	2,750	6.7
8486.20	Machines and apparatus for the manufacture of semiconductor devices or of electronic integrated circuits	1,321	2,181	1,932	-11.4
1005.90	Corn (maize), other than seed corn	243	1,056	657	-37.8
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	341	401	602	50.0
8486.90	Machines and apparatus of a kind used for the manufacture of semiconductor boules or wafers, etc., parts and accessories	444	460	578	25.8
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	688	700	485	-30.6
0203.29	Meat of swine, n.e.s.o.i., frozen	188	346	388	12.3
8431.43	Parts for boring or sinking machinery, n.e.s.o.i.	461	477	346	-27.4
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	468	417	342	-17.9
0202.30	Meat of bovine animals, boneless, frozen	215	335	325	-3.0
8542.39	Electronic integrated circuits, n.e.s.o.i.	393	346	313	-9.3
1001.99	Wheat and meslin, not durum wheat, other than seed	340	416	303	-27.2
8411.91	Parts of turbojets or turbo propellers	223	223	299	34.5
2106.90	Food preparations n.e.s.o.i.	247	255	290	13.8
0202.20	Meat of bovine animals, cuts with bone in (other than half or whole carcasses), frozen	265	365	290	-20.4
7602.00	Aluminum waste and scrap	239	258	266	3.3
1214.90	Forage products, n.e.s.o.i., including rutabagas (swedes), mangolds, fodder roots, hay, clover, forage kale, vetches etc., whether or not in pellet form	244	234	266	13.8
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	274	248	259	4.6
2926.10	Acrylonitrile	327	359	249	-30.6
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	162	175	247	41.0
2701.12	Bituminous coal, whether or not pulverized, but not agglomerated	511	376	238	-36.8
4101.50	Whole hides and skins, of a weight exceeding 16 kg, or bovine/equine animals, whether or not de-haired or split	294	271	237	-12.4
5201.00	Cotton, not carded or combed	177	208	237	13.9
8481.80	Taps, cocks, valves and similar appliances for pipes, vats or the like, including thermostatically controlled valves, n.e.s.o.i.	209	270	233	-13.5
	Total of items shown	13,345	14,953	16,082	7.6
	All other products	28,342	29,518	27,417	-7.1
	Total of all commodities	41,687	44,471	43,499	-2.2

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included.

## Appendix A: Data Tables

**Table A.50** Leading U.S. general imports from South Korea, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
					2014–15
		Million \$			
8703.23	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,500 cc but not over 3,000 cc	8,578	10,159	11,552	13.7
8517.12	Telephones for cellular networks or for other wireless networks	6,087	6,523	6,395	-2.0
8703.24	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 3,000 cc	2,268	2,794	3,517	25.8
2710.19	Petroleum oils, oils from bituminous minerals (other than crude) and products containing by weight 70 percent or more of petroleum oils, not biodiesel or waste	2,495	2,782	2,611	-6.1
8703.22	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over 1,000 cc but not over 1,500 cc	1,257	1,527	2,077	36.0
8473.30	Parts and accessories for automatic data processing machines and units thereof, magnetic or optical readers, transcribing machines, etc., n.e.s.o.i.	1,523	1,815	1,846	1.7
8542.39	Electronic integrated circuits, n.e.s.o.i.	1,692	1,518	1,305	-14.0
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	1,049	1,273	1,296	1.8
4011.10	New pneumatic tires, of rubber, of a kind used on motor cars (including station wagons and racing cars)	1,010	939	1,109	18.2
8418.10	Combined refrigerator-freezers fitted with separate external doors	1,027	993	1,031	3.9
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	834	878	900	2.4
8523.51	Solid-state non-volatile semiconductor storage devices	417	630	692	9.9
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	486	591	659	11.4
8541.40	Photosensitive semiconductor devices, including photovoltaic cells; light-emitting diodes	211	304	641	110.6
2902.20	Benzene	357	816	616	-24.5
8708.40	Gear boxes for motor vehicles	614	402	503	25.2
7306.29	Casing or tubing for oil or gas drilling, of iron or steel, n.e.s.o.i.	785	1,265	502	-60.3
8429.52	Mechanical shovels, excavators and shovel loaders with 360 degree revolving superstructure, self-propelled	456	488	502	2.9
8451.29	Drying machines (except centrifugal type) for textile yarns, fabrics or made up textile articles, with a dry linen capacity exceeding 10 kg	597	441	466	5.6
8708.94	Steering wheels, steering columns and steering boxes for motor vehicles	411	451	459	1.8
8409.91	Parts for use with spark-ignition internal combustion piston engines (including rotary engines), n.e.s.o.i.	364	395	402	1.8
8542.31	Processors and controllers, electronic integrated circuits	419	396	372	-6.2
8701.90	Tractors, n.e.s.o.i.	198	284	363	27.6
7306.19	Line pipe for oil or gas pipelines, of iron or steel, n.e.s.o.i.	428	437	351	-19.7
8708.50	Drive axles with differential for motor vehicles	182	239	300	25.5
	Total of items shown	33,747	38,343	40,467	5.5
	All other products	28,686	31,176	31,361	0.6
	Total of all commodities	62,433	69,518	71,827	3.3

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included.

**Table A.51** U.S. total exports to Taiwan, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
Million \$					
1	Agricultural products	3,208	3,621	3,296	-9.0
2	Forest products	543	511	426	-16.8
3	Chemicals and related products	4,309	4,368	3,650	-16.4
4	Energy-related products	1,223	990	255	-74.3
5	Textiles and apparel	113	118	103	-13.2
6	Footwear	9	10	10	-3.8
7	Minerals and metals	2,182	1,973	1,381	-30.0
8	Machinery	4,895	4,535	5,103	12.5
9	Transportation equipment	2,339	3,506	3,502	-0.1
10	Electronic products	5,368	5,688	5,962	4.8
11	Miscellaneous manufactures	880	849	1,820	114.4
12	Special provisions	401	499	422	-15.4
Total		25,470	26,670	25,929	-2.8

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

**Table A.52** U.S. general imports from Taiwan, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
Million \$					
1	Agricultural products	474	500	517	3.4
2	Forest products	215	216	240	11.6
3	Chemicals and related products	3,225	3,570	3,681	3.1
4	Energy-related products	26	55	237	335.7
5	Textiles and apparel	1,140	1,186	1,188	0.2
6	Footwear	50	51	87	70.2
7	Minerals and metals	5,114	5,738	5,798	1.0
8	Machinery	4,006	4,370	4,421	1.2
9	Transportation equipment	3,176	3,364	3,584	6.5
10	Electronic products	16,378	17,327	16,310	-5.9
11	Miscellaneous manufactures	2,819	2,907	3,250	11.8
12	Special provisions	1,315	1,299	1,395	7.4
Total		37,939	40,581	40,708	0.3

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

## Appendix A: Data Tables

**Table A.53** Leading U.S. total exports to Taiwan, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
					2014–15
		Million \$			
8800.00	Civilian aircraft, engines, and parts	929	1,922	2,553	32.8
8486.20	Machines and apparatus for the manufacture of semiconductor devices or of electronic integrated circuits	2,355	2,131	2,503	17.5
9306.90	Bombs, grenades, torpedoes, mines, missiles and similar munitions of war and parts thereof; other ammunition and projectiles and parts thereof, n.e.s.o.i.	564	528	1,519	187.7
8542.32	Memories, electronic integrated circuits	994	1,247	1,251	0.3
8542.31	Processors and controllers, electronic integrated circuits	511	599	843	40.7
8486.90	Machines and apparatus of a kind used for the manufacture of semiconductor boules or wafers, etc., parts and accessories	538	542	611	12.7
8542.39	Electronic integrated circuits, n.e.s.o.i.	692	710	594	-16.3
1201.90	Soybeans, other than seed	576	725	581	-19.8
7204.49	Ferrous waste and scrap, n.e.s.o.i.	965	803	403	-49.9
1005.90	Corn (maize), other than seed corn	181	395	350	-11.3
1001.99	Wheat and meslin, not durum wheat, other than seed	371	348	284	-18.4
8541.40	Photosensitive semiconductor devices, including photovoltaic cells; light-emitting diodes	40	28	270	878.0
9031.41	Optical instruments for inspecting semiconductor wafers or devices or for inspecting photomasks or reticles used in manufacturing semiconductor devices	274	284	257	-9.4
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	405	270	250	-7.3
8475.90	Parts of machines for assembling electric or electronic lamps, tubes etc. in glass envelopes and for manufacturing or hot working glass or glassware	122	116	214	83.9
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	398	493	169	-65.7
0201.30	Meat of bovine animals, boneless, fresh or chilled	117	132	165	25.4
8803.90	Parts of balloons, dirigibles, gliders, other aircraft, spacecraft (including satellites), and spacecraft launch vehicles, n.e.s.o.i.	74	95	164	73.2
9030.82	Instruments and apparatus with a recording device designed to check or measure semiconductor wafers and devices (such as probe testers, resistivity checkers, logic analyzers)	98	110	160	45.7
9030.90	Parts and accessories of instruments and apparatus for measuring, checking or detecting electrical quantities, or ionizing radiations, n.e.s.o.i.	133	164	156	-4.7
0207.14	Chicken cuts and edible offal (including livers) frozen	156	137	156	13.5
2106.90	Food preparations n.e.s.o.i.	153	148	156	5.2
2804.61	Silicon, containing by weight not less than 99.99% of silicon	151	178	150	-15.7
8473.30	Parts and accessories for automatic data processing machines and units thereof, magnetic or optical readers, transcribing machines, etc., n.e.s.o.i.	162	181	148	-18.5
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	217	214	146	-31.7
	Total of items shown	11,176	12,500	14,053	12.4
	All other products	14,294	14,170	11,876	-16.1
	Total of all commodities	25,470	26,670	25,929	-2.8

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included.

**Table A.54** Leading U.S. general imports from Taiwan, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
					2014–15
		Million \$			
8542.39	Electronic integrated circuits, n.e.s.o.i.	1,185	1,381	1,387	0.4
8542.32	Memories, electronic integrated circuits	1,392	1,515	1,221	-19.4
8473.30	Parts and accessories for automatic data processing machines and units thereof, magnetic or optical readers, transcribing machines, etc., n.e.s.o.i.	1,396	1,421	1,195	-15.9
8517.12	Telephones for cellular networks or for other wireless networks	2,011	1,626	1,143	-29.7
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	623	998	1,112	11.4
8542.31	Processors and controllers, electronic integrated circuits	871	993	1,002	1.0
8523.51	Solid-state non-volatile semiconductor storage devices	553	691	983	42.4
8525.60	Transmission apparatus incorporating reception apparatus, for radio-broadcasting or television	35	60	692	1046.5
8526.91	Radio navigational aid apparatus	808	812	652	-19.7
8512.20	Electrical lighting or visual signaling equipment, for use on cycles or motor vehicles, except for use on bicycles	491	557	613	10.0
8525.80	Television cameras, digital cameras and video camera recorders	612	480	562	17.2
7318.14	Self-tapping screws, threaded, of iron or steel	428	479	542	13.1
8712.00	Bicycles and other cycles (including delivery tricycles), not motorized	432	401	535	33.4
7318.15	Threaded screws and bolts n.e.s.o.i., with or without their nuts or washers, of iron or steel	493	511	527	3.2
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	463	457	462	1.0
8541.40	Photosensitive semiconductor devices, including photovoltaic cells; light-emitting diodes	645	819	418	-49.0
7318.16	Nuts, threaded, of iron or steel	325	359	372	3.6
8534.00	Printed circuits	371	372	371	-0.2
9506.91	Articles and equipment for general physical exercise, gymnastics or athletics, n.e.s.o.i.; parts and accessories thereof	301	318	366	14.9
8481.80	Taps, cocks, valves and similar appliances for pipes, vats or the like, including thermostatically controlled valves, n.e.s.o.i.	319	366	361	-1.3
8471.30	Portable digital automatic data processing machines, weight not more than 10 kg, consisting of at least a central processing unit, keyboard and a display	366	445	333	-25.2
8504.40	Electrical static converters; power supplies for adp machines or units of 8471	319	298	315	5.9
4011.10	New pneumatic tires, of rubber, of a kind used on motor cars (including station wagons and racing cars)	241	237	303	27.9
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	271	283	296	4.7
9403.20	Metal furniture, n.e.s.o.i.	216	277	293	5.8
	Total of items shown	15,167	16,156	16,056	-0.6
	All other products	22,772	24,425	24,652	0.9
	Total of all commodities	37,939	40,581	40,708	0.3

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included; adp = automatic data processing.

## Appendix A: Data Tables

**Table A.55** U.S. total exports to India, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
Million \$					
1	Agricultural products	920	1,128	1,292	14.6
2	Forest products	762	903	714	-20.9
3	Chemicals and related products	3,286	3,142	3,318	5.6
4	Energy-related products	1,308	1,317	1,218	-7.5
5	Textiles and apparel	171	178	182	2.6
6	Footwear	3	3	3	-2.5
7	Minerals and metals	6,533	6,215	7,591	22.1
8	Machinery	1,558	1,533	1,493	-2.6
9	Transportation equipment	3,863	3,735	2,151	-42.4
10	Electronic products	2,668	2,732	2,771	1.5
11	Miscellaneous manufactures	420	398	414	4.1
12	Special provisions	320	326	382	17.2
Total		21,811	21,608	21,530	-0.4

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

**Table A.56** U.S. general imports from India, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
Million \$					
1	Agricultural products	4,419	4,444	3,855	-13.3
2	Forest products	179	205	222	8.2
3	Chemicals and related products	8,293	8,875	9,745	9.8
4	Energy-related products	3,946	4,622	2,672	-42.2
5	Textiles and apparel	6,902	7,384	7,953	7.7
6	Footwear	297	349	468	34.0
7	Minerals and metals	10,343	11,072	10,852	-2.0
8	Machinery	1,827	2,191	2,416	10.2
9	Transportation equipment	1,448	1,891	2,021	6.8
10	Electronic products	1,194	1,219	1,159	-4.9
11	Miscellaneous manufactures	2,446	2,566	2,826	10.1
12	Special provisions	514	424	553	30.3
Total		41,809	45,244	44,741	-1.1

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

**Table A.57** Leading U.S. total exports to India, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
					2014–15
		Million \$			
7102.39	Diamonds, nonindustrial, worked, including polished or drilled	3,858	3,724	3,745	0.6
7108.12	Gold, nonmonetary, unwrought n.e.s.o.i. (other than powder)	1,515	1,189	2,274	91.3
8800.00	Civilian aircraft, engines, and parts	1,591	1,424	772	-45.8
2701.12	Bituminous coal, whether or not pulverized, but not agglomerated	400	411	458	11.3
0802.11	Almonds, fresh or dried, in shell	324	404	446	10.3
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	309	376	371	-1.3
8802.40	Airplanes and other aircraft n.e.s.o.i., of an unladen weight exceeding 15,000 kg	1,152	1,357	352	-74.1
3105.30	Diammonium hydrogenorthophosphate (diammonium phosphate)	315	278	287	3.2
2713.11	Petroleum coke, not calcined	231	314	274	-12.8
7204.49	Ferrous waste and scrap, n.e.s.o.i.	142	179	264	47.0
2707.99	Oils and products of the distillation of high temperature coal tar, n.e.s.o.i.; similar products which have a predominate (wt.) aromatic constituent, n.e.s.o.i.	402	340	252	-25.9
7113.19	Jewelry and parts thereof, of precious metal other than silver	248	237	250	5.7
3815.19	Supported catalysts, n.e.s.o.i.	41	62	200	219.9
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	80	100	193	93.8
7106.91	Silver, unwrought n.e.s.o.i. (other than powder)	43	12	158	1257.2
9030.40	Instruments and apparatus n.e.s.o.i., specially designed for telecommunications (for example, cross-talk meters, gain measuring instruments etc.)	100	114	145	27.4
8805.10	Aircraft launching gear and parts thereof; deck-arrestors or similar gear and parts thereof	104	127	142	12.6
8409.99	Parts for use with compression-ignition internal combustion piston engines, n.e.s.o.i.	104	99	140	41.8
4707.10	Waste and scrap of unbleached kraft paper or paperboard or of corrugated paper or paperboard	150	159	135	-15.3
9018.90	Instruments and appliances for medical, surgical or veterinary sciences, n.e.s.o.i., and parts and accessories thereof	142	130	134	3.3
2710.19	Petroleum oils, oils from bituminous minerals (other than crude) and products containing by weight 70 percent or more of petroleum oils, not biodiesel or waste	191	161	128	-20.4
8481.80	Taps, cocks, valves and similar appliances for pipes, vats or the like, including thermostatically controlled valves, n.e.s.o.i.	72	66	119	81.7
5201.00	Cotton, not carded or combed	90	89	115	29.4
2809.20	Phosphoric acid and polyphosphoric acids	190	143	109	-23.5
0808.10	Apples, fresh	70	68	102	50.4
	Total of items shown	11,864	11,563	11,567	0.0
	All other products	9,947	10,044	9,963	-0.8
	Total of all commodities	21,811	21,608	21,530	-0.4

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included.

## Appendix A: Data Tables

**Table A.58** Leading U.S. general imports from India, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
					2014–15
		Million \$			
7102.39	Diamonds, nonindustrial, worked, including polished or drilled	7,401	7,590	7,370	-2.9
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	3,669	3,895	4,942	26.9
2710.12	Light oils and preparations containing by weight 70 percent or more of petroleum oils from bituminous minerals, not containing biodiesel, not waste oils	2,825	2,697	1,646	-39.0
7113.19	Jewelry and parts thereof, of precious metal other than silver	1,159	1,195	1,309	9.5
0306.17	Shrimps and prawns, frozen, other than coldwater	936	1,272	1,193	-6.2
2710.19	Petroleum oils, oils from bituminous minerals (other than crude) and products containing by weight 70 percent or more of petroleum oils, not biodiesel or waste	1,102	1,895	994	-47.5
6302.31	Bed linen (other than printed) of cotton, not knitted or crocheted	850	796	792	-0.5
6302.60	Toilet and kitchen linen of cotton terry toweling or similar cotton terry fabrics	585	629	694	10.3
1302.32	Mucilages and thickeners, whether or not modified, derived from locust beans, locust bean seeds or guar seeds	1,615	1,190	583	-51.0
3004.20	Medicaments, in measured doses, etc., containing antibiotics, n.e.s.o.i.	424	442	485	9.6
6110.20	Sweaters, pullovers, sweatshirts, vests and similar articles of cotton, knitted or crocheted	399	403	414	2.5
7113.11	Jewelry and parts thereof, of silver	358	351	344	-2.0
8701.90	Tractors, n.e.s.o.i.	192	210	325	55.0
6206.30	Women's or girls' blouses, shirts and shirt-blouses of cotton, not knitted or crocheted	247	259	285	10.0
6403.99	Footwear, with outer soles of rubber, plastics or composition leather and uppers of leather n.e.s.o.i., not covering the ankle	150	188	243	29.3
6205.20	Men's or boys' shirts of cotton, not knitted or crocheted	224	218	239	9.5
6109.10	T-shirts, singlets, tank tops and similar garments of cotton, knitted or crocheted	173	188	229	21.8
8708.30	Brakes and servo-brakes; parts thereof	159	227	219	-3.4
0801.32	Cashew nuts, fresh or dried, shelled	265	214	218	1.8
6206.40	Women's or girls' blouses, shirts and shirt-blouses of manmade fibers, not knitted or crocheted	149	166	210	26.5
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	160	183	207	13.4
8409.99	Parts for use with compression-ignition internal combustion piston engines, n.e.s.o.i.	154	180	200	11.3
7210.49	Flat-rolled iron or non-alloy steel products, not corrugated, 600 mm or more wide, plated or coated with zinc other than electrolytically	218	328	187	-43.1
6802.93	Worked monumental or building stone n.e.s.o.i., of granite	166	180	187	3.9
6105.10	Men's or boys' shirts of cotton, knitted or crocheted	172	178	186	4.5
	Total of items shown	23,750	25,074	23,700	-5.5
	All other products	18,058	20,170	21,041	4.3
	Total of all commodities	41,809	45,244	44,741	-1.1

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included.

**Table A.59** U.S. total exports to Brazil, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
Million \$					
1	Agricultural products	1,958	1,640	877	-46.5
2	Forest products	417	403	360	-10.8
3	Chemicals and related products	10,332	10,338	8,559	-17.2
4	Energy-related products	6,784	7,579	3,951	-47.9
5	Textiles and apparel	274	302	247	-18.1
6	Footwear	2	5	2	-64.5
7	Minerals and metals	1,470	1,250	875	-30.0
8	Machinery	4,354	3,955	2,869	-27.5
9	Transportation equipment	9,399	8,533	7,485	-12.3
10	Electronic products	8,013	7,256	5,557	-23.4
11	Miscellaneous manufactures	317	389	268	-31.0
12	Special provisions	774	779	615	-21.0
Total		44,093	42,429	31,666	-25.4

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

**Table A.60** U.S. general imports from Brazil, by USITC digest sector, 2013–15

Sector	Description	2013	2014	2015	% change
					2014–15
Million \$					
1	Agricultural products	4,646	4,406	3,981	-9.7
2	Forest products	2,161	2,166	2,207	1.9
3	Chemicals and related products	2,274	2,339	2,043	-12.7
4	Energy-related products	5,761	6,367	4,539	-28.7
5	Textiles and apparel	117	131	142	8.0
6	Footwear	199	208	202	-2.5
7	Minerals and metals	5,232	6,235	5,273	-15.4
8	Machinery	1,067	997	782	-21.6
9	Transportation equipment	3,367	4,251	4,782	12.5
10	Electronic products	262	275	319	15.9
11	Miscellaneous manufactures	461	384	482	25.4
12	Special provisions	2,084	2,778	2,654	-4.4
Total		27,631	30,537	27,405	-10.3

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

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

## Appendix A: Data Tables

**Table A.61** Leading U.S. total exports to Brazil, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
		Million \$			2014–15
8800.00	Civilian aircraft, engines, and parts	5,205	4,731	4,581	-3.2
2710.19	Petroleum oils, oils from bituminous minerals (other than crude) and products containing by weight 70 percent or more of petroleum oils, not biodiesel or waste	3,777	4,298	1,961	-54.4
3004.90	Medicaments, in measured doses, etc. (excluding vaccines, etc., coated bandages etc. and pharmaceutical goods), n.e.s.o.i.	752	845	634	-24.9
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	852	832	602	-27.7
2710.12	Light oils and preparations containing by weight 70 percent or more of petroleum oils from bituminous minerals, not containing biodiesel, not waste oils	807	974	595	-38.9
8542.31	Processors and controllers, electronic integrated circuits	1,202	769	554	-28.1
2701.12	Bituminous coal, whether or not pulverized, but not agglomerated	981	790	549	-30.5
2711.12	Propane, liquefied	676	929	403	-56.6
3808.91	Insecticides, excluding those specified in subheading note 1 to chapter 38	482	534	357	-33.2
9018.90	Instruments and appliances for medical, surgical or veterinary sciences, n.e.s.o.i., and parts and accessories thereof	335	324	323	-0.3
3105.40	Ammonium dihydrogen orthophosphate (monoammonium phosphate) and mixtures thereof with diammonium hydrogen orthophosphate (diammonium phosphate)	193	281	303	7.8
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	232	242	300	23.9
3901.90	Polymers of ethylene n.e.s.o.i., in primary forms	243	247	270	9.5
2815.12	Sodium hydroxide (caustic soda), in aqueous solution (soda lye or liquid soda)	305	276	257	-7.1
2207.10	Ethyl alcohol, un-denatured, of an alcoholic strength by volume of 80% vol. or higher	113	263	245	-6.9
8481.80	Taps, cocks, valves and similar appliances for pipes, vats or the like, including thermostatically controlled valves, n.e.s.o.i.	179	196	215	10.0
2836.20	Disodium carbonate	156	169	214	26.2
8431.43	Parts for boring or sinking machinery, n.e.s.o.i.	280	246	211	-14.2
2931.90	Organo-inorganic compounds, n.e.s.o.i.	152	219	204	-6.8
8471.70	Automatic data processing storage units, n.e.s.o.i.	343	300	202	-32.8
9018.39	Medical etc. needles n.e.s.o.i., catheters, cannulae and the like; parts and accessories thereof	199	217	196	-9.7
3105.59	Mineral or chemical fertilizers containing the two fertilizing elements nitrogen and phosphorus, n.e.s.o.i.	207	181	188	3.9
8473.30	Parts and accessories for automatic data processing machines and units thereof, magnetic or optical readers, transcribing machines, etc., n.e.s.o.i.	319	265	187	-29.6
3822.00	Composite diagnostic or laboratory reagents, other than pharmaceutical preparations of heading 3002 or 3006	176	183	183	0.2
3808.93	Herbicides, antisprouting products and plant-growth regulators, excluding those specified in subheading note 1 to chapter 38	200	236	173	-26.3
	Total of items shown	18,365	18,546	13,907	-25.0
	All other products	25,728	23,883	17,759	-25.6
	Total of all commodities	44,093	42,429	31,666	-25.4

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included.

**Table A.62** Leading U.S. general imports from Brazil, by HTS 6-digit subheading, 2013–15

HTS 6	Description	2013	2014	2015	% change
					2014–15
		Million \$			
2709.00	Petroleum oils and oils from bituminous minerals, crude	4,163	5,152	3,698	-28.2
8802.40	Airplanes and other aircraft n.e.s.o.i., of an unladen weight exceeding 15,000 kg	1,135	1,756	2,348	33.7
0901.11	Coffee, not roasted, not decaffeinated	1,007	1,265	1,267	0.2
7207.12	Semi-finished products of iron or non-alloy steel, under 0.25% (wt.) carbon, rectangular cross section, width not less than twice the thickness	1,487	1,553	1,089	-29.9
4703.29	Chemical wood pulp, soda or sulfate, other than dissolving grades, semi-bleached or bleached, non-coniferous	1,032	932	976	4.7
6802.93	Worked monumental or building stone n.e.s.o.i., of granite	606	639	629	-1.7
2710.19	Petroleum oils, oils from bituminous minerals (other than crude) and products containing by weight 70 percent or more of petroleum oils, not biodiesel or waste	1,331	1,022	564	-44.8
8802.30	Airplanes and other aircraft n.e.s.o.i., of an unladen weight exceeding 2,000 kg but not exceeding 15,000 kg	448	308	486	57.9
2207.10	Ethyl alcohol, un-denatured, of an alcoholic strength by volume of 80% vol. or higher	1,207	492	486	-1.2
7201.10	Non-alloy pig iron containing 0.5% (wt.) or less phosphorus, in primary forms	688	644	449	-30.2
7224.90	Semi-finished products of alloy steel (other than stainless) n.e.s.o.i.	265	463	368	-20.6
8409.99	Parts for use with compression-ignition internal combustion piston engines, n.e.s.o.i.	335	333	349	5.0
1602.50	Meat or meat offal of bovine animals, prepared or preserved, n.e.s.o.i.	225	218	306	40.7
4409.10	Wood continuously shaped (tongued, grooved, rebated, v-jointed, beaded, molded, etc.) along any of its edges or faces, planed, etc. or not, coniferous	277	296	291	-1.8
2401.20	Tobacco, partly or wholly stemmed/stripped	397	251	243	-3.2
7202.93	Ferroniobium	219	288	226	-21.3
2710.12	Light oils and preparations containing by weight 70 percent or more of petroleum oils from bituminous minerals, not containing biodiesel, not waste oils	226	100	198	97.8
2009.11	Orange juice, frozen, whether or not sweetened	154	255	183	-28.4
8429.20	Graders and levelers, self-propelled	151	190	182	-4.4
8412.90	Parts for engines and motors, n.e.s.o.i.	183	196	173	-11.8
7108.12	Gold, nonmonetary, unwrought n.e.s.o.i. (other than powder)	65	168	153	-9.0
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	122	204	153	-24.8
2902.20	Benzene	248	239	151	-36.6
8701.30	Track-laying tractors	41	155	142	-8.3
2601.12	Agglomerated iron ores	31	187	141	-24.4
	Total of items shown	16,043	17,306	15,252	-11.9
	All other products	11,588	13,231	12,153	-8.1
	Total of all commodities	27,631	30,537	27,405	-10.3

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed April 6, 2016).

Note: Because of rounding, figures may not add up to totals shown. N.e.s.o.i. = not elsewhere specified or included.

## Appendix A: Data Tables

# **Appendix B**

## **Additional Tables Corresponding to Figures in the Report**

## Appendix B: Additional Tables

In compliance with Section 508, an amendment to the United States Workforce Rehabilitation Act of 1973, alternative text is used by screen readers to offer people with disabilities text equivalents for non-text elements. The tables in this appendix are referenced in the alternative text for the figures contained in this report.

**Table B.1** U.S. trade balance in goods and services, 1996–2015 (millions of dollars)

Year	Services	Goods
1996	86,935	-191,000
1997	90,155	-198,428
1998	82,081	-248,221
1999	78,450	-337,068
2000	74,266	-446,783
2001	60,858	-422,370
2002	56,290	-475,245
2003	47,754	-541,643
2004	54,882	-664,766
2005	68,558	-782,804
2006	75,573	-837,289
2007	115,821	-821,196
2008	123,765	-832,492
2009	125,920	-509,694
2010	154,020	-648,678
2011	192,020	-740,646
2012	204,398	-741,171
2013	224,193	-702,587
2014	233,138	-741,462
2015	219,552	-759,307

Source: USDOC, BEA, International Transaction Accounts, "Table 1: U.S. International Trade in Goods and Services: Exports, Imports, and Balances," updated April 5, 2016, <http://www.bea.gov/international/>.

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

## Appendix B: Additional Tables

**Table B.2** U.S. real gross domestic product, percent change, 2006–15

Year	Real GDP % change
2006	2.7
2007	1.8
2008	-0.3
2009	-2.8
2010	2.5
2011	1.6
2012	2.2
2013	1.5
2014	2.4
2015	2.4

Sources: USDOC, “Gross Domestic Product, Percent Change from preceding period,” <http://www.bea.gov/national/xls/gdpchg.xls> (accessed April 7, 2016).

**Table B.3** Economic growth trends in the world, the United States, and selected economies, 2013-15

Countries	2013 (%)	2014 (%)	2015 (%)
World	3.3	3.4	3.1
United States	1.5	2.4	2.4
European Union	0.2	1.4	1.5
China	7.7	7.3	6.9
Canada	2.0	2.5	1.2
Mexico	1.4	2.3	2.5
Japan	1.6	0.0	0.6
Korea	2.9	3.3	2.7
India	6.9	7.3	7.3
Brazil	2.7	0.1	-3.8

Sources: USDOC, BEA, “Gross Domestic Product: Fourth Quarter and Annual 2015 (Second Estimate),” news release, February 26, 2016, table 7; OECD, “Country Statistic Profile: European Union 2015,” [http://www.oecd-ilibrary.org/economics/country-statistical-profile-european-union\\_20752288-table-eu](http://www.oecd-ilibrary.org/economics/country-statistical-profile-european-union_20752288-table-eu); IMF, “World Economic Outlook Update,” January 19, 2016, <http://www.imf.org/external/pubs/ft/weo/2016/update/01/pdf/0116.pdf>; IMF, “World Economic Outlook,” October 2015, table A1.

Note: European Union 2015 data are for the euro area. 2015 data for South Korea are a projection.

**Table B.4** U.S. merchandise trade with major trading partners, 2011–15

Country/region	Trade flow	2011	2012	2013	2014	2015
		Billion \$				
European Union						
	Total exports	269.6	265.7	262.1	276.1	272.7
	General imports	368.9	382.2	387.6	418.2	426.0
	Merchandise trade balance	-99.3	-116.5	-125.6	-142.1	153.3
China						
	Total exports	104.1	110.5	121.7	123.7	116.2
	General imports	399.4	425.6	440.4	466.8	481.9
	Merchandise trade balance	-295.2	-315.1	-318.7	-343.1	-365.7
Canada						
	Total exports	281.3	292.7	300.8	312.4	280.0
	General imports	315.3	324.3	332.6	347.8	295.2
	Merchandise trade balance	-34.0	-31.6	-31.8	-35.4	-15.2
Mexico						
	Total exports	198.3	215.9	226.1	240.3	236.4
	General imports	262.9	277.6	280.5	294.2	294.7
	Merchandise trade balance	-64.6	-61.7	-54.4	-53.8	-58.4
Japan						
	Total exports	65.8	70.0	65.2	66.8	62.5
	General imports	128.9	146.4	138.6	134.0	131.1
	Merchandise trade balance	-63.1	-76.5	-73.4	-67.2	-68.6
South Korea						
	Total exports	43.5	42.3	41.7	44.5	43.5
	General imports	56.7	58.9	62.4	69.5	71.8
	Merchandise trade balance	-13.2	-16.6	-20.7	-25.0	-28.3
Taiwan						
	Total exports	25.9	24.3	25.5	26.7	25.9
	General imports	41.4	38.9	37.9	40.6	40.7
	Merchandise trade balance	-15.5	-14.5	-12.5	-13.9	-14.8
India						
	Total exports	21.5	22.1	21.8	21.6	21.5
	General imports	36.2	40.5	41.8	45.2	44.7
	Merchandise trade balance	-14.6	-18.4	-20.0	-23.6	-23.2
Brazil						
	Total exports	43.0	43.8	44.1	42.4	31.7
	General imports	31.7	32.1	27.6	30.5	27.4
	Merchandise trade balance	11.3	11.7	16.5	11.9	4.3
World						
	Total exports	1,482.5	1,545.8	1,578.4	1,620.5	1,504.6
	General imports	2,208.0	2,276.3	2,268.4	2,347.7	2,241.7
	Merchandise trade balance	-725.4	-730.4	-690.0	-727.2	-737.1

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed March 6, 2016).

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

## Appendix B: Additional Tables

**Table B.5** U.S. merchandise trade with selected major trading partners and the world, 2015

Major trading partner	U.S. total exports	U.S. general	Share of total	Share of total
		imports	exports	imports
		Million \$		Percent
European Union	272,688	426,006	18.1	19.0
China	116,186	481,881	7.7	21.5
Canada	280,017	295,190	18.6	13.2
Mexico	236,377	294,741	15.7	13.1
Japan	62,472	131,120	4.2	5.8
South Korea	43,499	71,827	2.9	3.2
Taiwan	25,929	40,708	1.7	1.8
India	21,530	44,741	1.4	2.0
Brazil	31,666	27,405	2.1	1.2
All others	414,235	428,044	27.5	19.1
World	1,504,597	2,241,664		

Source: Official trade statistics of the U.S. Department of Commerce, accessible via the USITC DataWeb (accessed March 1, 2016).

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

**Table B.6** U.S. private services trade with major trading partners, 2011–15

Country/region	Trade flow	2011	2012	2013	2014	2015
Billion \$						
European Union						
	Exports	197.8	197.8	204.6	217.9	214.0
	Imports	144.7	146.5	152.8	159.7	164.7
	Trade balance	53.1	51.3	51.7	58.2	49.3
China						
	Exports	28.2	32.8	37.0	42.1	44.9
	Imports	11.7	13.0	14.1	14.3	15.8
	Trade balance	16.5	19.8	22.9	27.8	29.1
Canada						
	Exports	57.9	61.6	62.4	61.1	57.0
	Imports	30.2	30.8	30.4	29.8	29.9
	Trade balance	27.8	30.8	31.9	31.3	27.0
Mexico						
	Exports	26.1	27.8	29.4	29.6	30.4
	Imports	14.5	15.3	17.2	19.4	21.5
	Trade balance	11.6	12.5	12.2	10.3	8.9
Japan						
	Exports	43.3	46.1	46.0	46.1	43.0
	Imports	22.1	24.5	27.5	28.3	26.4
	Trade balance	21.2	21.6	18.5	17.8	16.6
South Korea						
	Exports	16.5	17.9	20.7	20.4	22.1
	Imports	7.2	8.1	8.3	8.0	8.7
	Trade balance	9.3	9.8	12.4	12.5	13.4
Taiwan						
	Exports	10.5	11.3	11.4	12.3	12.0
	Imports	6.2	6.9	7.0	7.3	7.7
	Trade balance	4.4	4.4	4.4	5.0	4.3
India						
	Exports	11.6	12.1	13.3	14.8	16.8
	Imports	17.3	18.7	19.3	20.7	23.7
	Trade balance	-5.7	-6.6	-6.0	-6.0	-6.8
Brazil						
	Exports	23.1	24.9	26.5	28.0	27.7
	Imports	6.9	7.4	7.6	8.4	8.5
	Trade balance	16.2	17.4	18.9	19.6	19.2
World						
	Exports	605.6	633.6	664.9	690.1	690.1
	Imports	404.5	424.2	438.4	453.3	469.1
	Trade balance	201.1	209.4	226.6	236.9	220.9

Source: USDOC, BEA, International Transactions data. "Table 1.3. U.S. International Transactions, Expanded Detail by Area and Country," March 17, 2016; and "Table 3.1. U.S. International Trade in Services," March 17, 2016.

<http://bea.gov/iTable/iTable.cfm?ReqID=62&step=1%23reqid=62&step=6&isuri=1&6210=1&6200=51#reqid=62&step=2&isuri=1&6210=1>.

Note: Because of rounding, figures may not add up to totals shown. 2015 Data are preliminary.

## Appendix B: Additional Tables

**Table B.7** U.S. private services trade with major trading partners and the world, 2015

Major trading partners	U.S. exports	U.S. imports	Share of U.S. exports	Share of U.S. imports
	Million \$		Percent	
European Union	214,007	164,717	31.0	35.1
Canada	56,970	29,926	8.3	6.4
Japan	42,998	26,369	6.2	5.6
China	44,873	15,784	6.5	3.4
Mexico	30,401	21,509	4.4	4.6
Brazil	27,659	8,453	4.0	1.8
India	16,839	23,668	2.4	5.0
South Korea	22,139	8,743	3.2	1.9
Australia	17,928	6,877	2.6	1.5
Taiwan	11,998	7,733	1.7	1.6
Singapore	14,347	6,714	2.1	1.4
All others	189,896	148,615	27.5	31.7
World	690,055	469,108		

Source: USDOC, BEA, International Transactions data. "Table 1.3. U.S. International Transactions, Expanded Detail by Area and Country," March 17, 2016; and "Table 3.1. U.S. International Trade in Services," March 17, 2016, <http://bea.gov/iTable/iTable.cfm?ReqID=62&step=1%23reqid=62&step=6&isuri=1&6210=1&6200=51#reqid=62&step=2&isuri=1&6210=1>.