

United States International Trade Commission

# THE YEAR IN TRADE 2009

Operation of the Trade  
Agreements Program

61ST REPORT

USITC Publication 4174  
July 2010



# U.S. International Trade Commission

## COMMISSIONERS

**Deanna Tanner Okun, Chairman**

**Charlotte R. Lane**

**Daniel R. Pearson**

**Shara L. Aranoff**

**Irving A. Williamson**

**Dean A. Pinkert**

---

Robert B. Koopman

*Acting Director of Operations*

---

Arona Butcher

*Acting Director of Economics*

---

**Address all communications to  
Secretary to the Commission  
United States International Trade Commission  
Washington, DC 20436**

# **U.S. International Trade Commission**

Washington, DC 20436  
*www.usitc.gov*

## **The Year in Trade 2009 Operation of the Trade Agreements Program 61st Report**

**Publication 4174**



**July 2010**

*This report was principally prepared by the Office of Economics*

***Project Leader***

Joanne Guth

***Deputy Project Leader***

Edward C. Wilson

***Office of Economics***

Eric Cardenas, Dylan Carlson, Nannette Christ, Justino De La Cruz,  
William Greene, Nick Grossman, Alexander Hammer,  
Walker Pollard, and James Stamps

***Office of the General Counsel***

William W. Gearhart

***Office of Tariff Affairs and Trade Agreements***

Naomi Freeman and Dan Shepherdson

***Office of Investigations***

Mary Messer and Andy Rylyk

***Office of Unfair Import Investigations***

T. Spence Chubb

***Office of Industries***

Katherine Linton and Kevin McCaffrey

***Office of Information Technology Systems***

Barbara V. Bobbitt

***Office of Economics Interns***

Andrew Martinez, Daniel Mason-D' Croz,  
Donald McLee, and Vincent Procacci

***Special Assistance***

Peg Hausman and Cynthia Payne

***Office of Publishing***

***Under the direction of***

Arona Butcher, Chief  
Country and Regional Analysis Division

# PREFACE

---

This report is the 61st 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) of the Trade Act of 1974 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 2009. 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 congressional legislation.



# TABLE OF CONTENTS

---

	<i>Page</i>
<b>Preface</b> .....	iii
<b>Abbreviations and Acronyms</b> .....	xi
<b>Executive Summary</b> .....	xv
<b>Chapter 1. Overview of U.S. Trade</b> .....	1-1
Scope and approach of the report .....	1-1
Overview of the U.S. economy in 2009 .....	1-1
Exchange rate trends .....	1-2
Balance of payments .....	1-4
U.S. trade in goods in 2009 .....	1-6
U.S. merchandise trade by product category .....	1-6
Exports .....	1-6
Imports .....	1-7
U.S. merchandise trade with leading partners.....	1-8
U.S. trade in services in 2009.....	1-8
U.S. services trade by product category.....	1-11
Exports .....	1-11
Imports .....	1-11
U.S. services trade with leading partners.....	1-12
<b>Chapter 2. Administration of U.S. Trade Laws and Regulations</b> .....	2-1
Import relief laws .....	2-1
Safeguard actions .....	2-1
Trade adjustment assistance .....	2-1
Assistance for workers.....	2-2
Assistance for farmers.....	2-3
Assistance for firms .....	2-4
Assistance to communities .....	2-5
Laws against unfair trade practices .....	2-6
Section 301 investigations .....	2-6
Section 301 cases in 2009 .....	2-6
Special 301 .....	2-8
Antidumping and countervailing duty investigations and reviews .....	2-9
Antidumping investigations .....	2-9
Countervailing duty investigations .....	2-10
Reviews of outstanding antidumping and countervailing duty orders/suspension agreements.....	2-11
Section 337 investigations .....	2-12
Tariff preference programs.....	2-14
Generalized System of Preferences.....	2-14

# TABLE OF CONTENTS—*Continued*

	<i>Page</i>
<b>Chapter 2. Administration of U.S. Trade Laws and Regulations—<i>Continued</i></b>	
African Growth and Opportunity Act .....	2-15
Andean Trade Preference Act .....	2-18
Caribbean Basin Economic Recovery Act.....	2-19
HOPE Acts.....	2-21
<b>Chapter 3. Selected Trade Developments in the WTO, OECD, APEC, and ACTA.....</b>	<b>3-1</b>
World Trade Organization.....	3-1
Ministerial Conference .....	3-2
Doha trade negotiations .....	3-3
Agriculture .....	3-3
Nonagricultural market access .....	3-3
Trade in services .....	3-4
Rules on trade disciplines .....	3-5
Trade-related intellectual property rights .....	3-5
Geographical indications and the convention on biological diversity .....	3-6
Trade and development .....	3-6
Trade facilitation .....	3-7
Trade and the environment .....	3-7
Dispute settlement .....	3-8
General Council .....	3-8
Work programs, decisions, and reviews .....	3-8
Dispute Settlement Body .....	3-11
New requests for consultations and new panels established.....	3-14
Requests for consultations filed during 2009 in which the United States was the complaining party or named respondent .....	3-14
Panels established during 2009 at the request of the United States .....	3-14
Panels established during 2009 in which the United States was the named respondent .....	3-16
Panel and appellate body reports issued and/or adopted during 2009 that involve the United States .....	3-19
Reports in which the United States was the complainant .....	3-19
Reports in which the United States was the respondent.....	3-21
Organisation for Economic Co-operation and Development .....	3-21
Ministerial Council meeting .....	3-22
Trade Committee .....	3-23
Asia-Pacific Economic Cooperation .....	3-24
The 2010 Bogor goal target, FTAAP, and related APEC commitments .....	3-25
Regional economic integration .....	3-25
The Anti-Counterfeiting Trade Agreement .....	3-26

# TABLE OF CONTENTS—*Continued*

	<i>Page</i>
<b>Chapter 4. U.S. Free Trade Agreements</b> .....	4-1
FTAs in force during 2009 .....	4-1
FTA developments during 2009.....	4-3
U.S.-Trans-Pacific Strategic Economic Partnership .....	4-5
North American Free Trade Agreement .....	4-7
Free Trade Commission .....	4-7
Commission for Environmental Cooperation .....	4-9
Dispute settlement.....	4-11
Chapter 11 dispute settlement developments .....	4-12
Chapter 19 dispute panel reviews .....	4-12
 <b>Chapter 5. U.S. Relations with Major Trading Partners</b> .....	 5-1
European Union .....	5-1
Transatlantic Economic Council .....	5-2
Lighthouse projects .....	5-2
Regulatory cooperation .....	5-3
Bananas .....	5-4
Beef .....	5-5
Canada .....	5-6
Agriculture .....	5-7
Consultative Committee on Agriculture .....	5-7
Organic Products Agreement .....	5-7
Country-of-origin labeling .....	5-8
Softwood lumber .....	5-8
Arbitration on export measures .....	5-8
Arbitration on provincial subsidies .....	5-9
Government procurement .....	5-10
Intellectual property rights .....	5-10
China .....	5-11
Intellectual property rights enforcement .....	5-12
Clean energy .....	5-13
Pork .....	5-13
Global trade imbalances and China’s exchange-rate regime .....	5-14
Mexico .....	5-15
Cross-border trucking between the United States and Mexico .....	5-16
Japan .....	5-17
Regulatory reform .....	5-18
Beef .....	5-19
Automobiles .....	5-20
Republic of Korea .....	5-20
U.S.-Korea FTA .....	5-21
Beef .....	5-21
Intellectual property rights .....	5-22
Taiwan .....	5-22

# TABLE OF CONTENTS—*Continued*

	<i>Page</i>
<b>Chapter 5. U.S. Relations with Major Trading Partners—<i>Continued</i></b>	
Intellectual property rights .....	5-23
Beef .....	5-24
Government procurement .....	5-24
Brazil .....	5-25
Trade and investment framework agreement .....	5-26
India .....	5-26
Agriculture .....	5-28
Rice .....	5-28
Wheat .....	5-28
Edible oil .....	5-29
Sugar .....	5-29
Trade and investment dialogue .....	5-29
Intellectual property rights .....	5-30
<b>Bibliography</b> .....	Biblio-1
<b>Figures</b>	
ES.1 U.S. trade balance in goods and services, 1992–2009.....	xvi
1.1 U.S. real gross domestic product, in percentage change, 2000–09 .....	1-3
1.2 U.S. real gross domestic product, quarterly, in percentage change, 2008–09.....	1-3
1.3 Indices dollar exchange rates for selected major currencies and broad measures, monthly, 2009.....	1-5
1.4 U.S. merchandise trade with the world, 2007–09 .....	1-7
1.5 Leading U.S. merchandise export markets, by share, 2009.....	1-9
1.6 Leading U.S. merchandise import sources, by share, 2009.....	1-10
1.7 U.S. private cross-border services trade with the world, 2007–09 .....	1-10
1.8 Leading U.S. export markets for private services, by share, 2009 .....	1-13
1.9 Leading U.S. import sources of private services, by share, 2009 .....	1-13
5.1 U.S. merchandise trade with the EU, 2005–09 .....	5-1
5.2 U.S. private services trade with the EU, 2005–09 .....	5-1
5.3 U.S. merchandise trade with Canada, 2005–09 .....	5-7
5.4 U.S. private services trade with Canada, 2005–09 .....	5-7
5.5 U.S. merchandise trade with China, 2005–09.....	5-11
5.6 U.S. private services trade with China, 2005–09 .....	5-11
5.7 U.S. merchandise trade with Mexico, 2005–09 .....	5-15
5.8 U.S. private services trade with Mexico, 2005–09 .....	5-15
5.9 U.S. merchandise trade with Japan, 2005–09 .....	5-17
5.10 U.S. private services trade with Japan, 2005–09 .....	5-17
5.11 U.S. merchandise trade with Korea, 2005–09 .....	5-21
5.12 U.S. private services trade with Korea, 2005–09.....	5-21
5.13 U.S. merchandise trade with Taiwan, 2005–09 .....	5-23
5.14 U.S. private services trade with Taiwan, 2005–09 .....	5-23
5.15 U.S. merchandise trade with Brazil, 2005–09 .....	5-25
5.16 U.S. private services trade with Brazil, 2005–09.....	5-25

# TABLE OF CONTENTS—*Continued*

	<i>Page</i>
<b>Figures—Continued</b>	
5.17 U.S. merchandise trade with India, 2005–09 .....	5-27
5.18 U.S. private services trade with India, 2005–09 .....	5-27
<b>Tables</b>	
ES.1 Summary of 2009 trade agreement activities .....	xxv
1.1 U.S. merchandise trade with major trading partners and with the world, 2009, billion of dollars .....	1-9
1.2 U.S. private services trade with major trading partners and the world, 2009, billion of dollars .....	1-12
2.1 Antidumping duty orders that became effective during 2009 .....	2-11
2.2 Countervailing duty orders that became effective during 2009.....	2-12
2.3 U.S. imports for consumption from GSP beneficiaries and the world, 2009, million of dollars .....	2-16
2.4 U.S. imports for consumption from AGOA countries, 2007–09.....	2-16
2.5 U.S. imports for consumption from ATPA countries, 2007–09.....	2-20
2.6 U.S. imports for consumption from CBERA countries, 2007–09.....	2-21
3.1 WTO membership in 2009 .....	3-10
3.2 WTO observers in 2009.....	3-11
3.3 WTO dispute settlement panels established in 2009 .....	3-15
3.4 WTO dispute settlement panel and Appellate Body reports adopted in 2009.....	3-20
4.1 U.S. merchandise trade with FTA partners, total trade, 2007–09, million of dollars.....	4-2
4.2 U.S. imports entered under FTA provisions, by FTA partner, 2007–09.....	4-4
4.3 Status of U.S. FTA negotiations during 2009 .....	4-6
4.4 U.S. merchandise trade with potential TPP partners, 2007–09 .....	4-7
4.5 U.S. merchandise trade with NAFTA partners, 2007–09, billion of dollars .....	4-8
4.6 Active files through 2009 under article 14 of the North American Agreement on Environmental Cooperation .....	4-10
4.7 Citizen submissions on enforcement under article 15 of the North American Agreement on Environmental Cooperation: Submissions active during 2009 .....	4-11
4.8 NAFTA chapter 19 binational panels, active reviews as of the end of 2009 .....	4-13
<b>Appendix tables</b>	
A.1 U.S. merchandise trade with the world, by SITC codes (revision 3), 2007–09 .....	A-3
A.2 U.S. private services exports to the world, by category, 2007–09 .....	A-4
A.3 U.S. private services imports from the world, by category, 2007–09 .....	A-5
A.4 Antidumping cases active in 2009, by USITC investigation number .....	A-6
A.5 Antidumping duty orders and suspension agreements in effect as of December 31, 2009 ....	A-7
A.6 Countervailing duty cases active in 2009, by USITC investigation number.....	A-13
A.7 Countervailing duty orders in effect as of December 31, 2009.....	A-14
A.8 Reviews of existing antidumping and countervailing duty orders and suspension agreement completed in 2009, by date of completion.....	A-15
A.9 Section 337 investigations and related proceedings completed by the U.S. International Trade Commission during 2009 and those pending on December 31, 2009.....	A-16
A.10 Outstanding Section 337 exclusion orders as of December 31, 2009 .....	A-25

# TABLE OF CONTENTS—*Continued*

	<i>Page</i>
<b>Appendix tables—<i>Continued</i></b>	
A.11 U.S. imports for consumption and U.S. imports that were either GSP eligible or GSP duty free, by HTS provision, 2009, million of dollars .....	A-30
A.12 U.S. imports for consumption and U.S. imports eligible for GSP treatment or duty free, by HTS import categories, 2009, millions of dollars.....	A-31
A.13 U.S. imports for consumption under AGOA provisions, by source, 2007–09 .....	A-32
A.14 U.S. imports for consumption of leading imports under AGOA, by HTS provision, 2007–09 .....	A-33
A.15 U.S. imports for consumption under ATPA provisions, by source, 2007–09 .....	A-34
A.16 U.S. imports for consumption of leading imports under ATPA, by HTS provision, 2007–09 .....	A-35
A.17 U.S. imports for consumption under CBERA provisions, by source, 2007–09 .....	A-36
A.18 U.S. imports for consumption of leading imports under CBERA, by HTS provision, 2007–09 .....	A-37
A.19 WTO dispute settlement cases to which the United States was a party, developments in 2009 .....	A-38
A.20 NAFTA Chapter 19 substantive challenges to original and five-year review determinations of USITC and Commerce, developments in 2009.....	A-44
A.21 U.S. merchandise trade with the European Union, by SITC codes (revision 3), 2007–09 ...	A-45
A.22 Leading U.S. exports to the European Union, by Schedule B subheading, 2007–09 .....	A-46
A.23 Leading U.S. imports from the European Union, by HTS subheading, 2007–09 .....	A-47
A.24 U.S. merchandise trade with Canada, by SITC codes (revision 3), 2007–09.....	A-48
A.25 Leading U.S. exports to Canada, by Schedule B subheading, 2007–09.....	A-49
A.26 Leading U.S. imports from Canada, by HTS subheading, 2007–09 .....	A-50
A.27 U.S. merchandise trade with China, by SITC codes (revision 3), 2007–09 .....	A-51
A.28 Leading U.S. exports to China, by Schedule B subheading, 2007–09 .....	A-52
A.29 Leading U.S. imports from China, by HTS subheading, 2007–09.....	A-53
A.30 U.S. merchandise trade with Mexico, by SITC codes (revision 3), 2007–09 .....	A-54
A.31 Leading U.S. exports to Mexico, by Schedule B subheading, 2007–09 .....	A-55
A.32 Leading U.S. imports from Mexico, by HTS subheading, 2007–09 .....	A-56
A.33 U.S. merchandise trade with Japan, by SITC codes (revision 3), 2007–09.....	A-57
A.34 Leading U.S. exports to Japan, by Schedule B subheading, 2007–09 .....	A-58
A.35 Leading U.S. imports from Japan, by HTS subheading, 2007–09 .....	A-59
A.36 U.S. merchandise trade with Korea, by SITC codes (revision 3), 2007–09 .....	A-60
A.37 Leading U.S. exports to Korea, by Schedule B subheading, 2007–09.....	A-61
A.38 Leading U.S. imports from Korea, by HTS subheading, 2007–09.....	A-62
A.39 U.S. merchandise trade with Taiwan, by SITC codes (revision 3), 2007–09.....	A-63
A.40 Leading U.S. exports to Taiwan, by Schedule B subheading, 2007–09.....	A-64
A.41 Leading U.S. imports from Taiwan, by HTS subheading, 2007–09 .....	A-65
A.42 U.S. merchandise trade with Brazil, by SITC codes (revision 3), 2007–09 .....	A-66
A.43 Leading U.S. exports to Brazil, by Schedule B subheading, 2007–09.....	A-67
A.44 Leading U.S. imports from Brazil, by HTS subheading, 2007–09.....	A-68
A.45 U.S. merchandise trade with India, by SITC codes (revision 3), 2007–09 .....	A-69
A.46 Leading U.S. exports to India, by Schedule B subheading, 2007–09 .....	A-70
A.47 Leading U.S. imports from India, by HTS subheading, 2007–09 .....	A-71

# Abbreviations and Acronyms

---

ACO	Authorized Certificate of Origin
ACP	African, Caribbean, and Pacific countries
ACTA	Anti-Counterfeiting Trade Agreement
AD	antidumping
AGOA	African Growth and Opportunity Act
AIT	American Institute in Taiwan
AMS	Agricultural Marketing Service (USDA)
ANVISA	National Health Surveillance Agency (Brazil)
APEC	Asia-Pacific Economic Cooperation
APHIS	Animal and Plant Health Inspection Service (USDA)
ARRA	American Recovery and Reinvestment Act of 2009
ATAA	Alternative Trade Adjustment Assistance
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)
BIAC	Business and Industry Advisory Committee (OECD)
BOP	balance of payments
BSE	bovine spongiform encephalopathy
CAFTA-DR	Dominican Republic-Central America-United States Free Trade Agreement
CANACAR	Cámara Nacional del Autotransporte de Carga (Mexico)
CBERA	Caribbean Basin Economic Recovery Act
CBD	Convention on Biological Diversity
CBI	Caribbean Basin Initiative
CBTPA	Caribbean Basin Trade Partnership Act
CEA	Council of Economic Advisors
CEC	Commission for Environmental Cooperation (NAFTA)
CLC	Commission for Labor Cooperation (NAFTA)
CNL	competitive need limitation
COOL	country-of-origin labeling
CTD	Committee on Trade and Development (WTO)
CTI	Committee on Trade and Investment (APEC)
CVD	countervailing duty
DDA	Doha Development Agenda (WTO)
DSB	Dispute Settlement Body (WTO)
DSU	Dispute Settlement Understanding (WTO)
DTAA	Division of Trade Adjustment Assistance (USDOL)
EC	European Communities
ECC	Extraordinary Challenge Committee (NAFTA)
EDA	Economic Development Administration (USDOC)
ERS	Economic Research Service (USDA)
ETA	Employment and Training Administration (USDOL)
EU	European Union
FAS	Foreign Agricultural Service (USDA)
FMCSA	Federal Motor Carrier Safety Administration (USDOT)
FMRD	Financial Markets Regulatory Dialogue
FSIS	Food Safety and Inspection Service (USDA)
FTA	free trade agreement

FTAA	Free Trade Area of the Americas
FTAAP	Free Trade Area of the Asia-Pacific
FTC	Free Trade Commission (NAFTA)
G8	Group of eight countries (major world industrial economies)
G20	Group of 20 (major world industrial and emerging market economies)
GATS	General Agreement on Trade in Services (WTO)
GATT	General Agreement on Tariffs and Trade
GDP	gross domestic product
GI	geographical indication
GPA	Agreement on Government Procurement (WTO)
GSP	Generalized System of Preferences
GTIS	Global Trade Information System
HCTC	Health Coverage Tax Credit
HLRCF	High-Level Regulatory Cooperation Forum
HOPE	Haitian Hemispheric Opportunity through Partnership Encouragement Act
HS	Harmonized Commodity Description and Coding System
HTS	Harmonized Tariff Schedule of the United States
ICSID	International Centre for the Settlement of Investment Disputes
IIPA	International Intellectual Property Alliance
IMF	International Monetary Fund
IPR	intellectual property rights
IT	information technology
ITA	International Trade Administration (USDOC)
JCCT	Joint Commission on Commerce and Trade
LCIA	London Court of International Arbitration
LDBDC	least-developed beneficiary developing country
LTFV	less-than-fair value
MEA	multilateral environmental agreement
Mercosur	Common Market of the South (Mercado Común del Sur)
MOU	memorandum of understanding
MRA	mutual recognition agreement
MRE	Ministry of Foreign Relations (Brazil)
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
NAMA	nonagricultural market access
NAO	National Administrative Office
NTM	nontariff measure
NTR	normal trade relations
OCR	Out-of-Cycle Special 301 Review
OECD	Organisation for Economic Co-operation and Development
OIE	World Organization for Animal Health
OTEXA	Office of Textiles and Apparel (USDOC)
PHP	Preferential Handling Procedure
PSAG	Private Sector Advisory Group
REACH	Registration, Evaluation, Authorization, and Restriction of Chemicals
ROO	rules of origin
RTA	regional trade agreement
SCM	subsidies and countervailing measures
S&D	special and differential treatment

S&ED	Strategic and Economic Dialogue
SITC	Standard Industrial Trade Classification
SLA	Softwood Lumber Agreement
SMEs	small and medium-sized enterprises
SPS	sanitary and phytosanitary standards
SRM	specified risk material
SSA	sub-Saharan Africa
SVE	small and vulnerable economy
TAA	Trade Adjustment Assistance
TAAC	Trade Adjustment Assistance Center
TAATC	Trade Agreement Administration and Technical Cooperation (USDOL)
TEC	Transatlantic Economic Council
TGAAA	Trade and Globalization Adjustment Assistance Act of 2009 (part of ARRA)
TIFA	trade and investment framework agreement
TNC	Trade Negotiations Committee (WTO)
TPA	trade promotion agreement
TPF	Trade Policy Forum
TPP	Trans-Pacific Partnership
TRIPS	Trade-Related Aspects of Intellectual Property Rights (WTO)
TRQ	tariff-rate quota
UAE	United Arab Emirates
UN	United Nations
UNCITRAL	United Nations Commission on International Trade Law
UNCTAD	United Nations Conference on Trade and Development
USCBP	United States Customs and Border Protection
USCIA	United States Central Intelligence Agency
USDA	United States Department of Agriculture
USDHS	United States Department of Homeland Security
USDOC	United States Department of Commerce
USDOE	United States Department of Energy
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
WIPO	World Intellectual Property Organization
WTO	World Trade Organization



# EXECUTIVE SUMMARY

---

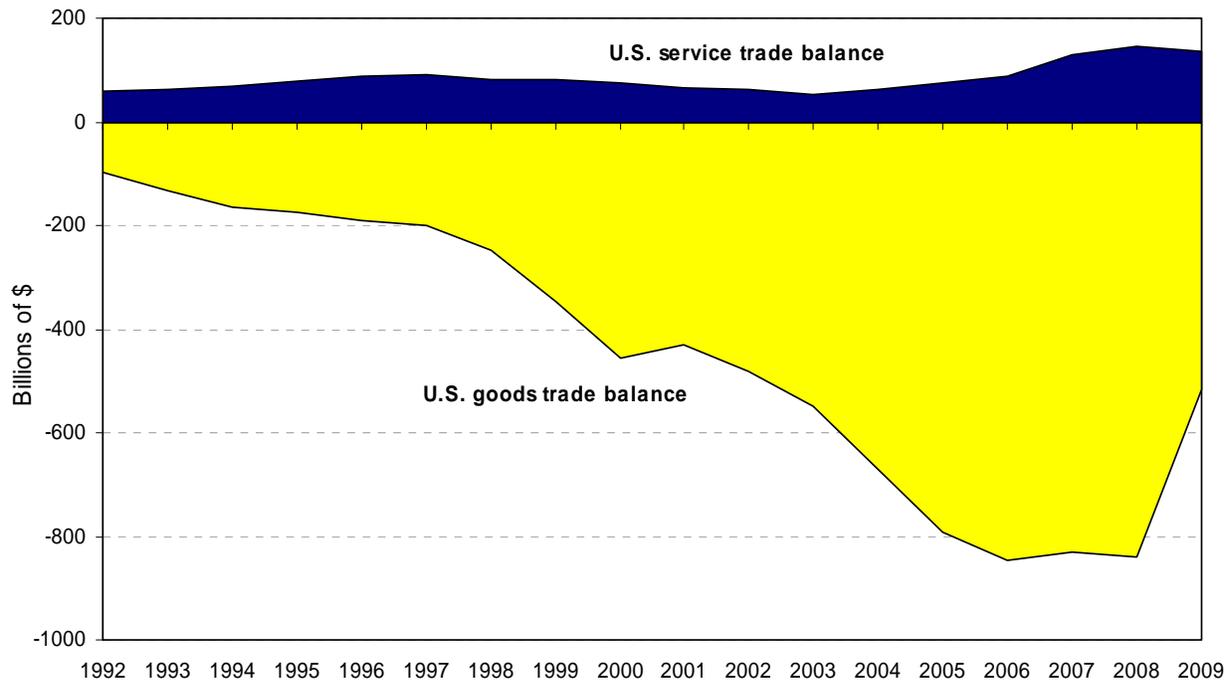
The direction of U.S. economic activity shifted in the middle of 2009, from contraction to expansion. After declining for more than a year, the U.S. economy grew in the third quarter of 2009, driven by an improving financial sector, implementation of monetary and fiscal stimulus policies, and recovery in major emerging economies. Although U.S. gross domestic product (GDP) decreased 2.4 percent between 2008 and 2009, GDP increased at an annual rate of 2.2 percent and 5.9 percent in the third and fourth quarters of 2009, respectively.

The U.S. economic downturn reduced U.S. demand for imports during 2009; similarly, the rapid global spread of the recession reduced foreign demand for U.S. exports, although demand for U.S. exports declined less than U.S. demand for imports did. After steep declines at the end of 2008 and during the first quarter of 2009, U.S. trade flows began to recover as U.S. and global economic performance improved, particularly in emerging economies. However, despite steady increases in U.S. imports and U.S. exports after the first quarter, trade levels in 2009 did not reach the pre-crisis levels registered in 2008. For the year as a whole, the U.S. deficit on goods and services decreased to \$378.6 billion in 2009 from \$695.9 billion in 2008 on a balance-of-payments basis. The deficit on goods decreased to \$517.0 billion in 2009—the smallest deficit since 2002—from \$840.3 billion in 2008. The U.S. surplus in services decreased to \$138.4 billion in 2009 from \$144.3 billion in 2008 (figure ES.1).

In 2009, the U.S. dollar depreciated approximately 4.5 percent on a trade-weighted average basis against a group of major currencies including the Canadian dollar, the euro, the Japanese yen, and the Chinese yuan. This U.S. dollar depreciation reflects a sharp reversal in the value of the U.S. dollar, which had been appreciating during the latter part of 2008 and the first quarter of 2009. By year-end 2009, the largest depreciation experienced by the dollar among the six major currencies was against the Canadian dollar, the British pound, and the euro. The Chinese yuan remained largely fixed to the U.S. dollar throughout 2009.

A summary of U.S. trade agreement activities in 2009 is presented below, followed by a table summarizing key developments on a monthly basis for the year (table ES.1). Trade agreement activities during 2009 included 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), the Asia-Pacific Economic Cooperation (APEC) forum, and the Anti-Counterfeiting Trade Agreement (ACTA); U.S. negotiation of and participation in free trade agreements (FTAs); and bilateral developments with major trading partners.

FIGURE ES.1 U.S. trade balance in goods and services, 1992–2009



Source: USDOC.

## Key Trade Developments in 2009

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

**Safeguard actions:** In 2009, the U.S. International Trade Commission (USITC or the Commission) conducted one safeguard investigation under section 421 of the Trade Act of 1974 with respect to imports of certain passenger vehicle and light truck tires from China. The Commission made an affirmative determination of market disruption, and the President imposed additional tariffs on such tires from China for a three-year period: 35 percent ad valorem in the first year, 30 percent ad valorem in the second year, and 25 percent ad valorem in the third year. In response to a request from China, in January 2010, a WTO dispute settlement panel was established to examine these U.S. measures.

**Trade Adjustment Assistance (TAA):** In February 2009, President Obama signed the Trade and Globalization Adjustment Assistance Act of 2009 (TGAAA) as part of the American Recovery and Reinvestment Act of 2009. This new legislation reauthorized and changed certain provisions of the TAA programs for workers, firms, and farmers as of May 18, 2009, and created the TAA for Communities program. The TGAAA extended the TAA programs until December 31, 2010. In 2009, the U.S. Department of Labor instituted investigations in response to the 4,683 petitions for TAA that it received in 2009. Of that number, it issued 2,419 certifications for TAA and denied 561 petitions.

**Section 301:** In 2009, there were two active section 301 cases—one concerning the European Union’s meat hormone directive and another concerning the 2006 U.S.-Canadian Softwood Lumber Agreement. With respect to the first case, the United States and the European Union signed a memorandum of understanding in May 2009 to address the issue. With respect to the second case, which was initiated in April 2009, USTR determined that the United States would impose additional 10 percent duties on certain imports of softwood lumber from the provinces of Manitoba, Ontario, Quebec, and Saskatchewan. In addition, one new section 301 petition was filed alleging that the acts, policies, and practices of the government of Israel were inconsistent with its obligations under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights. The United States Trade Representative (USTR) decided to pursue this case under the Special 301 process.

**Special 301:** In the 2009 Special 301 review, USTR examined the adequacy and effectiveness of intellectual property rights (IPR) protection in 77 countries. USTR did not identify any countries as priority foreign countries, but identified 12 countries for the priority watch list, and highlighted particularly weak IPR protection and enforcement in China and Russia. Argentina, Chile, India, Israel, Pakistan, Thailand, and Venezuela, along with China and Russia, were maintained on the priority watch list due to significant concerns regarding IPR protection. Algeria, Canada, and Indonesia were elevated to the priority watch list from the watch list. Thirty-three countries were identified on the watch list.

**Antidumping investigations:** The USITC instituted 21 new antidumping investigations and completed 15 during 2009. Antidumping duty orders were issued by the U.S. Department of Commerce (USDOC) in 13 of those completed investigations during 2009.

**Countervailing duty investigations:** The USITC instituted 15 new countervailing duty investigations and completed nine investigations during 2009. Countervailing duty orders were issued by the USDOC in 2009 in six of the nine completed investigations.

**Sunset reviews:** During 2009, USDOC and the USITC instituted 27 sunset reviews of existing antidumping and countervailing duty orders and suspension agreements. The Commission completed 19 reviews, resulting in all 19 antidumping and countervailing duty orders and suspension agreements being continued for five additional years.

**Section 337 investigations:** During 2009, there were 91 active section 337 investigations and ancillary proceedings, 39 of which were instituted in 2009. Of these 39, there were 31 new section 337 investigations and eight new ancillary proceedings relating to previously concluded investigations—the vast majority related to patent infringement. Over one-third of the active investigations in 2009 concerned products in the semiconductor, telecommunications, and electronics fields. At the close of 2009, 43 section 337 investigations and related proceedings were pending at the Commission.

## ***Trade Preference Programs***

***Generalized System of Preferences:*** Duty-free U.S. imports under the Generalized System of Preferences (GSP) program totaled \$19.8 billion in 2009; nearly one-third of these imports were petroleum products. Angola was the leading GSP beneficiary in 2009, followed by Thailand, India, Brazil, and Equatorial Guinea. In December 2009, the President announced that the Maldives was added to the list of GSP beneficiaries and that Cape Verde would be removed from the U.S. least-developed beneficiary developing country list because of its graduation from the United Nations' least-developed country ranking as of January 1, 2010. The President also announced that Croatia and Equatorial Guinea will be graduated from the U.S. GSP program in 2011 because they surpassed the per capita income limits set for beneficiary countries under the program.

***African Growth and Opportunity Act:*** At the end of 2009, 40 sub-Saharan African (SSA) countries were designated for benefits under the African Growth and Opportunity Act (AGOA), and 27 SSA countries were eligible for AGOA textile and apparel benefits. Duty-free U.S. imports under AGOA, including those covered by GSP, were valued at \$33.7 billion in 2009. U.S. imports under AGOA, exclusive of GSP, were valued at \$28.1 billion in 2009, a 50.2 percent decrease over 2008. The decline in imports under AGOA was driven mainly by decreases in the value of U.S. imports of petroleum-related products, which made up more than 91 percent of imports under AGOA in 2009.

***Andean Trade Preference Act:*** The Andean Trade Preference Act (ATPA), as amended by the Andean Trade Promotion and Drug Eradication Act (ATPDEA), provides duty-free treatment for certain products of Colombia, Ecuador, and Peru. As a result of eligibility reviews, on June 30, 2009, the President did not revoke Ecuador's eligibility for ATPA benefits and did not reinstate ATPA eligibility for Bolivia. U.S. imports under ATPA were valued at \$9.7 billion in 2009, a drop of 43.7 percent from \$17.2 billion in 2008. U.S. imports under ATPA decreased from all of the beneficiary countries. Petroleum-related products accounted for 76 percent of U.S. imports under ATPA in 2009. Other leading imports under ATPA in 2009 included apparel, copper cathodes, fresh cut flowers, asparagus, and pouched tuna. On December 28, 2009, the President signed legislation that extended ATPA until December 31, 2010.

***Caribbean Basin Economic Recovery Act:*** The Caribbean Basin Economic Recovery Act (CBERA), as amended by the Caribbean Basin Trade Partnership Act (CBTPA), provides duty-free and reduced-duty treatment for certain products of designated Caribbean Basin countries. In 2009, products from 18 countries and territories were eligible for CBERA preferences. U.S. imports under CBERA were valued at \$2.4 billion in 2009, a 50.1 percent decline from \$4.7 billion in 2008. The decline in 2009 of U.S. imports under CBERA reflects the fact that Costa Rica, which accounted for 20 percent of U.S. imports from CBERA countries in 2008, was no longer a beneficiary as of January 1, 2009; also, there were large declines in the prices of energy-related products (mineral fuels, methanol, and fuel ethanol), which are major imports from CBERA countries. Trinidad and Tobago was the leading supplier of U.S. imports under CBERA in 2009. Mineral fuels, methanol, apparel products, and fuel-grade ethanol ranked as the leading U.S. imports under CBERA in 2009.

## ***WTO and OECD***

***WTO developments:*** In 2009, members of the WTO continued efforts to move the Doha Development Agenda (DDA or Doha Round) to its final stage, largely through informal bilateral and technical meetings revolving around negotiating “modalities.” These modalities are the variables and formulas used in final bilateral negotiations between individual member countries; they will affect the scope and extent of tariff and nontariff reductions and commitments aimed at providing greater market access for trade in agricultural and industrial goods. In regular WTO activities, Pascal Lamy was reappointed in April 2009 for a second four-year term as WTO Director-General. In addition, Taiwan became a signatory to the plurilateral WTO Agreement on Government Procurement in July 2009.

***WTO dispute settlement:*** Of the 14 requests for dispute-settlement consultations filed during 2009, 2 involved the United States as complainant and 3 as the respondent. Of the 10 new dispute-settlement panels established in 2009, 2 were established at the request of the United States, and 6 were established in which the United States was the named respondent. Also in 2009, the WTO dispute-settlement system reached its 400th dispute case since the establishment of the WTO Dispute Settlement Body in 1995. Notable among the cases underway in 2009 was the resolution of a long-standing dispute concerning market access for a number of Latin American countries under the European Union’s banana import regime, a dispute which began in 1996.

***OECD developments:*** Activities in 2009 in the OECD focused on resisting trade protectionism and encouraging countries responding to the global financial and economic crisis to adopt policy measures that would not undermine the benefits of open trade. The OECD Trade Committee discussed possible measures to support WTO work on trade facilitation and “aid for trade,” given the impact of the economic downturn on developing countries in particular. The OECD also continued its dialogue over trade openness and globalization with major nonmember countries—Brazil, China, India, Indonesia, and South Africa—through its Enhanced Engagement forum. In addition, the OECD continued accession discussions with a number of candidates, including Chile, Estonia, Israel, Russia, and Slovenia; Chile became an OECD member in 2010.

***APEC developments:*** In 2009, members of the APEC forum launched the Pathfinder Initiative for Self-Certification of Origin. This program will allow exporters from APEC countries to self-certify a product’s origin, a change which is expected to lead to reduced export costs. Exporters will not need to apply for and submit the currently required Authorized Certificate of Origin.

***Other plurilateral developments:*** Plurilateral negotiations, ongoing since 2008, continued between a number of countries in an effort to reach an Anti-Counterfeiting Trade Agreement (ACTA) aimed at providing a framework to fight global infringement of IPR, particularly in the context of counterfeiting and piracy.

## ***FTA Developments in 2009***

***U.S. FTAs in force in 2009:*** The United States was a party to 11 FTAs as of December 31, 2009. These include the U.S.-Oman FTA, which entered into force in 2009; a multiparty agreement, the Dominican Republic-Central America-United States FTA (CAFTA-DR) with the countries of Central America and the Dominican Republic, which entered into force with respect to the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua in 2006–07, and with respect to Costa Rica in 2009; the U.S.-Peru Trade Promotion Agreement (TPA) (2009); U.S.-Bahrain FTA (2006); U.S.-Morocco FTA (2006); U.S.-Australia FTA (2005); U.S.-Chile FTA (2004); U.S.-Singapore FTA (2004); U.S.-Jordan FTA (2001); North American Free Trade Agreement (NAFTA) (1994); and U.S.-Israel FTA (1985).

***FTA developments:*** On January 1, 2009, the U.S.-Oman FTA entered into force, allowing immediate duty-free access to Oman for virtually all U.S. exports of originating industrial and consumer products. Likewise, on January 1, 2009, a Presidential proclamation implementing CAFTA-DR for Costa Rica became effective. Costa Rica was the last of the signatory countries to implement the CAFTA-DR. The U.S.-Peru TPA was implemented on February 1, 2009, allowing 80 percent of U.S. industrial and consumer goods and more than two-thirds of U.S. farm exports to enter Peru free of duty. On November 14, 2009, President Obama affirmed that the United States would join in negotiations on a regional trade agreement with Trans-Pacific Partnership (TPP) countries, which include Australia, Brunei Darussalam, Chile, New Zealand, Peru, Singapore, and Vietnam. USTR notified Congress on December 14, 2009, of the administration's intent to enter into negotiations with the TPP countries.

***FTA merchandise trade flows with FTA partners:*** In 2009, total two-way merchandise trade between the United States and its FTA partners was \$832.5 billion, or about one-third of U.S. trade with the world. U.S. merchandise exports to FTA partners decreased by 19.4 percent to \$357.8 billion and U.S. imports from FTA partners decreased 24.2 percent to \$474.7 billion, which resulted in a \$116.8 billion merchandise trade deficit with FTA partners, down \$64.8 billion from 2008. The U.S. deficit with NAFTA partners was \$123.5 billion, a decrease of \$73.7 billion from 2008. Excluding NAFTA, the United States registered a trade surplus with the rest of its FTA partners of \$6.7 billion, down from \$15.6 billion in 2008. U.S. imports entered under FTA provisions accounted for 15.5 percent of all U.S. imports in 2009.

***NAFTA developments:*** NAFTA entered into force on January 1, 1994. All of the agreement's provisions were fully implemented as of January 1, 2008, with the exception of the NAFTA cross-border trucking provisions. In 2009, the United States, Canada, and Mexico implemented two sets of changes to the NAFTA rules of origin—one liberalizing NAFTA rules of origin covering approximately \$100 billion in annual trilateral trade, the other modifying NAFTA rules of origin to reflect changes under the International Convention on the Harmonized Commodity and Coding System. There were no new submissions on labor matters in 2009 filed under the North American Agreement on Labor Cooperation, a supplemental agreement to NAFTA. At the end of 2009, 12 files remained active under article 14 of the North American Agreement on Environmental

Cooperation (NAAEC), a supplemental agreement to NAFTA. Four new NAAEC files were submitted in 2009.

**NAFTA dispute settlement:** In 2009, there was one active chapter 11 case filed against the United States by Canadian investors. In 2009, there were two active chapter 11 cases filed by U.S. investors against Canada, and one active chapter 11 case filed by U.S. investors against Mexico. At year-end, the NAFTA Secretariat listed nine binational panels active under chapter 19 regarding antidumping disputes.

## ***Trade Activities with Major Trade Partners***

### **European Union**

The European Union (EU) as a unit<sup>1</sup> is the largest two-way (exports and imports) U.S. trading partner in terms of both goods and services. U.S. merchandise trade with the EU was valued at \$480.5 billion in 2009, accounting for 19.3 percent of U.S. trade with the world. U.S. merchandise exports to the EU amounted to \$202.4 billion and U.S. merchandise imports from the EU were \$278.1 billion, resulting in a U.S. merchandise trade deficit with the EU of \$75.7 billion in 2009. Leading U.S. exports included civil aircraft and parts, certain medicaments, blood fractions (e.g., antiserum), petroleum products, nonmonetary gold, medical instruments, coal, and passenger motor vehicles. Leading U.S. imports were certain medicaments, petroleum products, passenger motor vehicles, nucleic acids and their salts, heterocyclic compounds, and civil aircraft and parts. The EU was also the United States' largest trading partner in terms of services in 2009, accounting for 36.4 percent of U.S. services trade with the world. The United States registered a trade surplus in services with the EU of \$52.3 billion in 2009.

Two U.S.-EU trade developments in 2009 are of note. First, the U.S.-EU Transatlantic Economic Council (TEC) met in October 2009 to discuss regulatory cooperation, protection of IPR, secure trade, financial markets, and investment. The TEC also agreed to establish a new U.S.-EU Innovation Dialogue to promote cooperation in innovation and emerging policy areas. Second, in 2009, the United States and EU also signed agreements addressing two long-running WTO disputes regarding the EU banana import regime and EU imports of U.S. beef.

### **Canada**

In 2009, Canada was the largest single-country U.S. trading partner. U.S. merchandise trade with Canada was \$396.3 billion that year, accounting for 15.9 percent of U.S. trade with the world. U.S. merchandise exports to Canada were \$171.7 billion, and U.S. imports from Canada were valued at \$224.6 billion, which resulted in a U.S. trade deficit on goods with Canada of \$52.9 billion in 2009. Leading U.S. exports to Canada were civil aircraft and parts, motor vehicles and parts, and energy products. Leading U.S. imports were energy products, motor vehicles and parts, certain medicaments, aluminum,

---

<sup>1</sup> The 27 members of the EU in 2009 were Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, the Slovak Republic, Slovenia, Spain, Sweden, and the United Kingdom.

civil aircraft, paper, and softwood lumber. In 2009, U.S. trade in services with Canada was \$62.9 billion, approximately 8 percent of total U.S. services trade worldwide. The United States registered a trade surplus in services of \$20.9 billion with Canada in 2009.

There were several notable U.S.-Canada trade developments during this period. In April 2009, the United States began to impose a 10 percent ad valorem tariff on U.S. imports of softwood lumber from a number of Canadian provinces in response to an arbitration tribunal award brought under the 2006 U.S.-Canada Softwood Lumber Agreement. In June 2009, Canada and the United States signed an organic products agreement that provides for reciprocal acceptance of each country's "organic" designation of food products. In December 2009, a WTO dispute-settlement panel was established at Canada's request to examine U.S. country-of-origin labeling requirements for all food products. Finally, following discussions during 2009, the United States and Canada signed a tentative agreement in early 2010 granting reciprocal access to each other's government procurement contracts at the sub-federal level, such as municipalities, states, and provinces.

## **China**

In 2009, China was the United States' second largest single-country trading partner, based on two-way trade, and accounted for 14.5 percent of U.S. trade with the world. The United States' bilateral deficit with China, which fell by \$39.9 billion to \$230.4 billion in 2009, was still higher than the U.S. deficit with any other single-country trading partner. U.S. merchandise exports to China amounted to \$65.1 billion in 2009, and were led by soybeans; civil aircraft; and ferrous, copper, or aluminum waste and scrap. U.S. imports from China amounted to \$295.5 billion the same year, and were led by computers and their parts, wireless telephones, toys, and video games and their parts. The United States ran a services trade surplus with China in 2009, which amounted to \$6.7 billion in 2009, compared to \$6.1 billion the year before.

China's compliance with its WTO commitments remained a focus of U.S.-China trade relations in 2009. Notable areas of U.S. interest were China's IPR enforcement policies, a bilateral "clean energy" initiative, a ban on U.S. pork exports to China, and yuan currency valuation issues.

## **Mexico**

In 2009, U.S. merchandise trade with Mexico was valued at \$282.0 billion, accounting for 11.3 percent of U.S. merchandise trade with the world. U.S. exports to Mexico were \$105.7 billion, and U.S. imports from Mexico were \$176.3 billion, resulting in a merchandise trade deficit of \$70.6 billion. Leading U.S. exports to Mexico included refined petroleum products, motor vehicles and parts, corn, soybeans, computer components, civil aircraft and parts, plastic articles, and parts for electrical apparatus. Leading U.S. imports from Mexico included crude petroleum, motor vehicles and parts, televisions, cellular telephones, computers, and medical instruments. The United States registered a trade surplus in services of \$8.3 billion with Mexico in 2009.

In January 2009, the U.S. Department of Transportation terminated the one-year Cross-Border Trucking Demonstration Project when Congress discontinued its funding. In response, the Mexican government implemented new tariffs on U.S. goods. The U.S.

Department of Transportation had previously extended the demonstration program for two years, until 2010.

## **Japan**

U.S. merchandise trade with Japan was valued at \$143.1 billion, accounting for 5.8 percent of U.S. merchandise trade with the world in 2009. U.S. exports to Japan amounted to \$47.1 billion, and U.S. imports from Japan were \$96.0 billion, resulting in a U.S. merchandise trade deficit of \$48.9 billion. Leading U.S. exports to Japan were civil aircraft and jet parts, corn, pharmaceuticals, soybeans, and wheat. Leading U.S. imports from Japan were motor vehicles and parts, printer parts, digital cameras, and airplane and jet parts. The U.S. services trade surplus with Japan was \$18.3 billion in 2009.

The U.S.-Japan Economic Partnership for Growth has served as the primary forum for trade and economic dialogue between the two countries since its establishment in 2001. In 2009, discussions under this framework focused on U.S. beef exports to Japan, bilateral trade in automobiles, and regulatory reform, including economy-wide and sector-specific reforms.

## **Republic of Korea**

The Republic of Korea (Korea) was the seventh-largest single-country two-way trading partner of the United States in 2009, with two-way merchandise trade valued at \$65.8 billion and accounting for 2.6 percent of U.S. trade with the world. U.S. exports to Korea were valued at \$27.1 billion in 2009, and U.S. imports from Korea totaled \$38.8 billion, resulting in an \$11.7 billion trade deficit with Korea in 2009. Leading U.S. exports to Korea in 2009 included civil aircraft, transistors, corn, and ferrous waste and scrap. Leading U.S. imports from Korea included cellular phones, automobiles, computer parts and accessories (mainly memory modules), and computer chips. The U.S. trade surplus in services with Korea was \$6.6 billion.

The U.S.-Korean trade agenda in 2009 was dominated by the question of the U.S.-Korea FTA, which was signed in June 2007; agreement on a protocol to resume exports of U.S. beef to Korea, which was suspended originally over concerns about bovine spongiform encephalopathy in late 2003; and removal of Korea from the USTR Special 301 watch list, which identifies countries with which the United States has concerns over IPR enforcement.

## **Taiwan**

Taiwan was the United States' 10th largest single-country trading partner in 2009, based on two-way trade, and accounted for 1.8 percent of U.S. trade with the world. The U.S. merchandise trade deficit with Taiwan narrowed to \$11.4 billion in 2009. U.S. merchandise exports to Taiwan amounted to \$16.7 billion in 2009, and were led by semiconductor manufacturing and assembly equipment, computer chips, civil aircraft, and corn. U.S. merchandise imports from Taiwan amounted to \$28.1 billion in 2009, and were led by electronic digital integrated circuits, wireless telephones and their parts, reception apparatus for navigational radios, parts for data-processing machines, and reception apparatuses for televisions. The United States ran a services trade surplus with

Taiwan in 2009; the surplus amounted to \$517.0 million in 2009, compared to a \$397.0 million deficit the year before.

High points of U.S. trade relations with Taiwan during 2009 were USTR's removal of Taiwan from the Special 301 watch list of IPR violators, the provision of U.S. beef and beef product companies with more comprehensive market access, and the reform of Taiwan's government procurement practices.

## **Brazil**

U.S. merchandise trade with Brazil was valued at \$41.7 billion in 2009, accounting for 1.7 percent of U.S. merchandise trade with the world. U.S. exports to Brazil amounted to \$22.1 billion, and U.S. imports from Brazil were \$19.6 billion, resulting in a U.S. merchandise trade surplus of \$2.5 billion. Leading U.S. exports to Brazil included civil aircraft and parts, refined petroleum products, and coal. Leading U.S. imports from Brazil included crude petroleum, pig iron, and civil aircraft (regional jet aircraft). The U.S. services trade surplus with Brazil was \$7.0 billion in 2009.

In 2009, USTR and the Brazilian government discussed the possibility of negotiating a trade and investment framework agreement. Although no final decision was reached, both sides agreed to continue discussions on the subject. On August 31, 2009, WTO arbitrators determined the level of countermeasures that Brazil can impose on U.S. trade in the WTO dispute settlement case brought by Brazil concerning U.S. subsidies on upland cotton.

## **India**

U.S. merchandise trade with India was valued at \$35.9 billion, accounting for 1.4 percent of U.S. merchandise trade with the world in 2009. U.S. exports to India were \$14.6 billion, and U.S. imports from India were \$21.2 billion, resulting in a U.S. merchandise trade deficit of \$6.6 billion. Leading U.S. exports to India included civil aircraft, diammonium phosphate (fertilizer), nonmonetary gold, nonindustrial diamonds, and oil from coal tar. Leading U.S. imports from India included nonindustrial diamonds, gold and platinum jewelry, therapeutic or prophylactic medicaments, pipe for oil and gas pipelines, bed linens, and apparel. The United States registered a trade deficit in services with India of \$2.1 billion.

During 2009, the United States and India discussed agricultural trade barriers and other bilateral economic issues in the U.S.-India Trade Policy Forum. The United States continued to monitor India's performance concerning the protection of intellectual property.

**TABLE ES.1** Summary of 2009 trade agreement activities

**January**

**1:** The CAFTA-DR FTA enters into force between the United States and Costa Rica.

**1:** The U.S.-Oman Free Trade Agreement enters into force.

**12:** The WTO Dispute Settlement Body (DSB) adopts the dispute panel and Appellate Body reports regarding complaints brought by the United States (DS340), the EU (DS339), and Canada (DS342) concerning China's measures affecting imports of automobile parts.

**15:** The United States and Iceland sign a trade and investment co-operation forum agreement.

**15:** The United States signs a nuclear cooperation agreement with the United Arab Emirates allowing U.S. exporters to supply equipment and services to the UAE's nuclear power industry.

**16:** Taiwan is removed from the USTR Special 301 watch list as a result of an out-of-cycle review of intellectual property protection.

**20:** The WTO DSB establishes a dispute panel (DS379) to examine complaints by China concerning U.S. definitive antidumping and countervailing duties on certain products from China. On November 17, 2009, the panel chairman informs the DSB that it will be unable to issue its final report within six months of the panel's establishment, but expects to complete its work by May 2010.

**February**

**1:** The U.S.-Peru Trade Promotion Agreement enters into force.

**17:** President Obama signs legislation reauthorizing and modifying the U.S. Trade Adjustment Assistance program.

**18:** The WTO DSB adopts the dispute panel and Appellate Body reports (DS350) regarding complaints brought by the EU concerning the continued existence and application of "zeroing" methodology used by the United States.

**March**

**17:** Mexico increases tariffs on a wide variety of U.S. products in retaliation for the United States' cancellation of the pilot trucking program operating under NAFTA, which allowed Mexican trucks to make international deliveries throughout the United States.

**March—Continued**

**20:** The WTO DSB adopts the dispute panel (DS362) report regarding complaints brought by the United States to examine China's measures affecting the protection and enforcement of intellectual property rights.

**20:** The WTO DSB establishes a dispute panel (DS383) to examine complaints by Thailand concerning U.S. antidumping measures on polyethylene retail carrier bags from Thailand. The DSB subsequently adopts the panel report on February 18, 2010.

**27:** The United States and Chile reach an agreement that allows for the resumption of American beef shipments to Chile.

**April**

**2:** The Mexican Carriers' Trade Association files for investor-state arbitration under NAFTA dispute-settlement provisions, due to U.S. failure to open its market to Mexican trucks.

**7:** The United States announces that it is imposing 10 percent ad valorem customs duties on imports of softwood lumber products from four Canadian provinces (Ontario, Quebec, Manitoba, and Saskatchewan) as a result of Canada's failure to cure its breach of the 2006 U.S.-Canada Softwood Lumber Agreement.

**20:** The WTO DSB establishes a dispute panel (DS381) to examine complaints by Mexico concerning U.S. measures concerning the importation, marketing, and sale of tuna and tuna products.

**30:** In the annual USTR Special 301 Report on intellectual property, USTR adds Canada, Algeria, and Indonesia to its priority watch list and removes Korea from the watch list.

**May**

**13:** The United States and the European Commission sign a memorandum of understanding in the beef hormones dispute providing U.S. producers additional access to the EU market for high-quality beef.

**19:** The United States and Angola sign a trade and investment framework agreement.

**27:** The United States and Egypt sign an agreement to deepen and broaden trade and investment relations.

## June

**8:** A NAFTA investment arbitration panel dismisses all claims against the United States by a Canadian mining company.

**26:** The United States and Japan sign an agreement to implement a mutual customs program to speed up border clearances between the two countries.

**30:** As a result of eligibility reviews, President Obama does not revoke Ecuador's eligibility for ATPA benefits and does not reinstate ATPA eligibility for Bolivia.

## July

**15:** Taiwan becomes a signatory to the plurilateral WTO Agreement on Government Procurement.

**16:** The fifth negotiating round of the Anti-Counterfeiting Trade Agreement (ACTA) begins in Morocco. Participants include Australia, Canada, the European Union (EU), Japan, South Korea, Mexico, Morocco, New Zealand, Singapore, Switzerland, and the United States.

**20:** The United States and India sign a technology safeguards agreement on the use of U.S.-licensed components on spacecraft launched from Indian facilities.

**27:** The U.S.-China Strategic and Economic Dialogue takes place in Washington, DC. Several topics are discussed, including sustainable and balanced economic growth, the global financial system, and promoting trade and investment between the two countries.

**28:** The United States renews import restrictions against Burma, also known as Myanmar.

**31:** The WTO DSB establishes a dispute panel (DS392) to examine complaints by China about U.S. measures affecting imports of poultry from China.

## August

**4–6:** The United States holds the eighth annual U.S.-Sub-Saharan African Trade and Economic Cooperation Forum in Nairobi, Kenya.

**5:** The United States and Mauritius begin negotiations on a bilateral investment treaty.

## August—Continued

**31:** The WTO DSB adopts the Appellate Body (DS322) and compliance panel reports to examine complaints brought by Japan concerning measures relating to "zeroing" methodology and sunset reviews used by the United States.

**31:** The Arbitrator's decision was circulated in the case of the WTO dispute panel (DS267) arbitration regarding complaints brought by Brazil concerning U.S. subsidies on upland cotton.

## September

**11:** The President signs a determination to apply an increased duty to all imports of passenger vehicle and light truck tires from China for a period of three years to remedy a market disruption caused by a surge in tire imports.

**25:** The WTO DSB establishes a dispute panel (DS382) to examine complaints by Brazil concerning U.S. antidumping administrative reviews and other measures related to imports of orange juice from Brazil.

**28:** An arbitration panel at the London Court of International Arbitration rejects Canada's claim that its offer to pay the United States serves to remedy Canada's breach of the 2006 U.S.-Canada Softwood Lumber Agreement.

## October

**17:** The United States and the Maldives sign a Trade and Investment Framework Agreement.

**22:** Taiwan signs an import protocol with the United States relaxing its restrictions on imports of U.S. beef.

**26:** U.S. and EU representatives participate in the fourth meeting of the Transatlantic Economic Council, focusing on emerging economic sectors.

**29:** During the U.S.-China Joint Commission on Commerce and Trade meetings, China agrees to eliminate the mandatory 70 percent local-content requirement on wind-powered turbines.

## November

**5:** The United States requests consultations under NAFTA dispute-settlement procedures in an effort to have Mexico drop its WTO dispute-settlement case (DS381) concerning measures concerning the importation, marketing, and sale of tuna and tuna products, involving whether tuna exports from Mexico to the United States can be labeled "dolphin safe."

## **November**—Continued

**9:** China's Ministry of Commerce initiates a domestic trade remedy case brought by the Chinese automobile association on imports of U.S. cars benefiting from subsidy programs provided to the U.S. automobile industry under the American Recovery and Reinvestment Act of 2009.

**11:** Asia-Pacific Economic Cooperation members meet in Singapore to review progress toward the goals set out in the 1994 Bogor Declaration. Members approve nonbinding principles endorsing the free flow of services across borders.

**17:** The WTO DSB adopts the Appellate Body report and panel report as modified by the Appellate Body (DS360) in a complaint brought by the United States concerning India's additional and extra-additional duties on imports from the United States.

**19:** The WTO DSB establishes a single dispute panel to examine complaints by Canada (DS384) and Mexico (DS386) concerning U.S. country-of-origin labeling requirements (COOL requirements).

**19:** The WTO DSB establishes a dispute panel (DS389) to examine complaints brought by the United States concerning EU measures affecting poultry meat and poultry meat products from the United States.

## **December**

**1:** The EU Lisbon Treaty enters into force.

**2:** The U.S. Department of Homeland Security delays for at least two years a congressional mandate to scan 100 percent of U.S.-bound container cargo by 2012.

**3:** The panel chairman of a WTO dispute panel (DS316), established July 20, 2005, to examine complaints brought by the United States concerning measures affecting trade in large civil aircraft, informs the DSB that it will be unable to issue its final report before the end of April 2010.

**13:** The U.S. Senate approves the omnibus appropriations bill, which includes a provision to suspend a rule requiring cash payment before shipping U.S. agricultural exports to Cuba.

**14:** USTR notifies Congress of the administration's intent to enter into negotiations with the Trans-Pacific Partnership (TPP) countries.

## **December**—Continued

**15:** The EU and a number of Latin American countries sign an agreement resolving a long-running dispute over the EU banana import regime.

**16:** The chairman of a WTO dispute panel (DS353), established February 17, 2006, to examine complaints brought by the EU concerning its second complaint regarding measures affecting trade in large civil aircraft, informs the DSB that it will be unable to issue its final report as estimated in December 2009, but expects to issue its interim report to the parties in June 2010.

**18:** The United States and China reach an agreement that terminates dozens of Chinese subsidies that had been supporting the export of "famous brands" of Chinese merchandise and other products.

**21:** The WTO DSB defers the establishment of a panel requested by China (DS399) concerning U.S. measures affecting imports of certain passenger vehicle and light truck tires. The DSB establishes a panel on January 19, 2010.

**21:** The WTO Appellate Body circulates its report on a complaint brought by the United States (DS363) concerning China's measures affecting trading rights and distribution services for certain publications and audiovisual entertainment products. The report upholds the dispute panel's conclusions that China must bring any measures found to be inconsistent with China's WTO Accession Protocol, China's Accession Working Party Report, the GATS, and the GATT 1994 into conformity with China's obligations. The DSB adopts the dispute panel and Appellate Body reports on January 19, 2010.

**21:** WTO DSB establishes a single dispute panel to examine complaints brought by the United States (DS394), the EU (DS395), and Mexico (DS398) concerning China's measures related to the export of various raw materials.

**21:** The panel chairman of a WTO dispute panel, established September 23, 2008, to examine complaints brought by the United States (DS375), Japan (DS376), and Chinese Taipei (DS379) concerning EU tariff treatment of certain information technology products, informs the DSB that it will be unable to issue its final report as estimated in December 2009 due to the complexity of the matter and the involvement of three complainants, but expects to issue its final report to parties by the end of April 2010.

**December**—*Continued*

**22:** The U.S. Congress extends the GSP and ATPA for Colombia, Ecuador, and Peru for one year.

**23:** The United States designates Mauritania as a beneficiary country under the African Growth and Opportunity Act and terminates the benefits of Guinea, Madagascar, and Niger.

*Sources:* Compiled from official and private sources, including the U.S. Department of Commerce, U.S. Department of Labor, U.S. Trade Representative, U.S. Department of Treasury, World Trade Organization, Mexican Ministry of Economy, *Inside U.S. Trade*, and *International Trade Daily*.

# CHAPTER 1

## Overview of U.S. Trade

---

### Scope and Approach of the Report

---

This report provides factual information on the operation of the U.S. trade agreements program and its administration for calendar year 2009.<sup>1</sup> Trade agreement activities during 2009 include the administration of U.S. trade laws and regulations; U.S. participation in the World Trade Organization (WTO), the Organisation for Economic Co-operation and Development (OECD), and the Asia-Pacific Economic Cooperation (APEC) forum; U.S. negotiation of and participation in free trade agreements (FTAs); and bilateral developments with major trading partners.

This report is based on primary source materials about U.S. trade programs and administrative actions thereunder, including U.S. government reports, notices, and news releases, and publications and news releases by the U.S. International Trade Commission (USITC or the Commission). Additional primary sources of information include publications of international institutions, including the International Monetary Fund (IMF), World Bank, OECD, WTO, United Nations (UN), and official publications of foreign governments. Professional journals, trade publications, and news reports are used to provide supplemental factual information when primary source information is unavailable.

Merchandise trade data are provided throughout the report. Chapters 1 and 5 also provide data on services trade. These data were compiled by the Commission using sources primarily from the Bureau of Economic Analysis (BEA) of the U.S. Department of Commerce (USDOC or Commerce).

### Overview of the U.S. Economy in 2009<sup>2</sup>

---

The direction of U.S. economic activity shifted substantially during 2009, from contraction to expansion. The economic downturn that began in late 2007, which was precipitated by the asset price bubble and was particularly notable in the housing sector, continued at the beginning of 2009.<sup>3</sup> However, after four straight quarters of decline, the U.S. economy grew in the third quarter of 2009, driven by improvements in the financial sector, monetary and fiscal stimulus policies,<sup>4</sup> and economic recovery in major emerging

---

<sup>1</sup> This is the 61st in a series of annual reports submitted to the U.S. Congress under sect. 163(c) of the Trade Act of 1974 (19 U.S.C. 2213(c)) and its predecessor legislation.

<sup>2</sup> Unless otherwise indicated, information in this section is from the Board of Governors of the Federal Reserve System, *Monetary Policy Report to the Congress*, February 24, 2010, 1–2, 5–6, 8–9, 11–19, 21, 31–33.

<sup>3</sup> White House, Council of Economic Advisors (CEA), *Economic Report of the President*, February 2010, 39.

<sup>4</sup> On February 17, 2009, the President signed the American Recovery and Reinvestment Act of 2009. “At an estimated cost of \$787 billion, the Act is the largest countercyclical fiscal action in American history.” CEA, *Economic Report of the President*, February 2010, 51.

economies. Although overall U.S. gross domestic product (GDP) decreased in 2009 by 2.4 percent from the year before (figure 1.1)—driven by downturns in business investment and exports—GDP increased at an annual rate of 2.2 percent and 5.9 percent in the third and fourth quarters, respectively (figure 1.2).<sup>5</sup> These quarterly increases reflected increased consumer and business spending, as well as a reduction in the business inventory liquidation that had marked the early part of 2009. Consumer spending was, in part, supported by a recovery in the financial markets in the latter part of 2009, although consumer credit availability remained limited.

The U.S. economic downturn reduced U.S. import demand in 2009. At the same time, the rapid global spread of the recession reduced demand for U.S. exports.<sup>6</sup> Overall, the global economy declined by an estimated 0.8 percent in 2009, the first time world output had declined in over a half of a century.<sup>7</sup> The decline did not, however, affect all economies equally: advanced economies contracted by 3.2 percent, whereas emerging and developing economies expanded by 2.1 percent.<sup>8</sup> Among major U.S. trading partners, output in the European Union (EU) euro area contracted by 3.9 percent, in Japan by 5.3 percent, in the United Kingdom by 4.8 percent, in Canada by 2.6 percent, and in Mexico by 6.8 percent, whereas output in China and India grew by 8.7 percent and 5.6 percent, respectively, in 2009.<sup>9</sup> As a result of the overall decline in global demand, world trade flows fell by over 12 percent in 2009, exacerbated by constraints on the supply of trade finance.<sup>10</sup> U.S. merchandise exports and imports fell 17.6 percent and 25.9 percent, respectively, in the first quarter of 2009 compared to the last quarter of 2008, but steadily increased throughout the rest of 2009, registering quarterly increases of 10.9 percent and 7.4 percent, respectively, in the last quarter of 2009.<sup>11</sup> These increases were driven by improved economic performance as well as increased demand in emerging market economies, particularly in Asia. However, U.S. trade flows in 2009 did not attain the pre-crisis levels registered in 2008.<sup>12</sup>

### ***Exchange-Rate Trends***<sup>13</sup>

The U.S. dollar depreciated 4.5 percent in 2009 against a basket of major foreign currencies on a trade-weighted basis,<sup>14</sup> and by 7.0 percent according to a broader dollar

---

<sup>5</sup> USDOC, BEA, “GDP Rises in the Fourth Quarter,” February 26, 2010.

<sup>6</sup> CEA, *Economic Report of the President*, February 2010, 29.

<sup>7</sup> CEA, *Economic Report of the President*, February 2010, 81; IMF, *World Economic Outlook Update*, January 26, 2010.

<sup>8</sup> IMF, “World Economic Outlook Update,” January 26, 2010.

<sup>9</sup> IMF, “World Economic Outlook Update,” January 26, 2010. The euro area includes 16 EU member states—Austria, Belgium, Cyprus, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, the Netherlands, Portugal, Slovakia, Slovenia, and Spain—that have adopted the euro as their common currency within an economic and monetary union.

<sup>10</sup> CEA, *Economic Report of the President*, February 2010, 89; IMF, “World Economic Outlook Update,” January 26, 2010.

<sup>11</sup> Official statistics of the U.S. Department of Commerce.

<sup>12</sup> Official statistics of the U.S. Department of Commerce.

<sup>13</sup> Unless otherwise indicated, information in this section is from the Board of Governors of the Federal Reserve System, *Monetary Policy Report to the Congress*, February 24, 2010, 29.

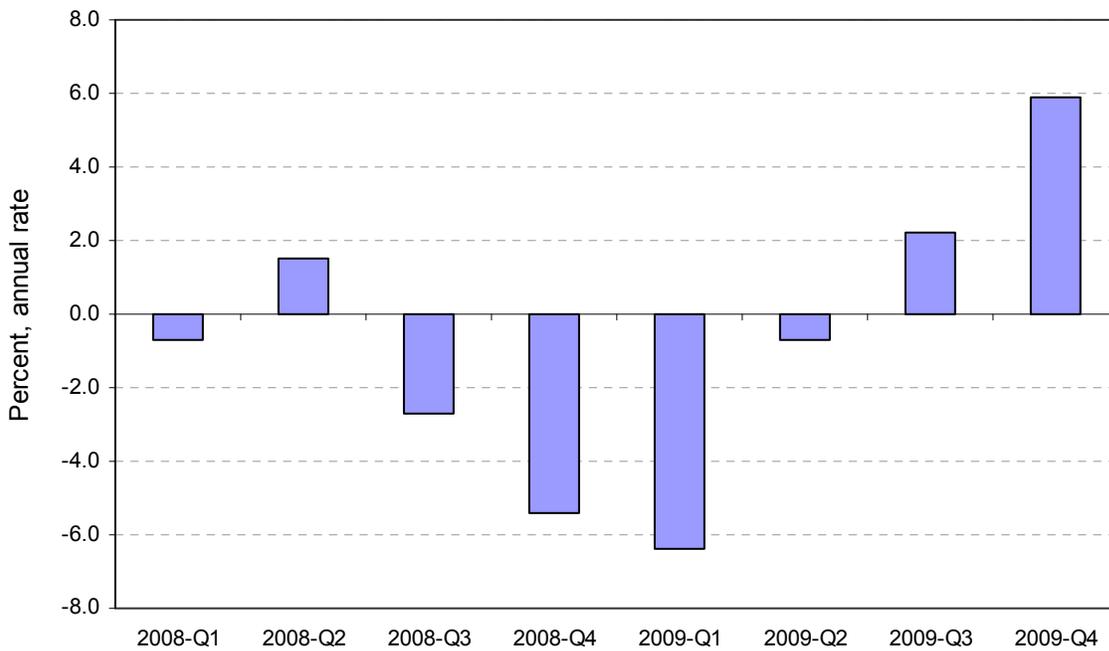
<sup>14</sup> According to the IMF, these major foreign currencies include the euro, the Canadian dollar, the Japanese yen, and the British pound. IMF, *World Economic Outlook*, October 2009, 29 and figure 49.

**FIGURE 1.1** U.S. real gross domestic product, in percent change, 2000–09



Source: USDOC.

**FIGURE 1.2** U.S. real gross domestic product, quarterly, in percent change, 2008–09



Source: USDOC.

index.<sup>15</sup> Although in the first quarter of 2009 the U.S. dollar continued the trend from 2008 and appreciated against most major currencies, it depreciated thereafter, as global economic activity improved and investors shifted away from safer U.S. securities. For the year as a whole, the dollar depreciated 14.0 percent against the Canadian dollar, 10.9 percent against the British pound, 9.2 percent against the euro, 7.4 percent against the Mexican peso, 0.2 percent against the Japanese yen, and 0.1 percent against the Chinese yuan (figure 1.3), as Chinese authorities maintained a largely fixed exchange rate against the dollar throughout 2009. The dollar also depreciated markedly against the currencies of commodity-producing countries, such as Australia and Brazil, where rising commodity prices buoyed economic performance.

### ***Balance of Payments***<sup>16</sup>

The U.S. current-account deficit—the combined balances of trade in goods and services, income, and net unilateral current transfers—decreased from \$706.1 billion in 2008 to \$419.9 billion in 2009, which was the smallest deficit since 2001.<sup>17</sup> As a share of U.S. GDP, the deficit decreased to 2.9 percent in 2009 from 4.9 percent in 2008. The decline in the current-account deficit was due to a large decline in the goods deficit, which outweighed declines in the surpluses on services and income. The deficit on international trade in goods decreased 38.5 percent to \$517.0 billion from \$840.3 billion. The surplus on international trade in services decreased 4.1 percent to \$138.4 billion from \$144.3 billion. The surplus on income decreased 24.7 percent to \$89.0 billion from \$118.2 billion.<sup>18</sup> Net unilateral current transfers to foreign residents increased 1.4 percent to

---

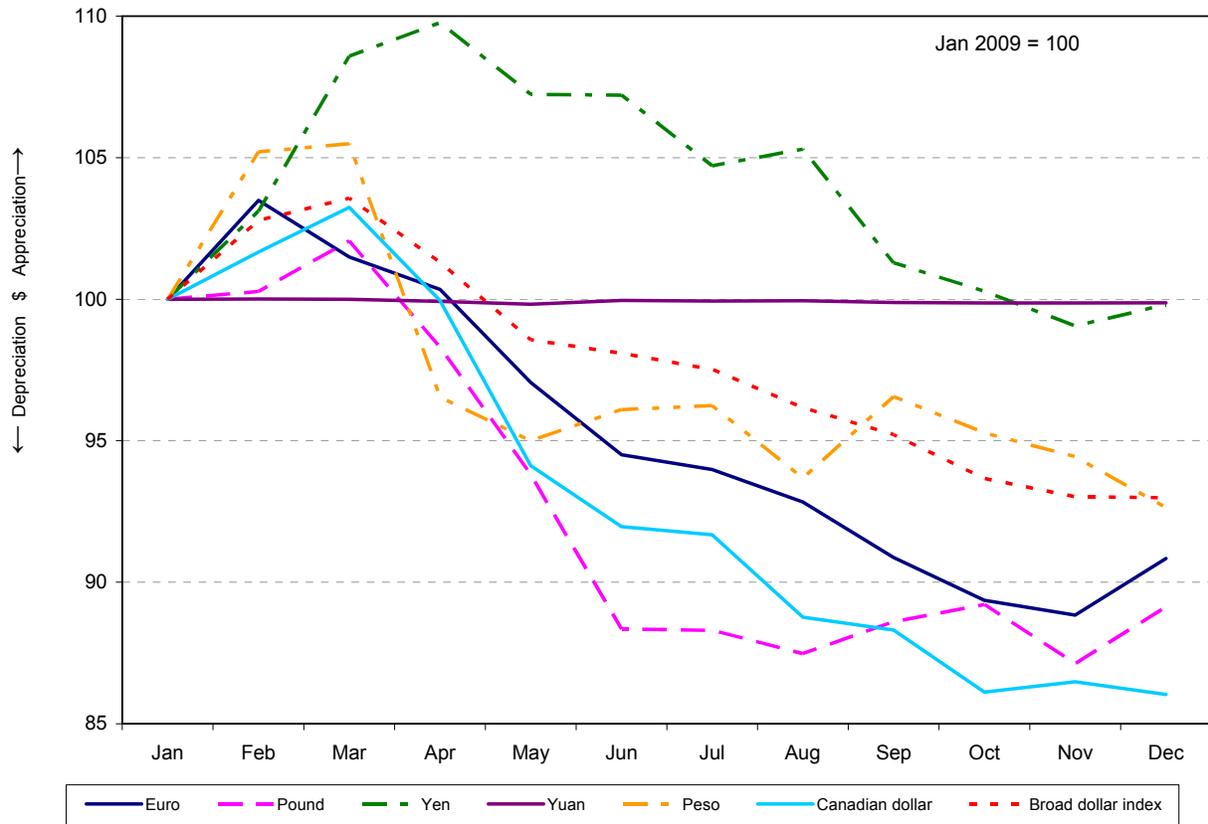
<sup>15</sup> The broad index is a weighted average of the foreign-exchange values of the U.S. dollar against the currencies of a large group of major U.S. trading partners. The index weights, which change over time, are derived from U.S. export shares and from U.S. and foreign import shares. Board of Governors of the Federal Reserve System, “Summary Measures of the Foreign Exchange Value of the Dollar,” n.d. (accessed March 9, 2010).

<sup>16</sup> Trade data in this section of the report may not match data in other sections or the appendix because it is reported on a balance-of-payments (BOP) basis. Total goods data are reported on a BOP basis, whereas detailed commodity and country data for goods are reported on a Census basis. The Census-basis data for goods used elsewhere in this report are compiled from the documents collected by U.S. Customs and Border Protection (USCBP) of the U.S. Department of Homeland Security (USDHS) and reflect the movement of goods between foreign countries and the 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and U.S. foreign trade zones. Data on goods compiled on a Census basis are adjusted by the USDOC BEA to a BOP basis in order to bring the data in line with the concepts and definitions used to prepare the international and national accounts. These adjustments are made to supplement coverage of the Census-basis data, to eliminate duplication of transactions recorded elsewhere in the international accounts, and to value transactions according to a standard definition. For a more detailed discussion of the differences between BOP-basis and Census-basis data, see USDOC, BEA, Christopher L. Bach, “A Guide to the U.S. International Transactions Accounts and the U.S. International Investment Position Accounts,” February 2010.

<sup>17</sup> Preliminary estimate.

<sup>18</sup> The balance on income is income receipts (including income receipts on U.S.-owned assets abroad and compensation of U.S. employees abroad) less income payments (including income payments on foreign-owned assets in the United States and compensation of foreign employees in the United States).

**FIGURE 1.3** Indices of dollar exchange rates for selected major currencies and broad measures, monthly, 2009<sup>a</sup>



Source: U.S. Federal Reserve Board.

<sup>a</sup> Units of the foreign currency per unit of the U.S. dollar. A decrease in the index represents a depreciation in 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.

\$130.2 billion from \$128.4 billion.<sup>19</sup> Net financial inflows were \$197.8 billion, down from \$505.1 billion in 2008.<sup>20</sup>

The U.S. trade deficit for goods and services decreased for the third year in a row, from \$695.9 billion in 2008 to \$378.6 billion in 2009. Similar to the reversal in GDP growth during the year, the U.S. trade deficit for goods and services narrowed in the first half of 2009 as imports declined more than exports, and increased in the second half of the year as imports increased more than exports.<sup>21</sup>

<sup>19</sup> Net unilateral current transfers measures transactions in which goods, services, or financial assets are transferred between U.S. residents and residents of other countries without something of economic value being received or provided in return. There are three major components: U.S. government grants (e.g., foreign assistance to developing countries), U.S. government pensions and other transfers, and private remittances and other transfers (e.g., charitable remittances).

<sup>20</sup> Net financial inflows are net acquisitions by foreign residents of assets in the United States less net acquisitions by U.S. residents of assets abroad. The main components of the financial account are capital transfers, foreign direct investment, portfolio investment, banking and other flows, statistical discrepancies, and official reserve assets.

<sup>21</sup> Board of Governors of the Federal Reserve System, *Monetary Policy Report to the Congress*, February 24, 2010, 17.

The \$517.0 billion deficit on goods was the smallest recorded since 2002. U.S. exports of goods decreased to \$1,045.5 billion from \$1,277.0 billion, as exports in all major product categories dropped substantially. Similarly, imports of goods decreased to \$1,562.6 billion from \$2,117.2 billion, as all major categories dropped substantially. Mineral fuels' share of the U.S. merchandise deficit declined to 33.2 percent in 2009 from 42.8 percent in 2008, similar to its 33.5 percent share in 2007.<sup>22</sup>

The U.S. surplus on services decreased to \$138.4 billion in 2009 from \$144.3 billion in 2008.<sup>23</sup> Services exports decreased to \$509.2 billion from \$549.6 billion in the same period. The following categories of services exports posted decreases: travel, "other" transportation (such as freight and port services), royalties and license fees, passenger fares, and "other" private services (such as business, professional, and technical services, insurance services, and financial services). These decreases were partly offset by increases in transfers under U.S. military agency sales contracts, and in U.S. government miscellaneous nonmilitary services. Services imports decreased to \$370.8 billion from \$405.3 billion. The following categories of services imports posted decreases: "other" transportation, travel, passenger fares, royalties and license fees, direct defense expenditures, and "other" private services. These decreases were partly offset by a small increase in U.S. government miscellaneous nonmilitary services.<sup>24</sup>

## **U.S. Trade in Goods in 2009**

---

U.S. merchandise exports decreased to \$936.8 billion (6.6 percent of GDP) in 2009 from \$1,169.8 billion (8.1 percent of GDP) in 2008 (figure 1.4).<sup>25</sup> U.S. merchandise imports decreased to \$1,549.2 billion (10.9 percent of GDP) in 2009 from \$2,090.5 billion (14.5 percent of GDP) in 2008. In each of the three years preceding 2009, both exports and imports grew, and export growth was greater than import growth. In 2009, because of the economic downturn, both exports and imports declined, and U.S. imports declined faster than U.S. exports, by 25.9 percent and 19.9 percent, respectively. However, reflecting the overall shift in economic activity, quarterly exports and imports grew steadily throughout 2009.

### ***U.S. Merchandise Trade by Product Category***

#### **Exports**

Machinery and transport equipment, which consistently ranks as the largest U.S. export in terms of Standard International Trade Classification (SITC) group, accounted for 39.2 percent of exports in 2009 (appendix table A.1). U.S. exports of machinery and transport

---

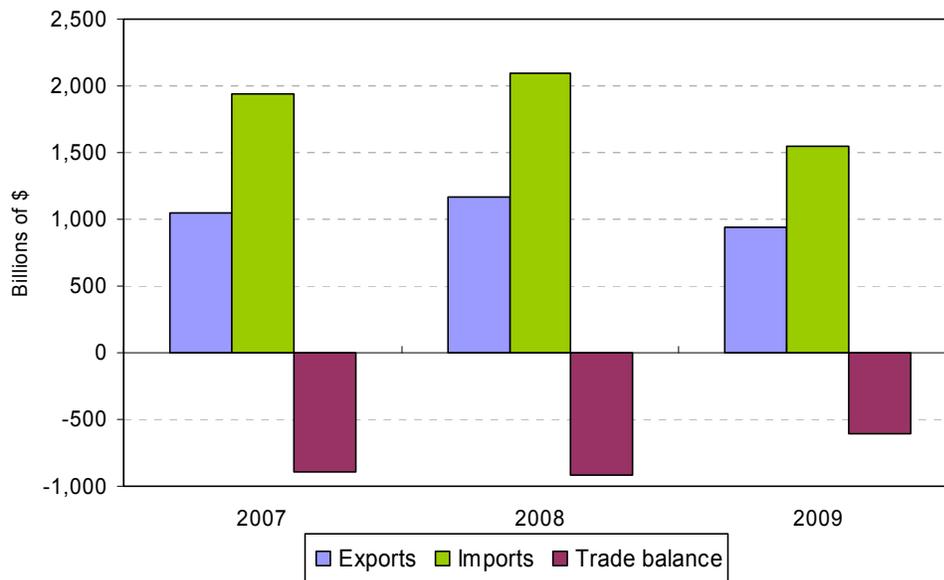
<sup>22</sup> Data are for Harmonized System (HS) Chapter 27. Official statistics of the U.S. Department of Commerce.

<sup>23</sup> BOP data include trade in private services, as well as transfers under U.S. military agency sales contracts and U.S. government purchases of miscellaneous services. U.S. trade in services is described in detail below.

<sup>24</sup> Unless otherwise indicated, information in this paragraph is from USDOC, BEA, "U.S. International Transactions: Fourth Quarter and Year 2009," March 18, 2010.

<sup>25</sup> Merchandise trade data in this section do not match the seasonally adjusted BOP-basis data presented above because of adjustments made to the data, as described in footnote 16.

**FIGURE 1.4** U.S. merchandise trade with the world, 2007–09



Source: USDOC.

equipment were valued at \$367.3 billion in 2009, down 23.0 percent from \$477.1 billion in 2008. Approximately 60 percent of the total drop in exports in 2009 was accounted for by decreased U.S. exports of goods from the following two SITC groups: machinery and transport equipment, and manufactured goods classified chiefly by material (e.g., products manufactured from leather, rubber, paper, and iron and steel). No SITC group registered an increase in exports from 2008 to 2009.

## Imports

U.S. imports of goods in all SITC groups decreased between 2008 and 2009, resulting in a decline of \$541.3 billion, or a 25.9 percent decrease, in total imports over 2008. More than 65 percent of the decline in imports in 2009 was accounted for by decreased U.S. imports of goods from the following two SITC groups: machinery and transport equipment, and mineral fuels, lubricants, and related materials. U.S. imports of machinery and transport equipment declined 21.0 percent, from \$718.3 billion in 2008 to \$567.5 billion in 2009, which accounted for 36.6 percent of total U.S. imports in 2009.

U.S. imports of mineral fuels, lubricants, and related materials were valued at \$257.3 billion in 2009, down 45.1 percent from \$468.4 billion in 2008. This SITC group accounted for 16.6 percent of total U.S. imports in 2009, down from 22.4 percent in 2008.

U.S. imports under the United States' four preferential trade programs with developing countries declined 46.4 percent, from \$110.0 billion in 2008 to \$59.0 billion in 2009, or 3.9 percent of total U.S. imports during the year. Duty-free imports totaled \$19.8 billion under the Generalized System of Preferences (GSP) program (appendix table A.11), \$28.1 billion (excluding GSP imports) under the African Growth and Opportunity Act (AGOA) (appendix table A.13), and \$9.7 billion under the Andean Trade Preference Act

(ATPA) (appendix table A.15). In addition, imports that entered free of duty or at reduced rates under the Caribbean Basin Economic Recovery Act (CBERA) totaled \$2.4 billion (appendix table A.17). U.S. imports under free-trade or trade promotion agreement provisions also declined in 2009 to \$240.3 billion, or 15.4 percent of total U.S. imports.<sup>26</sup>

### *U.S. Merchandise Trade with Leading Partners*<sup>27</sup>

Table 1.1 shows U.S. trade with selected major trading partners, ranked by total trade (exports and imports) in 2009.<sup>28</sup> The European Union (EU) as a unit remained the leading global market for U.S. exports, but was overtaken by China as the leading source of U.S. imports in 2009. Canada remained the largest single-country two-way trading partner of the United States, followed by China and Mexico. Figures 1.5 and 1.6 show leading U.S. export markets and import suppliers, respectively, by share in 2009.

China alone accounted for 37.6 percent (\$230.4 billion) of the total U.S. merchandise deficit of \$612.4 billion in 2009. North America Free Trade Agreement (NAFTA) partners Canada and Mexico together accounted for 20.2 percent (\$123.5 billion) of this deficit. The U.S. trade deficit with China declined from \$270.3 billion in 2008 to \$230.4 billion in 2009. U.S. exports to China declined less (3.1 percent) than U.S. imports from China (12.4 percent) over the 2008–09 period.

## **U.S. Trade in Services in 2009**<sup>29</sup>

---

The U.S. surplus in cross-border private services trade decreased 6.1 percent in 2009 to \$151.6 billion (figure 1.7),<sup>30</sup> primarily due to a decline in exports. This is the first annual decrease in the U.S. services trade surplus since 2003. Similarly, U.S. exports and imports of services posted their first declines since 2001. U.S. cross-border exports of private services decreased 8.4 percent, from \$525.8 billion in 2008 to \$481.8 billion in 2009, while U.S. cross-border imports of services decreased 9.4 percent, from \$364.4

---

<sup>26</sup> See chap. 2 of this report for further information on the trade preference programs and chap. 4 for information on U.S. FTAs.

<sup>27</sup> See chap. 5 for further information on U.S. merchandise trade with major trading partners, i.e., the EU, Canada, China, Mexico, and other countries. Venezuela and Saudi Arabia are also leading trading partners of the United States but are not discussed here because most of these countries' trade with the United States consists of petroleum and petroleum products.

<sup>28</sup> Leading U.S. exports to and imports from these partners are presented in appendix tables A.21 through A.47.

<sup>29</sup> This section focuses primarily on cross-border transactions in private services, which exclude government sales and purchases of services. Services trade data are drawn from the USDOC BEA. In these national accounts data, "cross-border transactions" occur when firms resident in one country provide services to consumers in another, with people, information, or money crossing U.S. boundaries in the process. Cross-border transactions appear explicitly as imports and exports in the balance of payments. U.S. firms also provide services to foreign consumers through affiliates established in host countries, with the income generated through "affiliate transactions" appearing as investment income in the balance of payments. The channel of delivery used by service providers depends primarily on the nature of the service. For example, many financial services, such as retail banking services, are supplied most effectively by affiliates located close to the consumer. Conversely, trade in education services predominantly takes the form of cross-border transactions, with students traveling abroad to attend foreign universities.

<sup>30</sup> USDOC, BEA, U.S. International Transactions Accounts Data, March 18, 2010, table 3a.

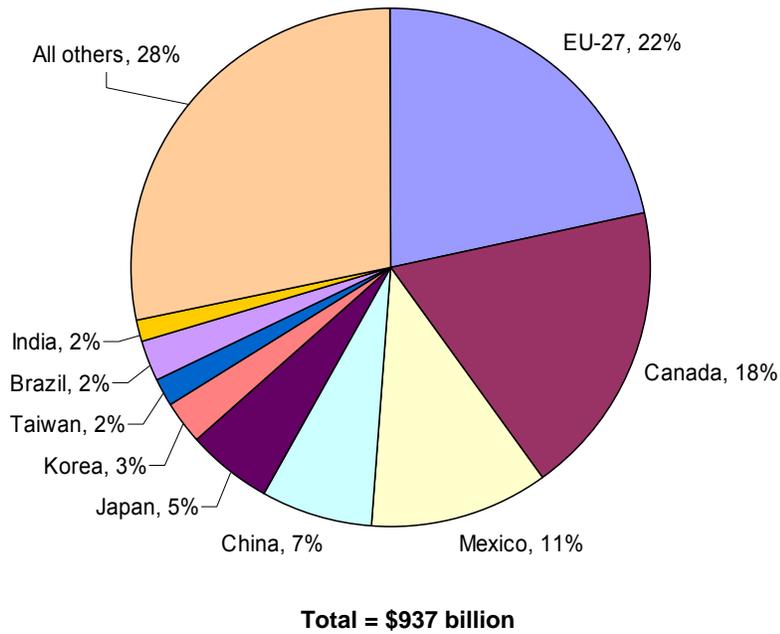
**TABLE 1.1** U.S. merchandise trade with major trading partners and with the world, 2009, billions of dollars

Major trading partner	U.S. Exports	U.S. Imports	Trade balance	Two-way trade (exports plus imports)
EU-27	202.4	278.1	-75.7	480.5
Canada	171.7	224.6	-52.9	396.3
China	65.1	295.5	-230.4	360.7
Mexico	105.7	176.3	-70.6	282.0
Japan	47.1	96.0	-48.9	143.1
Korea	27.1	38.8	-11.7	65.8
Taiwan	16.7	28.1	-11.4	44.8
Brazil	22.1	19.6	2.5	41.7
India	14.6	21.2	-6.6	35.9
All others	264.2	370.9	-106.7	635.1
World	936.7	1,549.2	-612.4	2,485.9

Source: Compiled from official statistics of the USDOC.

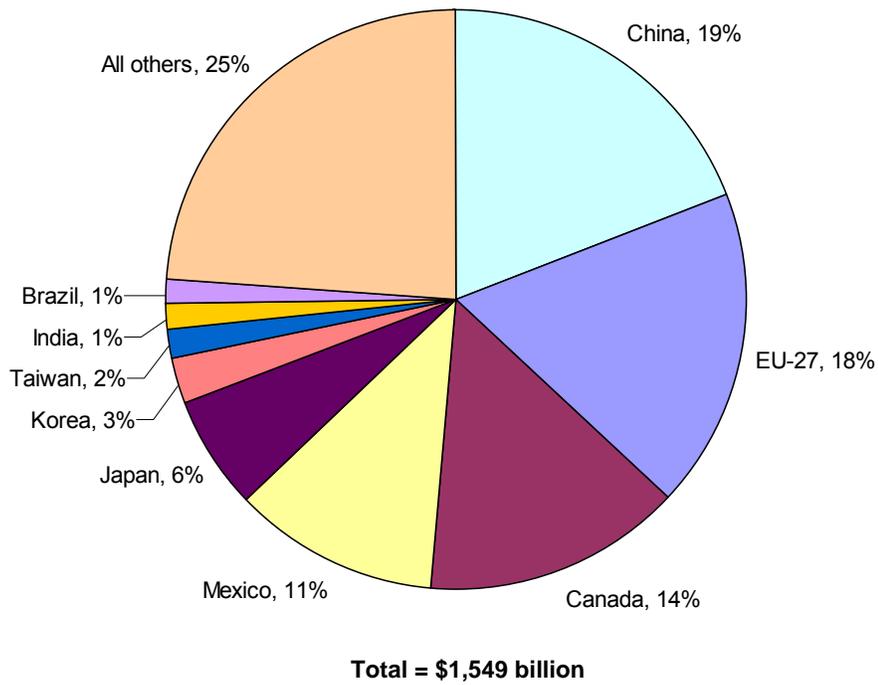
Note: Because of rounding, figures may not add to totals shown.

**FIGURE 1.5** Leading U.S. merchandise export markets, by share, 2009



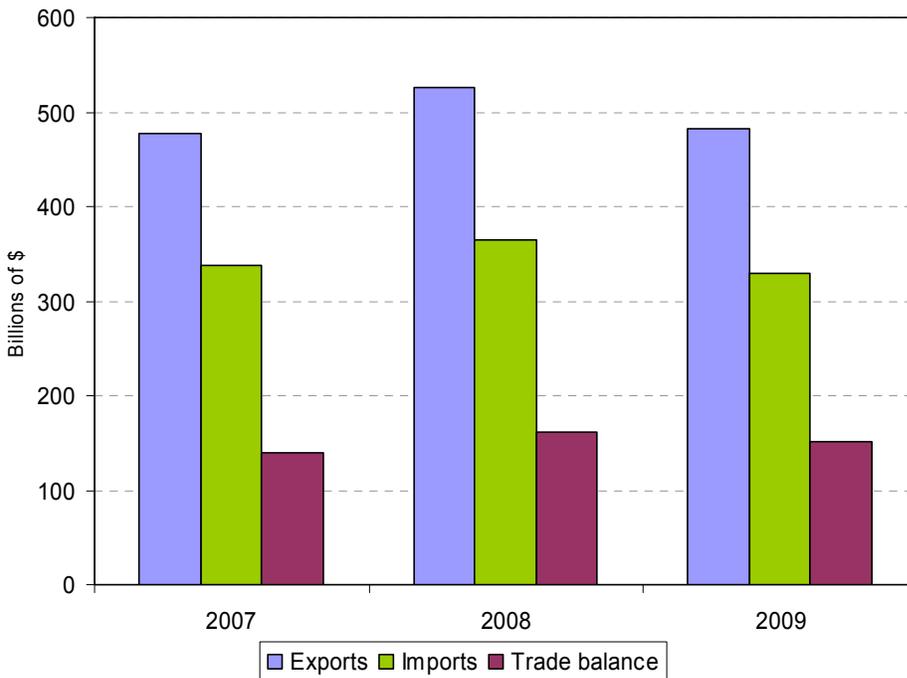
Source: USDOC.

**FIGURE 1.6** Leading U.S. merchandise import sources, by share, 2009



Source: USDOC.

**FIGURE 1.7** U.S. private cross-border services trade with the world, 2007–09<sup>a</sup>



Source: USDOC, BEA, U.S. International Transactions Accounts Data, table 3a, March 18, 2010.

<sup>a</sup> Data for 2009 are preliminary.

billion to \$330.2 billion during the same period. Exports and imports declined in most services categories, with the exception of education and insurance services. Appendix tables A.2 and A.3 provide data on U.S. trade in private services by product category.

## ***U.S. Services Trade by Product Category***

### **Exports**

Business, professional, and technical services led U.S. cross-border services exports in 2009, accounting for 23.8 percent of the total, followed by exports of travel services,<sup>31</sup> which accounted for 19.6 percent of total U.S. cross-border services exports. Exports of most services declined from 2008 to 2009, although exports in three categories—insurance services, education, and business, professional, and technical services—increased. Exports of education and business, professional, and technical services, however, experienced declining growth rates from 2008 to 2009, much like other services. In the case of insurance services, growth in 2009 was higher than in 2007 and 2008, although growth for the 3-year period was lower than the 10-year trend. Like other services, these three categories likely have been affected by the global recession.

Exports of services that involve the movement of goods or people saw the biggest declines. Exports of port services and freight services decreased 26.1 and 20.0 percent, respectively. The lower volume of merchandise trade led to a decrease in U.S. exports of port and freight services, while lower fuel prices also contributed to the decrease in U.S. port services exports.<sup>32</sup> Travel services and passenger fares<sup>33</sup> decreased 14.4 and 15.0 percent, respectively, as the global recession decreased demand for travel.

### **Imports**

Two service categories—business, professional, and technical services and travel services—led U.S. cross-border services imports in 2009, each accounting for about 15 percent of the total. U.S. imports in all service categories, declined from 2008 to 2009, except for insurance services and education, which saw growth of 11.8 and 8.7 percent, respectively. As with exports, the categories with the largest declines were those services that involve the movement of goods or people. Port services decreased 25.0 percent, reflecting the decrease in merchandise trade and fuel prices,<sup>34</sup> while freight transportation imports decreased 23.7 percent as U.S. merchandise imports fell. Travel services and passenger fares decreased 8.4 and 20.3 percent, respectively. Imports of financial services also declined significantly—by 21.1 percent.

---

<sup>31</sup> Travel services comprise purchases of goods and services by U.S. persons traveling abroad and by foreign travelers in the United States. 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.

<sup>32</sup> Weinberg and Tenentes, “U.S. International Transactions,” July 2009, 61.

<sup>33</sup> Fares received by U.S. carriers from foreign residents for travel between the United States and foreign countries and between two foreign points.

<sup>34</sup> Weinberg and Tenentes, “U.S. International Transactions,” July 2009, 61.

## *U.S. Services Trade with Leading Partners*

The EU was the United States' largest export market and largest import supplier of services in 2009 (table 1.2), accounting for 36.1 percent of total U.S. services exports and 36.8 percent of total U.S. services imports (figures 1.8 and 1.9).<sup>35</sup> Canada and Japan followed the EU as the second- and third- largest markets for U.S. services in 2009. Among its major trading partners, the United States maintained a regional services trade surplus with the EU, as well as bilateral services trade surpluses with Canada, Japan, Mexico, Brazil, China, Korea, and Taiwan. By contrast, the United States posted a services trade deficit of \$2.1 billion with India. Though industry-specific data by trading partner are not yet available for 2009, the U.S. services trade deficit with India has historically been driven by the outsourcing of information technology (IT) services by U.S. firms, resulting in higher imports of computer and data processing services.<sup>36</sup> In addition to these major trading partners that are covered in this report,<sup>37</sup> Australia also ranks as a major services trading partner; services exports to Australia were \$11.9 billion in 2009, and services imports were \$5.3 billion, yielding a U.S. services trade surplus of \$6.6 billion.

**TABLE 1.2** U.S. private services trade with major trading partners and the world, 2009,<sup>a</sup> billions of dollars

Major trading partner	U.S. Exports	U.S. Imports	Trade balance	Two-way trade (exports plus imports)
EU-27	173.8	121.5	52.3	295.3
Canada	41.9	21.0	20.9	62.9
Japan	39.7	21.4	18.3	61.1
Mexico	21.7	13.4	8.3	35.1
China	15.3	8.5	6.8	23.8
India	9.9	12.0	-2.1	21.9
Korea	13.0	6.3	6.6	19.3
Brazil	11.8	4.9	7.0	16.7
Taiwan	6.4	5.9	0.5	12.3
All others	148.2	115.3	33.0	263.5
World	481.7	330.2	151.6	811.9

Source: USDOC.

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

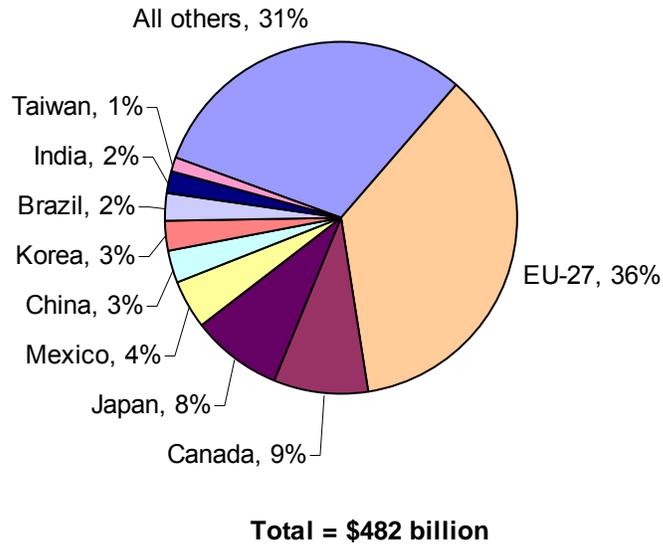
<sup>a</sup> Data are preliminary.

<sup>35</sup> In terms of single countries, the United Kingdom (a member of the EU) is the United States' largest export market and largest import supplier of private services.

<sup>36</sup> USDOC, BEA, "U.S. International Services: Cross-Border Trade 1986–2008, and Services Supplied through Affiliates, 1986–2007," October 30, 2009, table 7a.

<sup>37</sup> See chap. 5.

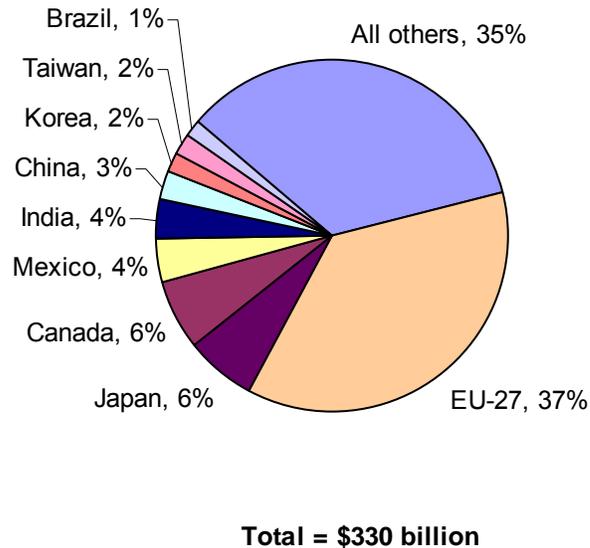
**FIGURE 1.8** Leading U.S. export markets for private services, by share, 2009<sup>a</sup>



Source: USDOC, BEA, U.S. International Transactions Accounts Data, table 12, March 18, 2010.

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

**FIGURE 1.9** Leading U.S. import sources of private services, by share, 2009<sup>a</sup>



Source: USDOC, BEA, U.S. International Transactions Accounts Data, table 12, March 18, 2010.

<sup>a</sup> Data 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 2009. It covers import relief laws, trade adjustment assistance, unfair trade laws, and certain other trade provisions, including the U.S. Generalized System of Preferences, the African Growth and Opportunity Act, the Andean Trade Preference Act, and the Caribbean Basin Economic Recovery Act.

### Import Relief Laws

---

#### *Safeguard Actions*

This section covers safeguard actions under provisions administered by the Commission, including global safeguards provided for in sections 201–204 of the Trade Act of 1974, China safeguards provided for in section 421 of the Trade Act of 1974, and safeguards provided for in various bilateral free trade agreements involving the United States.

The Commission conducted one safeguard investigation during 2009 under the section 421 China safeguards provision with respect to imports of certain passenger vehicle and light truck tires from China. The Commission made an affirmative determination of market disruption and proposed that the President impose higher tariffs on imports of the subject tires from China.<sup>1</sup> Following receipt of the Commission's report, the President imposed additional tariffs on such tires from China for a three-year period as follows: 35 percent ad valorem in the first year, 30 percent ad valorem in the second year, and 25 percent ad valorem in the third year.<sup>2</sup> The Commission instituted the investigation following receipt of a petition on April 24, 2009, from the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Pittsburgh, PA.

### Trade Adjustment Assistance

---

The United States provides trade adjustment assistance (TAA) to assist U.S. workers, manufacturing firms, farmers, and communities adversely affected by import competition

---

<sup>1</sup> USITC, *Certain Passenger Vehicle and Light Truck Tires From China*, July 2009.

<sup>2</sup> Proclamation 8414 of September 11, 2009, 74 Fed. Reg. 47861 (September 16, 2009). The higher tariffs were imposed effective September 26, 2009, and were in addition to the existing 4 percent ad valorem rate of duty on U.S. imports of such tires from China.

or production shifts to foreign countries.<sup>3</sup> In 2009, TAA comprised the following programs: TAA for Workers, TAA for Firms, TAA for Farmers, and TAA for Communities. These programs are described separately below.

President Obama signed the Trade and Globalization Adjustment Assistance Act of 2009 (TGAAA) on February 17, 2009, as part of the American Recovery and Reinvestment Act of 2009 (ARRA, Pub. L. 111-5). This new legislation reauthorized and changed certain provisions of the TAA programs for workers, firms, and farmers as of May 18, 2009, and created the TAA for Communities program. The TGAAA extended the TAA programs until December 31, 2010.<sup>4</sup>

### ***Assistance for Workers***

The TAA for Workers program is administered by the U.S. Department of Labor (USDOL) through the Employment and Training Administration (ETA).<sup>5</sup> Geared to workers who have lost their jobs as a result of foreign trade, the TAA for Workers program offers a variety of benefits and services to eligible workers, including job training, income support, job search and relocation allowances, a tax credit to help pay the costs of health insurance, and a wage supplement to certain reemployed trade-affected workers 50 years of age and older.<sup>6</sup>

In general, changes to worker benefits and certification criteria as a result of the TGAAA apply only to workers covered by petitions filed on or after May 18, 2009 (the new TAA for Workers program). The new TAA for Workers program also expanded the list of groups of workers that may be certified for program benefits and services.<sup>7</sup>

Key benefits and services available under the new TAA for Workers program are:

- Employment and case management services: includes skill assessments, career counseling, supportive services, and information on training.
- Training: up to 156 weeks of full-time or part-time training.
- Trade readjustment allowances: up to 156 weeks of cash payments for workers enrolled in full-time training within 26 weeks of their trade-related layoff or certification, whichever is later.

---

<sup>3</sup> TAA was formally established by the Trade Expansion Act of 1962 (Pub. L. 87-794), but was little used until the Trade Act of 1974 (Pub. L. 93-618) expanded program benefits and eligibility. The TAA program was amended by the Trade Adjustment Assistance Reform Act (TAA Reform Act), which was part of the Trade Act of 2002 (Pub. L. 107-210). The TAA Reform Act reauthorized and expanded TAA; it also consolidated the TAA and the North American Free Trade Agreement TAA programs. CEA, *Economic Report of the President*, 2009, box 8-2, 232–33; Topoleski, “TAA for Workers,” February 20, 2008.

<sup>4</sup> USDOL, “FY 2011 Congressional Budget Justification, Employment and Training Administration: Overview,” 10, n.d. (accessed April 20, 2010).

<sup>5</sup> States serve as agents to the USDOL in administering the TAA for Workers program. USDOL, ETA, “State Reporting Requirements,” January 7, 2010.

<sup>6</sup> USDOL, ETA, “Trade Act Program: TAA for Workers: What’s New,” March 26, 2010.

<sup>7</sup> New groups of workers that may be certified under the new TAA program include workers in firms that supply services; workers whose firms have shifted production to *any* foreign country; workers in public agencies; workers whose firms produce component parts of a finished article produced by their customer(s); workers in firms that supply testing, packaging, maintenance and transportation services to companies with TAA-certified workers; and workers whose firms are identified in a USITC “injury” determination. USDOL, ETA, “Changes to TAA program—Questions and Answers,” December 28, 2009.

- Health Coverage Tax Credit (HCTC): a tax credit covering 80 percent of the worker’s monthly premium for qualified health insurance.<sup>8</sup>
- Reemployment Trade Adjustment Assistance: a wage subsidy for up to two years that is available to workers age 50 or over who get reemployed at a reduced salary. Expands the benefits that were available under Alternative Trade Adjustment Assistance of the old TAA program.
- Job search allowance: for costs of a job search outside an eligible worker’s local area.
- Relocation allowance: for costs of relocating to a job outside an eligible worker’s local area.<sup>9</sup>

To obtain TAA reemployment services and benefits, a group of workers<sup>10</sup> must first file a petition with USDOL’s Trade Adjustment Assistance program requesting certification as workers adversely affected by foreign trade.<sup>11</sup> If the worker group meets the necessary group eligibility criteria, a certification will be issued.<sup>12</sup> Each worker in the group may then individually apply at state workforce agencies or through local “One Stop Career Centers” to determine individual TAA eligibility for services and benefits.<sup>13</sup>

The USDOL instituted investigations in response to 4,683 petitions for TAA it received during 2009. Of that number, it issued 2,419 certifications for TAA and denied 561 petitions.<sup>14</sup> USDOL previously stated that approximately 80,000 trade-affected workers receive TAA benefits in any given year.<sup>15</sup> However, in July 2009 the USDOL stated that it was “experiencing a sharp increase in petitions for eligibility for the program.”<sup>16</sup>

### *Assistance for Farmers*

TAA for Farmers is administered by the U.S. Department of Agriculture (USDA) through the Foreign Agricultural Service (FAS). Under the program, the USDA provides technical assistance and cash benefits to eligible producers of raw agricultural commodities who have been hurt by import competition.<sup>17</sup> The TAA for Farmers

---

<sup>8</sup> An increase in the amount of the HCTC entered into effect beginning in May 2009 and applies to all recipients, regardless of when their petition was filed. USDOL, ETA, “Trade Act Program: TAA for Workers: What’s New,” March 26, 2010.

<sup>9</sup> USDOL, ETA, *Getting Back to Work After a Trade-Related Layoff*, (accessed April 20, 2010).

<sup>10</sup> A petition may be filed by a group of three or more workers, by a company or public agency official, by state one-stop operators or partners (including state employment security agencies and dislocated worker units), or by a union or other duly authorized representative of such workers. The workers on whose behalf a petition is filed must be or have been employed at the firm or subdivision identified in the petition. USDOL, ETA, “Trade Adjustment Assistance Application Process,” December 31, 2009.

<sup>11</sup> A copy of the petition must also be sent to the TAA coordinator or the dislocated worker office of the state in which the layoff occurred. USDOL, ETA, “Petition for Trade Adjustment Assistance (TAA),” April 2009.

<sup>12</sup> USDOL, ETA, “Trade Adjustment Assistance Application Process,” December 31, 2009.

<sup>13</sup> *Ibid.*

<sup>14</sup> Because of the timing of the application process, the adverse trade impact cited in some of the petitions occurred in 2008. Also because of the timing of the process, not all of the investigations instituted in 2009 were completed that year. USDOL, ETA, “Search for Trade Adjustment Assistance Cases,” March 31, 2010.

<sup>15</sup> USDOL, “2009 Congressional Budget Justification: ETA,” 13, n.d. (accessed April 20, 2010).

<sup>16</sup> USDOL, ETA, “What’s New: Notice to Petitioners,” July 2, 2009, (accessed March 11, 2010).

<sup>17</sup> USDA, “Trade Adjustment Assistance (TAA) for Farmers Program,” March 2010, 1.

program was in effect from October 1, 2002, through December 31, 2007, when its statutory authority expired. In 2009, the TGAAA reauthorized and modified the TAA for Farmers program. The new TAA for Farmers program was launched March 1, 2010.<sup>18</sup>

Under the new TAA for Farmers program, U.S. producers of raw agricultural commodities, including farmers, ranchers, fish farmers, and fishermen, may be eligible to receive technical training and cash benefits when the Administrator of FAS determines that increased imports have contributed importantly to a greater than 15 percent decrease in one or more of the following measures of their commodities: (1) the national average price; (2) the quantity of production; (3) the value of production; or (4) cash receipts, compared to the average of the three preceding marketing years.<sup>19</sup>

To become eligible for benefits, a group of three or more producers or a commodity organization may request, on behalf of producers in their state or group of states, that a commodity be certified as eligible by submitting a petition to FAS. To be eligible, a commodity must be found in its raw or natural state in chapters 1, 3, 4, 5, 6, 7, 8, 10, 12, 14, 23, 24, 41, 51, or 52 of the Harmonized Tariff Schedule of the United States.<sup>20</sup> Following a commodity certification, each producer may then individually apply for training and benefits at his or her local Farm Service Agency center.<sup>21</sup>

TAA for Farmers program benefits include cash payments and free technical training on how to develop and implement business adjustment plans. Producers who develop an approved business plan are eligible to receive up to \$4,000 as payment toward implementing the plan or developing a long-term business adjustment plan, and are subsequently eligible to receive an additional cash payment of up to \$8,000 to be applied toward implementing the plan. A producer may not receive more than \$12,000 during the 36-month period following certification of a group petition.<sup>22</sup>

### ***Assistance for Firms***

TAA for Firms is administered by the U.S. Department of Commerce (USDOC) through the Economic Development Administration (EDA). The TAA for Firms program is managed by a national network of 11 nonprofit Trade Adjustment Assistance Centers (TAACs). TAACs, typically sponsored by universities or nonprofit organizations, are the primary point of contact for firms during the certification and adjustment proposal processes under the TAA program.<sup>23</sup> The TGAAA modified the TAA for Firms program and expanded the potential pool of clients significantly by allowing service industry firms the opportunity to apply for TAA.<sup>24</sup>

---

<sup>18</sup> USDA, "USDA Launches Trade Adjustment Assistance for Farmers Program," March 1, 2010; 75 Fed. Reg. 11513 (March 11, 2010).

<sup>19</sup> USDA, "Trade Adjustment Assistance (TAA) for Farmers Program," March 2010, 1.

<sup>20</sup> USDA, "Trade Adjustment Assistance (TAA) for Farmers Program," March 2010, 1.

<sup>21</sup> USDA, "Trade Adjustment Assistance for Farmers, Frequently Asked Questions," September 15, 2009; USDA, "Trade Adjustment Assistance (TAA) for Farmers Program," March 2010, 1.

<sup>22</sup> USDA, "Trade Adjustment Assistance (TAA) for Farmers Program," March 2010, 1.

<sup>23</sup> USDOC, EDA, "Trade Adjustment Assistance for Firms: About Us," n.d. (accessed April 16, 2010).

<sup>24</sup> USDOC, "Congress Makes Changes to Trade Adjustment Assistance for Firms Program," n.d. (accessed April 16, 2010).

The TAA for Firms program provides financial assistance in the form of matching funds to help eligible import-impacted companies producing articles or services.<sup>25</sup> The matching funds are intended to help firms offset the costs of projects aimed at improving their competitive positions. Funds may be applied toward the cost of consultants, engineers, designers, or industry experts for improvement projects in areas such as manufacturing, engineering, marketing, information technology, and quality.<sup>26</sup>

### *Assistance for Communities*

Community TAA (TAA for Communities), a new program established by the TGAAA, is also administered by the USDOC through the EDA.<sup>27</sup> The TAA for Communities program is aimed at helping to create and retain jobs by providing project grants to U.S. communities adversely impacted by international trade. Grants of up to \$5 million under the program can be used to support a wide range of technical, planning, and infrastructure projects to help communities adapt to pressing trade impact issues and diversify their economies.<sup>28</sup>

To be eligible to apply, communities must be certified under the TAA for Workers, TAA for Farmers, or TAA for Firms programs. In addition, EDA must make a determination that the community is significantly impacted by trade.<sup>29</sup> Applications are to be competitively evaluated based on the extent to which they address the following criteria:

- Support for small and medium-sized communities, defined as communities with a population of 100,000 or less.
- Assist the most severely impacted communities, in terms of the number of workers in the community that are receiving assistance from TAA programs.
- Deliver a high return on investment in terms of creating and saving jobs, leveraging public-private partnerships, and using best practices in project management.
- Support regionalism, innovation, and entrepreneurship by strengthening regional cluster strategies and fostering technology commercialization.

---

<sup>25</sup> According to the USDOC, “we work with a variety of manufacturers and for some, imports represent only a minor challenge. For others, they pose a serious threat. Regardless of the degree of impact, a firm may be eligible if it experienced sales and employment declines at least partially due to imports over the last two years.” USDOC, EDA, “Trade Adjustment Assistance for Firms: Frequently Asked Questions,” n.d. (accessed March 11, 2010).

<sup>26</sup> TAA pays for half of the cost of these services, up to \$150,000 in projects with a maximum TAA share of \$75,000. Actual levels of assistance depend on a variety of factors. USDOC, EDA, “Trade Adjustment Assistance for Firms: Program Benefits,” n.d. (accessed March 11, 2010).

<sup>27</sup> Additional information on the TAA for communities program is available at USDOC, EDA, <http://www.eda.gov/InvestmentsGrants/CommunityTAA.xml>.

<sup>28</sup> EDA has set up a single competition for the TAA for Communities program, with the deadline to submit a full grant application set for April 20, 2010. Funding of \$36,768,000 was made available for the TAA for Communities program through September 30, 2010, “which means that EDA must obligate all funds to particular projects by that date.” USDOC, EDA, “Community Trade Adjustment Assistance Program: Frequently Asked Questions,” n.d. (accessed April 16, 2010) 6, 10. See also U.S. House of Representatives, Committee on Ways and Means, “How To Manual on Trade Adjustment Assistance in the American Recovery and Reinvestment Act,” February 24, 2009.

<sup>29</sup> USDOC, EDA, “Community Trade Adjustment Assistance Program Overview,” n.d. (accessed April 16, 2010).

- Support global trade and competitiveness by supporting “high growth/high potential companies” and advancing business clusters with significant export potential.
- Grow the “green economy” by promoting renewable energy and energy efficiency.<sup>30</sup>

## **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>31</sup> Section 301 may be used to enforce U.S. rights under bilateral and multilateral trade agreements and also may be used to respond to unreasonable, unjustifiable, or discriminatory foreign government practices that burden or restrict U.S. commerce. Interested persons may petition the United States Trade Representative (USTR) to investigate foreign government policies or practices, or the USTR may initiate an investigation.

If the investigation involves a trade agreement and consultations do not result in a settlement, section 303 of the Trade Act of 1974 requires the USTR to use the dispute-settlement procedures that are available under the subject agreement. If the matter is not resolved by the conclusion of the investigation, section 304 of the Trade Act of 1974 requires the USTR to determine whether the practices in question deny U.S. rights under a trade agreement; whether they are unjustifiable, unreasonable, or discriminatory; and whether they burden or restrict U.S. commerce. If the practices are determined to violate a trade agreement or to be unjustifiable, the USTR must take action.<sup>32</sup> If the practices are determined to be unreasonable or discriminatory, and to burden or restrict U.S. commerce, the USTR must determine whether action is appropriate and, if so, what type of action to take.<sup>33</sup> The time needed for making these determinations varies according to the type of practices alleged.

In 2009, there were two active section 301 cases and one new section 301 petition filed, which are described below.

### **Section 301 Cases in 2009**

One section 301 case active in 2009 concerned the European Union’s meat hormone directive.<sup>34</sup> Under section 301, the United States had imposed additional 100 percent ad valorem duties in 1999 on about \$117 million in imports from the EU,<sup>35</sup> following a

---

<sup>30</sup> USDOC, EDA, “Community Trade Adjustment Assistance Program Overview,” n.d. (accessed April 16, 2010).

<sup>31</sup> Sect. 301 refers to sections 301-310 of the Trade Act of 1974, as amended (19 U.S.C. 2411-2420).

<sup>32</sup> Sect. 301(a) of the Trade Act of 1974, as amended (19 U.S.C. 2411(a)).

<sup>33</sup> Sect. 301(b) of the Trade Act of 1974, as amended (19 U.S.C. 2411(b)).

<sup>34</sup> For more information on the U.S.-EU meat hormone issue, see the chap. 3 section on the Dispute Settlement Body and the chap. 5 section on the EU in this study.

<sup>35</sup> 64 Fed. Reg. 40638 (July 27, 1999).

successful WTO challenge of an EU law that bans imports of meat from animals that have been treated with certain hormones and a determination by WTO arbitrators that the United States was entitled to this level of compensation.<sup>36</sup> The activity in 2009 followed completion of a second WTO dispute settlement case in November 2008 in which the EU had challenged U.S. continuation of the additional duties after the EU modified its hormones directive.<sup>37</sup> In that case, the DSB adopted an Appellate Body report in which the Appellate Body found that the recommendations and rulings adopted by the DSB in 1998 in *EC—Hormones* remained valid and operative, and recommended that the Dispute Settlement Body request the United States and the EU to initiate article 21.5 proceedings without delay in order to resolve their disagreement.<sup>38</sup>

As provided under sections 306 and 307 of the Trade Act of 1974, USTR initiated a review of the actions taken under section 301 in the beef hormone case and solicited public comments on the advisability of modifying the list of products that are subject to additional duties.<sup>39</sup> In January 2009, USTR announced that it would modify the list of products subject to additional duties, effective March 23, 2009.<sup>40</sup> USTR removed some products from and added other products to the retaliation list. USTR also decided to increase the additional duties on one of the products and to modify the list of EU countries that were subject to additional duties. In an effort to resolve the dispute through negotiations, the United States and the EU initiated a series of consultations. In March and again in April 2009, USTR decided to delay the effective date of the additional duties in order to allow more time to reach an agreement with the EU.<sup>41</sup> On May 13, 2009, the United States and the EU announced the signing of a memorandum of understanding (MOU) in the beef hormone dispute, and USTR announced that the modifications of the retaliation list would be delayed.<sup>42</sup> The MOU is a provisional agreement that establishes a framework with three phases that provide an interim solution while the parties work toward a permanent resolution of the long-standing dispute. The MOU requires the parties to take certain actions and to agree to move to the next phase. Under phase 1 of the MOU, the EU agreed to open for three years a new tariff-rate quota (TRQ) in the amount of 20,000 metric tons on beef produced without growth-promoting hormones, and the United States in turn agreed not to implement the additional duties on any new products or additional countries during the initial three years.<sup>43</sup> In August 2009, the EU opened the new beef TRQ. Thereafter, USTR announced that the modification of the

---

<sup>36</sup> WTO, DSB, *DS26: EC—Hormones*, Online Summary.

<sup>37</sup> WTO, DSB, *DS320: United States—Continued Suspension of Obligations in the EC—Hormones Dispute*, Online Summary. The EU modified its directive in 2003 (Directive 2003/74/EC). The United States, after reviewing the new directive, concluded that the EU had not implemented the DSB's recommendations and ruling in *EC—Hormones* and declined to terminate its retaliation measures. The EU requested consultations in November 2004 and in January 2005 requested establishment of a panel to review the matter. A panel was established and its report was circulated in March 2008. Both the EU and the United States appealed certain issues of law and legal interpretation of the panel to the Appellate Body. The report of the Appellate Body was circulated in October 2008. In November 2008, the DSB adopted the Appellate Body report and the report of the panel as modified by the Appellate Body. See also WTO, DSB, *DS26: EC—Hormones*, Online Summary.

<sup>38</sup> WTO, DSB, *DS320: United States—Continued Suspension of Obligations in the EC—Hormones Dispute*, Online Summary.

<sup>39</sup> 73 Fed. Reg. 66066 (November 6, 2008).

<sup>40</sup> 74 Fed. Reg. 4265 (January 23, 2009).

<sup>41</sup> 74 Fed. Reg. 11613 (March 18, 2009); 74 Fed. Reg. 19263 (April 28, 2009). It should be noted that USTR did not delay the effective date for the removal of certain products from the retaliation list. Therefore, some products were no longer subject to the additional 100 percent ad valorem duties as of March 23, 2009.

<sup>42</sup> 74 Fed. Reg. 22626 (May 13, 2009).

<sup>43</sup> 74 Fed. Reg. 40864 (August 13, 2009).

retaliation list that was announced in January 2009 would be terminated,<sup>44</sup> but the additional duties that were originally imposed in July 1999 would remain in effect.<sup>45</sup>

The second active 301 case concerned the 2006 Softwood Lumber Agreement (SLA) between the United States and Canada. Under the 2006 SLA, Canada agreed to impose certain export measures on Canadian exports of softwood lumber to the United States. In February 2009, an arbitral tribunal found that Canada had not complied with its obligations under the 2006 SLA. In April 2009, USTR initiated a 301 investigation and determined that the United States would impose additional 10 percent ad valorem duties on certain imports of softwood lumber from the provinces of Manitoba, Ontario, Quebec, and Saskatchewan.<sup>46</sup>

Finally, in May 2009, a section 301 petition was filed with USTR alleging that the acts, policies and practices of the Government of Israel were inconsistent with Israel's obligations under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights. USTR decided not to initiate an investigation under section 301 because the issues could be addressed effectively in the Special 301 process.<sup>47</sup>

### **Special 301**

The Special 301 law<sup>48</sup> requires the USTR each year to identify foreign countries that deny adequate and effective protection of intellectual property rights (IPR), or deny fair and equitable market access to U.S. persons who rely on IPR protection.<sup>49</sup> Under the statute, countries deny adequate and effective IPR protection if they do not allow foreign persons “to secure, exercise, and enforce rights related to patents, process patents, registered trademarks, copyrights and mask works.”<sup>50</sup> Countries deny fair and equitable market access if they deny 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. 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>51</sup>

---

<sup>44</sup> 74 Fed. Reg. 48808 (September 24, 2009).

<sup>45</sup> The additional duties are set forth in subheadings 9903.02.21 through 9903.02.83 of the Harmonized Tariff Schedule of the United States (2010). For more information about the MOU, see the EU section of chap. 5.

<sup>46</sup> 74 Fed. Reg. 16436 (April 10, 2009).

<sup>47</sup> 74 Fed. Reg. 31789 (July 2, 2009).

<sup>48</sup> The Special 301 law is set forth in sect. 182 of the Trade Act of 1974, as amended (19 U.S.C. 2242).

<sup>49</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.” Sect. 182(d)(1) of the Trade Act of 1974, as amended (19 U.S.C. 2242(d)(1)).

<sup>50</sup> A “mask work” is a “series of related images, however fixed or encoded—(A) having or representing the predetermined, three-dimensional pattern of metallic, insulating, or semiconductor material present or removed from the layers of a semiconductor chip product; and (B) in which series the relation of the images to one another is that each image has the pattern of the surface of one form of the semiconductor chip product.” Sect. 901(a)(2) of the Semiconductor Chip Protection Act (14 U.S.C. 901(a)(2)) and sect. 182(d)(2) of the Trade Act of 1974, as amended (19 U.S.C. 2242(d)(2)).

<sup>51</sup> Sect. 182(d)(4) of the Trade Act of 1974, as amended (19 U.S.C. 2242(d)(4)).

In addition, the Special 301 law directs the USTR to identify so-called priority foreign countries.<sup>52</sup> Priority foreign countries are countries that have the most onerous or egregious acts, policies, or practices that have the greatest adverse impact (actual or potential) on the relevant U.S. products. Such countries must be designated as priority foreign countries unless they are entering into good-faith negotiations or making significant progress in bilateral or international negotiations to provide adequate and effective IPR protection. The identification of a country as a priority foreign country triggers a section 301 investigation, unless the USTR determines that the investigation would be detrimental to U.S. economic interests.

In addition to identifying priority foreign countries as required by statute, the USTR has adopted a practice of naming countries to either a “watch list” or a “priority watch list” if the countries’ IPR laws and practices do not provide adequate and effective IPR protection, but the deficiencies are not deemed sufficient to designate the country as a priority foreign country. The priority watch list is for countries with significant IPR problems that warrant close monitoring and bilateral consultation. A country that is identified on the priority watch list may make progress and be either moved to the watch list or removed from any listing. Alternatively, a country that fails to make progress may be moved from the watch list to the priority watch list, or from the priority watch list to the list of priority foreign countries.

In the 2009 Special 301 review, the USTR examined the adequacy and effectiveness of IPR protection in 77 countries.<sup>53</sup> In conducting the review, the USTR focused on a wide range of issues and policy objectives, including the need for significantly improved enforcement against counterfeiting and piracy, Internet piracy, counterfeit pharmaceuticals, transshipment of pirated and counterfeit goods, ensuring that foreign government ministries only use legally authorized and properly licensed business software, proper implementation of the TRIPS Agreement by developed and developing countries, and full implementation of TRIPS Agreement standards by new WTO members at the time of their accession.<sup>54</sup>

In the 2009 Special 301 review, no countries were identified as priority foreign countries. The 2009 Special 301 report identified 12 countries on the priority watch list and highlighted weak IPR protection and enforcement in China and Russia, both of which were maintained on the priority watch list. In addition, Argentina, Chile, India, Israel, Pakistan, Thailand, and Venezuela were maintained on the priority watch list due to significant concerns regarding IPR protection. Algeria, Canada, and Indonesia were moved to the priority watch list from the watch list. Thirty-three countries were identified on the watch list.

## ***Antidumping and Countervailing Duty Investigations and Reviews***

### **Antidumping Investigations**

The U.S. antidumping (AD) law is contained in title VII of the Tariff Act of 1930, as amended.<sup>55</sup> The antidumping law provides relief in the form of special additional duties

---

<sup>52</sup> Sect. 182(a)(2) of the Trade Act of 1974, as amended (19 U.S.C. 2242(a)(2)).

<sup>53</sup> USTR, “2009 Special 301 Report,” 2009.

<sup>54</sup> USTR, “2009 Special 301 Report,” 2009.

<sup>55</sup> 19 U.S.C. 1673 et seq.

that are intended to offset margins of dumping. Antidumping duties are imposed when (1) the USDOC, the administering authority, has determined that imports are being, or are likely to be, sold at less than fair value (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. Most investigations are conducted on the basis of a petition filed with the USDOC and the Commission by or on behalf of a U.S. industry.

In general, imports are considered to be sold at LTFV when the U.S. price (i.e., the purchase price or the exporter's sales price, as adjusted) is less than the foreign-market value, which is usually the home-market price; or in certain cases, the price in a third country; or a constructed value, calculated as set out by statute.<sup>56</sup> The antidumping duty is calculated to equal the difference between the U.S. price and the foreign-market value.<sup>57</sup> The duty specified in an antidumping order reflects the weighted average dumping margins found by USDOC for both specific exporters it has examined and for all other exporters.<sup>58</sup> This rate of duty will be applied to subsequent imports from the specified producers/exporters in the subject country, but it may be adjusted if USDOC receives a request for an annual review.<sup>59</sup>

USDOC and the Commission each conduct preliminary and final antidumping investigations in making their separate determinations. The Commission instituted 21 new antidumping investigations and completed 15 investigations during 2009.<sup>60</sup> Antidumping duties were imposed in 2009 as a result of affirmative Commission determinations in 13 of those completed investigations on 11 products from three countries (table 2.1).

Details on all antidumping investigations active at the Commission during 2009 are presented in appendix table A.4. A list of all antidumping duty orders, including suspension agreements,<sup>61</sup> in effect as of the end of the year is presented in appendix table A.5.

## **Countervailing Duty Investigations**

The U.S. countervailing duty (CVD) law is also set forth in title VII of the Tariff Act of 1930, as amended. It provides for the levying of special additional duties to offset foreign

---

<sup>56</sup> 19 U.S.C. 1677b; 19 C.F.R. part 353, subpart D.

<sup>57</sup> 19 U.S.C. 1677(35)(a).

<sup>58</sup> 19 U.S.C. 1677(35)(B); 19 U.S.C. 1673d(c).

<sup>59</sup> 19 U.S.C. 1675(a).

<sup>60</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.

<sup>61</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 eliminate completely the injurious effect of exports of the subject merchandise to the United States. A suspended investigation is reinstated if LTFV sales recur. See 19 U.S.C. 1673c.

**TABLE 2.1** Antidumping duty orders that became effective during 2009

Country	Product	Range of duty (percent)
Canada	Citric acid and certain citric salts	23.21
China	Circular welded carbon quality steel line pipe	73.87–101.10
China	Citric acid and certain citric salts	94.61–156.87
China	Frontseating service valves	12.95–55.62
China	HEDP	36.21–72.42
China	Kitchen appliance shelving and racks	43.09–95.99
China	Small-diameter graphite electrodes	132.90–159.64
China	Steel threaded rod	55.16–206.00
China	Tow-behind lawn groomers	154.72–386.28
China	Uncovered innerspring units	164.75–234.51
China	Welded stainless steel pressure pipe	10.53–55.21
India	Commodity matchbooks	66.07
India	HEDP	3.10

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

subsidies on products imported into the United States.<sup>62</sup> In general, procedures for such investigations are similar to those under the antidumping law. Petitions are filed with USDOC (the administering authority) and with the Commission. Before a countervailing duty order can be issued, USDOC must find a countervailable subsidy and the Commission must make an affirmative determination of material injury, threat of material injury, or material retardation by reason of the subsidized imports.

The Commission instituted 15 new countervailing duty investigations and completed 9 during 2009. Countervailing duties were imposed in 2009 as a result of affirmative Commission determinations in 6 of those 9 completed investigations on 6 products from two countries (table 2.2).

Details on all countervailing duty investigations active at the Commission during 2009 are presented in appendix table A.6, and a list of all countervailing duty orders, including suspension agreements,<sup>63</sup> in effect at the end of the year is presented in appendix table A.7.

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

Section 751(a) of the Tariff Act of 1930 requires USDOC, if requested, to conduct annual reviews of outstanding antidumping and countervailing duty orders to determine the

<sup>62</sup> A subsidy is defined as a bounty or grant bestowed directly or indirectly by any country, dependency, colony, province, or other political subdivision on the manufacture, production, or export of products. See 19 U.S.C. 1677(5) and 1677-1(a).

<sup>63</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 agrees 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 eliminate completely the injurious effect of exports of the subject merchandise to the United States. A suspended investigation is reinstated if subsidization recurs. See 19 U.S.C. 1671c.

**TABLE 2.2** Countervailing duty orders that became effective during 2009

Country	Product	Range of duty (percent)
China	Circular welded carbon-quality steel line pipe	31.29–40.05
China	Citric acid and certain citric salts	3.60–118.95
China	Kitchen appliance shelving and racks	13.30–170.82
China	Tow-behind lawn groomers	0.56 ( <i>de minimis</i> )–264.98
China	Welded stainless steel pressure pipe	1.10–299.16
India	Commodity matchbooks	9.88

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

amount of any net subsidy or dumping margin and to determine compliance with suspension agreements.<sup>64</sup> Section 751(b) also authorizes USDOC and the Commission, as appropriate, to review certain outstanding determinations and agreements after receiving information or a petition that shows changed circumstances.<sup>65</sup> In these circumstances, the party seeking revocation or modification of an antidumping or countervailing duty order or suspension agreement has the burden of persuading USDOC and the Commission that circumstances have changed sufficiently to warrant review and revocation. On the basis of either of these reviews, USDOC may revoke an antidumping or countervailing duty order in whole or in part or terminate or resume a suspended investigation. No changed circumstances investigations were active at the Commission during 2009.

Section 751(c) of the Tariff Act of 1930 requires both USDOC and the Commission to conduct sunset reviews of outstanding orders and suspension agreements five years after their publication to determine whether revocation of an order or termination of a suspension agreement would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy and material injury.<sup>66</sup> During 2009, USDOC and the Commission instituted 27 sunset reviews of existing antidumping and countervailing duty orders and suspension agreements<sup>67</sup> and the Commission completed 19 reviews, resulting in all 19 antidumping and countervailing duty orders and suspension agreements being continued for five additional years. Appendix table A.8 shows completed reviews of antidumping and countervailing duty orders and suspension agreements in 2009.<sup>68</sup>

### ***Section 337 Investigations***

Section 337 of the Tariff Act of 1930, as amended,<sup>69</sup> authorizes the Commission, on the basis of a complaint or on its own initiative, to conduct investigations with respect to certain practices in import trade. Section 337 declares unlawful the importation into the United States, the sale for importation, or the sale within the United States after importation of articles that infringe a valid and enforceable U.S. patent, registered

<sup>64</sup> 19 U.S.C. 1675(a).

<sup>65</sup> 19 U.S.C. 1675(b).

<sup>66</sup> 19 U.S.C. 1675(c).

<sup>67</sup> Two of these reviews were subsequently terminated and the outstanding orders revoked because a domestic industry did not request that they be continued. The two revoked antidumping duty orders were on color television receivers from China and barbed wire and barbless wire strand from Argentina.

<sup>68</sup> For detailed information on reviews instituted, as well as Commission action in all reviews, see the Commission's Web site section "Five-Year (Sunset) Reviews," at <http://info.usitc.gov/oinv/sunset.NSF>.

<sup>69</sup> 19 U.S.C. sect. 1337.

trademark, registered copyright, registered mask work, or registered vessel hull design, for which a domestic industry exists or is in the process of being established.<sup>70</sup>

If the Commission determines that a violation exists, it can issue an order directing U.S. Customs and Border Protection (USCBP) to exclude the subject imports from entry into the United States, and order the violating parties to cease and desist from engaging in the unlawful practices. The orders enter into force unless disapproved for “policy reasons” by the USTR<sup>71</sup> within 60 days of issuance.<sup>72</sup>

During calendar year 2009, there were 91 active section 337 investigations and ancillary proceedings, 39 of which were instituted in 2009. Of these 39, 31 were new section 337 investigations and eight were new ancillary proceedings relating to previously concluded investigations. In all but 4 of the new section 337 institutions in 2009, patent infringement was the only type of unfair act alleged. The four exceptions were one investigation involving alleged trademark as well as patent infringement, one investigation involving alleged copyright as well as patent infringement, one investigation involving alleged gray market trademark and copyright infringement, and one investigation involving false advertising allegations. The Commission completed a total of 46 investigations and ancillary proceedings under section 337 in 2009, including two enforcement proceedings, one remand proceeding, and one combined enforcement and remand proceeding. Fourteen exclusion orders and 26 cease and desist orders were issued during 2009. Twenty-three investigations were terminated by the Commission without a determination as to whether section 337 had been violated. Eighteen of these investigations were terminated on the basis of settlement agreements and/or consent orders.

Over one-third of the active investigations in 2009 concerned products in the semiconductor, telecommunications, and electronics fields. These investigations concerned products such as cellular telephones containing digital cameras, liquid crystal displays, optoelectronic devices, and flash memory chips. There were also a number of investigations involving software, such as machine vision and course management systems. Other investigations involved chemical products, including creatine and glucosamine. Another group of section 337 investigations active during the year focused on a variety of consumer items, ranging from adjustable keyboard supports to hair irons to energy drinks.

At the close of 2009, 43 section 337 investigations and related proceedings were pending at the Commission. Commission activities involving section 337 actions in 2009 are

---

<sup>70</sup> Also unlawful under sect. 337 are other unfair methods of competition and unfair acts in the importation of articles into the United States, or in the sale of imported articles, the threat or effect of which is to destroy or substantially injure a domestic industry, to prevent the establishment of an industry, or to restrain or monopolize trade and commerce in the United States. Examples of such other unfair acts are misappropriation of trade secrets, common law trademark infringement, trade dress infringement, false advertising, and false designation of origin. Unfair practices that involve the importation of dumped or subsidized merchandise must be pursued under antidumping or countervailing duty provisions, not under sect. 337.

<sup>71</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 USTR. 70 Fed. Reg. 43251 (July 26, 2005).

<sup>72</sup> Sect. 337 proceedings at the Commission are conducted before an administrative law judge in accordance with the Administrative Procedure Act, 5 U.S.C. sect. 551 et seq. The administrative law judge conducts an evidentiary hearing and makes an initial determination, which is transmitted to the Commission. The Commission may adopt the determination by deciding not to review it, or it may choose to review it. 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 USTR, and whether public interest considerations preclude the issuance of a remedy.

presented in table A.9. As of December 31, 2009, exclusion orders based on violations of section 337 were in effect for 78 investigations. Table A.10 lists the investigations in which these exclusion orders were issued.

## **Tariff Preference Programs**

---

### *Generalized System of Preferences*

The U.S. Generalized System of Preferences 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. Certain additional products are allowed duty-free treatment when imported only from countries designated as least-developed beneficiary developing countries (LDBDCs). Authorization for the GSP program was extended in December 2008 and is currently set to expire on December 31, 2010.<sup>73</sup>

The program is authorized by title V of the Trade Act of 1974, as amended.<sup>74</sup> By offering unilateral tariff preferences, the GSP program aims to accelerate economic growth in developing countries. 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 ensures that U.S. companies 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>75</sup>

Countries are designated as “beneficiary developing countries” under the GSP program by the President, although countries can be removed from this designation based on petitions alleging improper country practices, including inadequate protection of intellectual property rights or internationally recognized worker rights. 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 graduation of countries from the program when they become “high-income” countries and for removal from eligibility of articles, or articles from certain countries, under certain conditions. The extension of the GSP program in 2006 provided that a competitive need limitation (CNL) waiver in effect with respect to 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>76</sup>

The following developments with respect to the U.S. GSP program occurred in 2009:

- On June 29, 2009, a number of changes were announced based on the 2008 GSP Annual Product Review. A number of products were excluded because imports exceeded CNLs; other products were granted CNL waivers; and one product, which had previously received a CNL waiver and had that waiver revoked

---

<sup>73</sup> Pub. L. 111-124.

<sup>74</sup> 19 U.S.C. 2461 et seq.

<sup>75</sup> USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 181.

<sup>76</sup> 19 U.S.C. 2463(d)(4)(B)(ii).

because import levels are “super-competitive,” continues to enter free of duty under GSP because it was added to the list of products that are not produced in the United States and are therefore exempt from CNLs based on percentage share of imports.<sup>77</sup>

- On December 23, 2009, some changes about beneficiary status were announced. Croatia and Equatorial Guinea are to be graduated from the GSP program, effective January 1, 2011, for reaching the “high-income country” category. Cape Verde was removed from the LDBDC list (based on its removal from the United Nations LDBDC list), effective January 1, 2010, but remains a GSP beneficiary. The Republic of the Maldives was added to the list of GSP beneficiaries.<sup>78</sup>

Duty-free imports entered under the GSP program totaled \$19.8 billion in 2009, accounting for 8.6 percent of total U.S. imports from GSP beneficiary countries and 1.3 percent of total imports (table 2.3).<sup>79</sup> Angola was the leading GSP beneficiary in 2009, followed by Thailand, India, Brazil, and Equatorial Guinea. Almost one-third of all duty-free entries under the GSP were petroleum products (which only enter free of duty under the GSP when imported from LDBDCs, including Angola and Equatorial Guinea). Appendix table A.11 shows the top 20 products imported under the GSP in 2009, and appendix table A.12 shows the overall sectoral distribution of GSP benefits.

### ***African Growth and Opportunity Act***

The African Growth and Opportunity Act was enacted in 2000 to provide unilateral preferential trade benefits to eligible sub-Saharan African (SSA) countries pursuing political and economic reform.<sup>80</sup> AGOA provides duty-free market access to all GSP-eligible products and more than 1,800 additional qualifying tariff line-item products from designated SSA countries, and exempts these beneficiaries from GSP CNLs.<sup>81</sup> AGOA also provides duty-free treatment for certain apparel articles made in qualifying SSA countries. AGOA is scheduled to be in effect until September 30, 2015.<sup>82</sup>

In 2009, articles entering the United States free of duty under AGOA were valued at \$28.1 billion, a 50.2 percent decrease over 2008, and accounted for 63.8 percent of all imports from AGOA countries (table 2.4). The sharp decline was driven primarily by a

---

<sup>77</sup> Proclamation No. 8394 of June 29, 2009, 74 F.R. 31821 (July 2, 2009). The CNLs require the termination of a beneficiary developing country’s GSP eligibility on a product if, during any calendar year, U.S. imports from that country: (1) account for 50 percent or more of the value of total U.S. imports of that product; or (2) exceed a certain dollar value. If a product is included in the list of products that are not produced in the United States, it is exempt from the 50 percent import share CNL.

<sup>78</sup> Proclamation No. 8467 of December 23, 2009, 74 F.R. 69221 (December 30, 2009).

<sup>79</sup> Imports entering the United States free of duty under preference programs are given duty-free preference only upon an importer’s claim for each shipment, supported with documentation.

<sup>80</sup> In addition to providing preferential access to the U.S. market for eligible SSA products, AGOA also includes a number of trade-facilitating provisions. For further information, see USTR, “2008 Comprehensive Report on U.S. Trade and Investment Policy toward Sub-Saharan Africa and Implementation of the African Growth and Opportunity Act,” 21. The USTR’s 2008 report is the last of eight annual reports required under AGOA.

<sup>81</sup> Should GSP lapse, AGOA preferences remain in effect.

<sup>82</sup> 19 U.S.C. 3701 note. AGOA provisions that provide preferential treatment for certain textiles and apparel also expire on September 30, 2015. 19 U.S.C. 3721(f).

**TABLE 2.3** U.S. imports for consumption from GSP beneficiaries and the world, 2009, millions of dollars

Item	All GSP beneficiaries	World
Total U.S. imports	231,391	1,540,013
Imports of products that are not GSP eligible	196,227	878,515
Imports of products that are GSP eligible <sup>a</sup>	35,165	661,498
Imports of products that are GSP eligible from all GSP beneficiaries <sup>b</sup>	22,211	293,373
Imports of products that are only GSP eligible from LDBDCs <sup>c</sup>	12,953	368,126
Total GSP duty-free imports	19,839	19,839
Non-LDBDC GSP duty free	13,324	13,324
LDBDC GSP duty free	6,515	6,515
Total of GSP eligible products not benefiting from GSP duty-free treatment <sup>d</sup>	15,325	641,659
GSP program exclusions	4,848	5,447
All other	10,477	636,212

Source: Compiled from official statistics of the USDOC.

Note: Customs-value basis; excludes imports from the U.S. Virgin Islands.

<sup>a</sup> Includes imports from all beneficiary countries for the articles that are designated as eligible articles under GSP.

<sup>b</sup> GSP (excluding LDBDC (least-developed beneficiary developing countries))-eligible products are those for which a rate of duty of "free" appears in the special rate column of the Harmonized Tariff Schedule of the United States (HTS) followed by the 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 provided for in the designated provisions, and 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 provided for in the designated provision).

<sup>c</sup> LDBDC-eligible products are those for which a rate of duty "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 provided for in the designated provisions).

<sup>d</sup> For a variety of reasons, all imports from beneficiary countries under HTS provisions that appear to be eligible for GSP treatment do not always and necessarily receive duty-free entry under the GSP. Such eligible imports may not receive duty-free treatment under GSP for at least five types of reasons: (1) the importers fail to claim GSP benefits affirmatively; (2) the goods are from a GSP beneficiary that lost GSP benefits on that product for exceeding the so-called competitive need limits; (3) the goods are from a GSP beneficiary country that lost GSP benefits on that product because of a petition to remove that country from GSP for that product or because of some other action by the President or USTR; (4) the GSP beneficiary country may claim duty-free treatment under some other program or provision of the HTS; and (5) the good fails to meet the rule of origin or direct shipment requirement of the GSP statute.

**TABLE 2.4** U.S. imports for consumption from AGOA countries, 2007–09

Item	2007	2008	2009
Total imports from AGOA countries (millions of \$)	64,532	81,438	43,950
Total under AGOA, including GSP (millions of \$) <sup>a</sup>	51,051	66,259	33,709
Imports under AGOA, excluding GSP (millions of \$)	42,270	56,374	28,050
Total under AGOA as a percent of total	65.5	69.2	63.8

Source: Compiled from official statistics of the USDOC.

<sup>a</sup> AGOA-eligible products are those for which a rate of duty "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 provided for 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.

decrease in the value and quantity of imports of petroleum-related products.<sup>83</sup> Duty-free U.S. imports under AGOA, including under the GSP program, were valued at \$33.7 billion in 2009, accounting for 77 percent of total imports from AGOA countries and representing a decrease of 49.1 percent over 2008.

The leading suppliers of duty-free U.S. imports under AGOA in 2009 were Nigeria (61.4 percent of total AGOA imports), Angola (15.1 percent), South Africa (5.9 percent), the Republic of the Congo (5.3 percent), Gabon (4.3 percent), and Chad (4.2 percent). These six countries accounted for 96.1 percent of total imports by value under AGOA, a slight decrease over 2008 (appendix table A.13). Of the leading imports under AGOA, petroleum-related products decreased to \$25.5 billion in 2009, down 51.7 percent by value from 2008, and accounted for 90.8 percent of the total value of AGOA imports in 2009, a decrease over 2008 (appendix table A.14).<sup>84</sup> Imports of apparel in 2009 were approximately \$0.8 billion, and accounted for 2.8 percent of total AGOA imports by value, compared to \$1.1 billion, or 2.0 percent, in 2008.

Each year, the President must consider whether SSA countries<sup>85</sup> are, or remain, eligible for AGOA benefits based on specific criteria.<sup>86</sup> At the end of 2009, a total of 40 SSA countries were designated as eligible for AGOA benefits,<sup>87</sup> and 27 SSA countries were eligible for AGOA textile and apparel benefits.<sup>88</sup>

Section 105 of AGOA requires the President to establish the U.S.-SSA Trade and Economic Cooperation Forum (also known as the AGOA Forum). AGOA also requires the USTR and the Secretaries of State, Commerce, and the Treasury to host meetings with senior-level officials from governments of countries that are eligible for AGOA benefits to discuss their trade, investment, and development relationships. The eighth AGOA Forum was held in Nairobi, Kenya, August 4–6, 2009. It provided for

---

<sup>83</sup> Although petroleum products only enter duty-free under GSP for LDBDCs, the duty-free preference for petroleum products extends to all AGOA beneficiaries.

<sup>84</sup> The decrease in imports of petroleum and related products primarily reflects decreasing prices. Whereas petroleum import volumes (HS chapter 27, barrels) from the five leading AGOA petroleum suppliers (Nigeria, Angola, Republic of the Congo, Gabon, and Chad) decreased by almost 20 percent between 2008 and 2009, the value of these imports decreased by more than 50 percent. Official statistics of the U.S. Department of Commerce (DataWeb) (accessed April 21, 2010).

<sup>85</sup> 19 U.S.C. 3706 lists a total of 48 countries, or their successor political entities, as potential beneficiaries.

<sup>86</sup> 19 U.S.C. 3703(a). See also USTR, “2008 Comprehensive Report,” 21-22.

<sup>87</sup> The following 40 countries are listed in general note 16 of the 2009 HTS as designated AGOA eligible beneficiaries: Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Comoros, the Democratic Republic of the Congo, Djibouti, Ethiopia, Gabon, The Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritius, Mozambique, Namibia, Niger, Nigeria, the Republic of the Congo, Rwanda, São Tomé and Príncipe, Senegal, the Seychelles, Sierra Leone, South Africa, Swaziland, Tanzania, Togo, Uganda, and Zambia. USITC, “HTS 2009 (Rev. 1),” February 1, 2009, 166. Effective January 1, 2009, Mauritania’s designation as an AGOA beneficiary country was terminated. White House, “To Take Certain Actions under the African Growth and Opportunity Act and the Generalized System of Preferences,” December 19, 2008. Effective January 1, 2010, Mauritania’s designation as an AGOA beneficiary country was reinstated and, for the purposes of sect. 112(c) of AGOA, Mauritania was designated a lesser developed beneficiary country; and Guinea’s, Madagascar’s, and Niger’s AGOA designations were terminated. White House, “Presidential Proclamation—To Take Certain Actions under the African Growth and Opportunity Act,” December 23, 2009. 74 Fed. Reg. 69221 (December 30, 2009).

<sup>88</sup> The following 27 countries are listed in U.S. note 7 to subchapter XIX of chapter 98 of the HTS as eligible to receive AGOA apparel benefits during 2009: Benin, Botswana, Burkina Faso, Cameroon, Cape Verde, Chad, Ethiopia, The Gambia, Ghana, Kenya, Lesotho, Madagascar, Malawi, Mali, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, South Africa, Swaziland, Tanzania, Uganda, and Zambia. USITC, “HTS 2009—Supplement 1 (Rev. 1),” September 3, 2009, sect. xxii, 98-II-3.

government-to-government ministerial meetings, as well as meetings of representatives from the U.S. and African private sector and civil society. The theme of the forum was “Realizing the Full Potential of AGOA through Expansion of Trade and Investment.”

Major topics of discussion included:<sup>89</sup>

- Possible Effects of Global Challenges on AGOA: Laying the Groundwork for the Next Wave of Growth and Beyond;
- Africa: Successes, Challenges and Prospects;
- Adding Value to Agricultural Production: Market Access, Export Competitiveness, and Policies; and
- Regional Transportation Integration: Strengthening Food, Commodities, and Industrial Supply Chain.

### ***Andean Trade Preference Act***

ATPA was enacted in 1991 to promote broad-based economic development and viable economic alternatives to coca cultivation and cocaine production by offering Andean products broader access to the U.S. market.<sup>90</sup> ATPA expired on December 4, 2001, but was renewed and expanded by the Andean Trade Promotion and Drug Eradication Act (ATPDEA), part of the Trade Act of 2002.<sup>91</sup> ATPA, as amended by ATPDEA, has expired several times.<sup>92</sup> On October 16, 2008, ATPA was extended through December 31, 2009, for Colombia and Peru, and through June 30, 2009, for Bolivia and Ecuador with provisions for reviews of their eligibility under ATPA requirements to determine continuation of eligibility.<sup>93</sup> Effective December 15, 2008, President Bush suspended Bolivia from eligibility for failing to meet ATPA’s counternarcotics cooperation criteria.<sup>94</sup> As a result of eligibility reviews, on June 30, 2009, President Obama did not

---

<sup>89</sup> “2009 AGOA Forum—Realizing the Full Potential of AGOA through Expansion of Trade and Investment,” <http://www.agoa.gov> (accessed February 15, 2010). For more information, see USDOC, ITA, African Growth and Opportunity Act Web site, [http://www.agoa.gov/agoa\\_forum/agoa\\_forum8.html](http://www.agoa.gov/agoa_forum/agoa_forum8.html). Other topics included Reforming the Financial Sector: African Experiences and Priorities; Addressing Good Governance and Enabling Investment Environments; Agricultural Policy and Regulatory Standards; Intellectual Property Rights: New Tools for African Competitiveness; Opportunities for Sustainable Financing for Health System Strengthening; Advancing African Economic Communities: Trends and Challenges; Ensuring Workforce Benefits; Financing Climate Change Mitigation in Agriculture; Promoting Regional Trade in Staple Food Products; Small and Medium Enterprises (SME) Programs; Financing Renewable Energy; and Specialty Food Products.

<sup>90</sup> For a more detailed description of ATPA, including country and product eligibility, see USITC, *Impact of the Andean Trade Preference Act*, 2008.

<sup>91</sup> Pub. L. 107-210, title XXXI. The four ATPA beneficiaries are not automatically eligible for ATPDEA preferences. ATPDEA authorizes the President to designate any ATPA beneficiary as eligible for ATPDEA benefits provided the President determines the country has satisfied certain requirements, including protection of IPR and internationally recognized workers’ rights. The President designated all four ATPA beneficiaries as ATPDEA beneficiaries on October 31, 2002. White House, “Presidential Proclamation—To Implement the Andean Trade Promotion and Drug Eradication Act,” Proclamation No. 7616, 67 Fed. Reg. 67283 (October 31, 2002).

<sup>92</sup> Pub. L. 109-432, sect. 7001 et seq.; Pub. L. 110-42; and Pub. L. 110-191.

<sup>93</sup> Pub. L. 110-436.

<sup>94</sup> Proclamation No. 8323, 73 Fed. Reg. 72677 (November 25, 2008).

revoke Ecuador's eligibility for ATPA benefits and did not reinstate ATPA eligibility for Bolivia.<sup>95</sup> On December 28, 2009, ATPA was extended through December 31, 2010.<sup>96</sup>

A wide range of products is eligible for duty-free entry under ATPA. ATPDEA amended ATPA to provide duty-free treatment for certain products previously excluded from ATPA. Products that continue to be excluded from ATPA preferential treatment include textile and apparel articles not otherwise eligible for preferential treatment under ATPDEA, canned tuna, rum and tafia, and above-quota imports of certain agricultural products subject to tariff-rate quotas (primarily sugar, beef, and dairy products).

Total (dutiable and duty-free) U.S. imports from ATPA-eligible countries—Colombia, Ecuador, Peru, and prior to 2009, Bolivia<sup>97</sup>—were valued at \$20.7 billion in 2009, a decrease of 23.8 percent from \$28.5 billion in 2008 (table 2.5). U.S. imports under ATPA declined 43.7 percent in 2009 to \$9.7 billion, which accounted for 47.0 percent of all imports from ATPA countries. U.S. imports under ATPDEA accounted for 83.0 percent of imports under ATPA in 2009 (\$8.1 billion) and U.S. imports under the original ATPA (ATPA excluding ATPDEA) accounted for the remaining 17.0 percent, valued at \$1.7 billion.

In 2009, U.S. imports under ATPA decreased from all of the beneficiary countries (appendix table A.15). Colombia was the largest source of U.S. imports under ATPA in 2009, as it was also in 2008. Imports from Colombia decreased 23.8 percent in value during 2009, mainly because of lower petroleum prices. Petroleum products accounted for 75.8 percent of U.S. imports under ATPA in 2009 and represented 5 of the top 25 U.S. imports under the program (appendix table A.16). Apparel was the next-largest category of imports under ATPA, accounting for 6 percent of such imports and 7 of the 25 leading imports under ATPA. Other leading imports under ATPA in 2009 included copper cathodes, fresh cut flowers, asparagus, and pouched tuna.

### ***Caribbean Basin Economic Recovery Act***

The Caribbean Basin Economic Recovery Act was enacted in 1983 as part of the Caribbean Basin Initiative (CBI) to encourage economic growth and development in the Caribbean Basin countries by promoting increased production and exports of nontraditional products through duty preferences. The Caribbean Basin Trade Partnership Act (CBTPA) amended CBERA in 2000 and expanded the list of qualifying articles, for eligible countries, to include certain apparel.<sup>98</sup> The CBTPA also extended NAFTA-equivalent treatment (that is, rates of duty equivalent to those accorded to goods under the same rules of origin applicable under NAFTA) to a number of other products previously excluded from CBERA, including certain tuna, petroleum and petroleum derivatives, certain footwear, watches and watch parts assembled from parts originating in countries not eligible for normal trade relations (NTR) rates of duty, and certain handbags, luggage, flat goods, work gloves, and leather wearing apparel. Products that continue to be excluded from CBERA preferential treatment include textile and apparel

---

<sup>95</sup> "Report of the President Concerning Ecuador and Bolivia."

<sup>96</sup> Pub. L. 111-124, sect. 2.

<sup>97</sup> Includes 2008 data for Bolivia after it lost beneficiary status on December 15, 2008.

<sup>98</sup> Textiles and apparel not subject to textile agreements in 1983 (textiles and apparel of silk or noncotton vegetable fibers, mainly linen and ramie) are eligible for duty-free entry under original CBERA provisions, which do not have an expiration date.

**TABLE 2.5** U.S. imports for consumption from ATPA countries, 2007–09

Item	2007	2008	2009
Total imports from ATPA countries (millions of \$)	20,923	28,483	20,690
Total under ATPA (millions of \$)	12,307	17,243	9,714
Imports under ATPDEA (millions of \$) <sup>a</sup>	9,497	14,570	8,063
Imports under ATPA, excluding ATPDEA (millions of \$) <sup>b</sup>	2,810	2,672	1,652
Total under ATPA as a percent of total	58.8	60.5	47.0

Source: Compiled from official statistics of the USDOC.

<sup>a</sup> ATPDEA-eligible products are those for which a rate of duty “free” appears in the special rate column of the HTS followed by the symbol “J+” in parentheses (the symbol “J+” indicates that all ATPDEA beneficiary countries are eligible for duty-free treatment with respect to all articles provided for in the designated provisions).

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

products not otherwise eligible for preferential treatment under the CBTPA and above-quota imports of certain agricultural products subject to tariff-rate quotas (primarily sugar, beef, and dairy products). CBTPA provisions were scheduled to expire on September 30, 2008, but were extended through September 30, 2010;<sup>99</sup> other parts of CBERA have no expiration date. In the discussions that follow, the term CBERA refers to CBERA as amended by the CBTPA.

In 2009, 18 countries and territories were eligible for permanent CBERA preferences<sup>100</sup> and 8 were eligible for CBTPA preferences.<sup>101</sup> U.S. imports under CBERA decreased by 50.1 percent from 2008 values, falling to \$2.4 billion in 2009 (table 2.6).<sup>102</sup> The decline in U.S. imports under CBERA provisions in 2009 reflects the fact that Costa Rica, which accounted for 20 percent of U.S. imports from CBERA countries in 2008, was no longer a beneficiary as of January 1, 2009, and its imports since then have been accorded special tariff treatment under the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR). Excluding Costa Rica, U.S. imports under CBERA declined 32.0 percent between 2008 and 2009. This decline reflected large drops from record high prices in 2008 for energy-related products (mineral fuels, methanol, fuel ethanol, and anhydrous ammonia) that are major imports from CBERA countries. These declines continued a trend: U.S. imports under CBERA have declined in value over the past three

<sup>99</sup> Pub. L. 110-234, sect. 15408. CBTPA was extended to September 30, 2010, on May 24, 2010, when the President signed H.R. 5160, the Haiti Economic Lift Program Act of 2010.

<sup>100</sup> Antigua and Barbuda, Aruba, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, the Netherlands Antilles, Panama, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago, and the British Virgin Islands.

<sup>101</sup> Barbados, Belize, Guyana, Haiti, Jamaica, Panama, St. Lucia, and Trinidad and Tobago.

<sup>102</sup> Table 2.6, and appendix tables A.17 and A.18 include data for two CAFTA-DR countries that were eligible for CBERA benefits during all or part of 2007 and 2008. They include data for the Dominican Republic, which was a CBERA beneficiary during part of 2007, and for Costa Rica, which was a CBERA beneficiary during 2007 and 2008. When the CAFTA-DR enters into force for a country, the country is removed from the enumeration of designated beneficiary countries under CBERA, CBTPA, and the GSP. CAFTA-DR entered into force in 2006 for El Salvador, Guatemala, Honduras, and Nicaragua, in 2007 for the Dominican Republic, and in 2009 for Costa Rica. U.S. FTAs are discussed in more detail in chap. 4 of this report.

**TABLE 2.6** U.S. imports for consumption from CBERA countries, 2007–09

Item	2007 <sup>a</sup>	2008	2009
Total imports from CBERA countries (millions of \$)	19,058	19,486	9,414
Total under CBERA, including CBTPA (millions of \$)	5,496	4,726	2,359
Imports under CBTPA (millions of \$) <sup>b</sup>	2,662	1,702	1,281
Imports under CBERA, excluding CBTPA (millions of \$) <sup>c</sup>	2,834	3,024	1,078
Total under CBERA as a percent of total	28.8	24.3	25.1

Source: Compiled from official statistics of the USDOC.

<sup>a</sup> Data for 2007 include U.S. imports from El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republic only for the period during which those countries were eligible for CBERA benefits before CAFTA-DR entered into force.

<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 provided for 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 these subchapters (and including the former CBTPA beneficiaries enumerated in footnote a above).

<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 provided for in the designated provisions, and the symbol “E\*” indicates that certain articles, specified in general note 7(d) of the HTS, are not eligible for special duty rate treatment with respect to any article provided for in the designated provision).

years, accounting for the following shares of all U.S. imports from CBERA countries: 28.8 percent in 2007, 24.3 percent in 2008, and 25.1 percent in 2009. Appendix table A.17 shows U.S. imports entered under CBERA provisions from each of the CBERA countries from 2007 to 2009. Trinidad and Tobago continued as the leading supplier of U.S. imports under CBERA in 2009. Appendix table A.18 shows the 25 leading U.S. imports entered under CBERA provisions from 2007 to 2009. Mineral fuels, methanol, apparel products, and fuel ethanol dominated the list of duty-free imports in 2009. Four of the leading products were mineral fuels; 3 were knitted and nonknitted apparel; and the remaining 18 were products that had already qualified for benefits under the original CBERA before the implementation of the CBTPA.

## HOPE Acts

U.S. imports of apparel from Haiti increased 24.5 percent to \$513.3 million in 2009. Imports of apparel in 2009 under provisions of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 (HOPE Act),<sup>103</sup> as amended by the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008 (HOPE II Act),<sup>104</sup> rose to \$137.9 million from \$75.0 million in 2008.<sup>105</sup>

The HOPE Act, which was signed into law on December 20, 2006, amended CBERA to provide expanded rules of origin for inputs to apparel and for wire harness automotive

<sup>103</sup> Pub. L. 109-432, sect. 5001 et seq., the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 (HOPE Act).

<sup>104</sup> Pub. L. 110-234, sect. 15401, et seq., the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008 (HOPE II Act). Provisions of the HOPE Acts were expanded, and extended to September 30, 2020, by the Haiti Economic Lift Program Act of 2010 on May 24, 2010 (Pub. L. 111-171).

<sup>105</sup> Data on trade under the HOPE Acts are from USDOC, Office of Textiles and Apparel (OTEXA), “U.S. Imports under Trade Preference Programs.”

components assembled in Haiti and imported into the United States.<sup>106</sup> The HOPE Act provided expanded trade benefits beyond what the country receives under the CBTPA for up to five years, extending duty-free treatment to particular U.S. imports of knit and woven apparel assembled in Haiti from U.S., Haitian, or third-country inputs, subject to import caps, eligibility requirements, and in most cases, value-added content requirements. The act provided for more flexible alternative sourcing of inputs (such as yarn and fabric) than the CBTPA and has the potential to improve the competitiveness of Haitian manufacturers by allowing the use of lower-cost raw materials, a primary cost component in the production of apparel.<sup>107</sup>

The HOPE II Act extended all tariff preferences through September 30, 2018. It allowed direct shipment of goods assembled in Haiti from either Haiti or the Dominican Republic and further expanded opportunities for duty-free imports of apparel, textile luggage, and textile headgear assembled in Haiti.

---

<sup>106</sup> There were no imports of wire harness automotive components from Haiti in 2007, 2008, or 2009.

<sup>107</sup> For more details on the special rules for apparel imported directly from Haiti under the HOPE Acts, see USITC, *Special Rules for Haiti*, 2008.

# CHAPTER 3

## Selected Trade Developments in the WTO, OECD, APEC, and ACTA

---

In 2009, multilateral trade negotiations under the Doha Development Agenda focused on informal bilateral meetings, attempting to reach agreement on how to structure the final negotiating framework involved in commitments regarding the exchange of tariff and nontariff reductions. The General Council of the World Trade Organization (WTO) continued to meet regularly; it also reappointed Pascal Lamy as WTO Director-General. This chapter also highlights developments in the Organisation for Economic Co-operation and Development that helped support activities in the world trading system, particularly during the global economic downturn, and covers similar developments in the Asia-Pacific Economic Cooperation forum. The chapter also covers plurilateral negotiations underway to reach an Anti-Counterfeiting Trade Agreement aimed at providing a framework to address global infringement of intellectual property rights.

### World Trade Organization

---

WTO members continued efforts to overcome the impasse over how to move the Doha Development Agenda (DDA or Doha Round) of multilateral trade negotiations forward to final negotiations.<sup>1</sup> In 2009, these efforts focused largely on informal bilateral and technical meetings to resolve differences—mostly between developed-country members and advanced developing-country members—over how to structure the overall negotiating framework, or so-called negotiating modalities. The variables and formulas embodied in this framework help determine the scope and extent of tariff and nontariff reductions for agricultural and nonagricultural products. The tariff reductions would ultimately be reflected in a member’s national tariff schedule after bilateral negotiations between individual countries result in their exchange of final negotiated commitments.

In the WTO General Council, Director-General Pascal Lamy provided periodic updates to members on WTO activity. Among the actions taken during 2009 in the General Council, WTO members extended waivers for preferential trade agreements designed to benefit a number of developing countries, conducted the eighth annual review of China’s implementation of its accession protocol, and completed the biennial review of the WTO waiver underpinning U.S. “Jones Act” legislation, which governs U.S. intracoastal maritime shipping. In 2009, WTO membership remained unchanged at 153. Chinese Taipei—commonly referred to as Taiwan—became a signatory of the plurilateral WTO Agreement on Government Procurement (GPA) on July 15, 2009, bringing membership in the GPA to 14.<sup>2</sup>

---

<sup>1</sup> USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 8–9.

<sup>2</sup> At the end of 2009, the 14 signatories to the WTO Agreement on Government Procurement were Aruba (the Kingdom of the Netherlands signed with respect to Aruba); Canada; Chinese Taipei; the European Communities (27); Hong Kong, China; Iceland; Israel; Japan; Liechtenstein; Norway; Singapore; South Korea; Switzerland; and the United States.

Dispute settlement is an important WTO function, and in 2009, the WTO marked its 400th case under its dispute-settlement provisions. In addition, at year-end the EU and a number of Latin American countries reached an agreement to settle a long-running dispute, which dated back to 1996, concerning the EU banana import regime.

WTO members held the WTO's Seventh Ministerial Conference in Geneva, Switzerland, from November 30 to December 2, 2009.<sup>3</sup> At the conference, members considered in particular the role of the WTO in the context of the global financial and economic crisis that began in 2008, and reviewed the state of the Doha Round trade negotiations.<sup>4</sup>

### ***Ministerial Conference***

The seventh WTO Ministerial Conference focused on the theme of “the WTO, the Multilateral Trading System, and the Current Global Economic Environment.”<sup>5</sup> The conference was not intended to be a negotiating session under the Doha Round, but instead was to be a forum for WTO members to review ongoing work—including the DDA—and reflect on the role of the WTO.<sup>6</sup>

At the ministerial conference, WTO Director-General Pascal Lamy—overseeing the DDA in his role as chairman of the Trade Negotiations Committee (TNC)—summarized the conference as follows. Lamy pointed out that members recognized the crucial role that the WTO has played in mitigating the effects of the financial and economic crisis, and in helping to moderate protectionist trade actions taken in response to the crisis. He also noted the importance of the Doha Round to economic recovery and poverty alleviation in the developing countries. The Director-General noted that members raised the point that progress in the Doha Round negotiations would be necessary not only on priority issues such as agricultural and nonagricultural market access, but also in other areas, including trade in services, multilateral rules governing trade disciplines, and trade facilitation. He further stated that members recognized several important points: that issues involving the least-developed countries required special attention, such as action on duty- and quota-free market access and a waiver regarding trade in services; that many of the same issues applied to the needs of small and vulnerable economies; and that there was a need to address broader issues such as economic development as well as particular issues such as trade in cotton. In addition, he said members recognized that developing and least-developed countries needed continued assistance beyond simple market access, through such programs as the “Aid for Trade” initiative and programs supporting trade capacity building.

Several issues concerning regional trade agreements were also raised at the ministerial. Members agreed broadly, according to the Director-General, that the growing number of bilateral and regional trade agreements indicated a need to ensure that these two approaches to trade opening continued to complement one another. In particular, he noted that conference participants recognized that the recently initiated WTO transparency

---

<sup>3</sup> USDOS, U.S. Mission, Geneva, “WTO General Council Meeting, December 17–18, 2009,” December 18, 2009.

<sup>4</sup> DDA participants also agreed to hold a stocktaking meeting in the first quarter of 2010. USDOS, U.S. Mission, Geneva, “WTO General Council Meeting, December 17–18, 2009,” December 18, 2009; USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 7.

<sup>5</sup> USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 9.

<sup>6</sup> *Ibid.*

mechanism for regional trade agreements has worked well to date, although members agreed to continue seeking improvements.<sup>7</sup>

## *Doha Trade Negotiations*

TNC chairman Lamy provided WTO members with a survey of the status of the negotiations in the DDA at the WTO General Council meetings throughout the year, and summarized the situation at the WTO Ministerial Conference held at year-end 2009.<sup>8</sup> The following subsections offer an overview of the summaries the chairman provided of these General Council meetings.

### **Agriculture**

The TNC chairman noted that during 2009, it had become clear that the Special Session of the Committee on Agriculture conducting the DDA agricultural negotiations took a two-track approach.<sup>9</sup> Track one sought to identify at a technical level the common format, exact databases, and appropriate tables and nomenclature to be used in preparing the common negotiating template. The chairman explained that members plan to use this template to formulate their individual draft tariff schedules, which would reflect concessions and commitments on domestic agricultural supports, export subsidies, and improved market access.

Track two, according to the chairman, continued broader consultations to resolve issues affected by bracketed text, various annotations, and other unresolved elements found in the draft modalities text—the text that is to provide the structure governing individual negotiations. These consultations also addressed domestic agricultural support—notably, cotton subsidies and supports—and market access issues. The chairman stated that talks on sensitive agricultural products, tariff simplification, capped limits on tariff rates, and the expansion of tariff-rate quotas raised the need for consultations on how to address these issues in the modalities text in the context of special and differential treatment for developing and least-developed countries.<sup>10</sup>

### **Nonagricultural Market Access**

Chairman Lamy reported that in 2009, the Negotiating Group on Market Access (the Nonagricultural Market Access group or NAMA) continued to address multiple approaches to reductions in nontariff measures (NTMs), including (1) across all sectors

---

<sup>7</sup> WTO, “Chairman’s Summary,” December 2, 2009, 1–2; USDOS, Secretary of State, “WTO Ministerial Conference,” December 3, 2009.

<sup>8</sup> WTO, “Thursday, 17 December 2009—Agenda Item 2—Report by the Chairman of the Trade Negotiations Committee,” December 17, 2009, 1–2.

<sup>9</sup> WTO, “Tuesday, 17 November 2009—Agenda Item 1—Report by the Chairman of the Trade Negotiations Committee,” November 17, 2009, 1–2.

<sup>10</sup> WTO, “Tuesday, 17 November 2009—Agenda Item 1—Report by the Chairman of the Trade Negotiations Committee,” November 17, 2009, 1–2; WTO, “Minutes of Meeting—Held in the Centre William Rappard on 17 November 2009,” March 2, 2010, 2; USDOS, U.S. Mission, Geneva, “WTO General Council Meeting, November 17, 2009,” November 19, 2009; USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 9–10.

(“horizontally”), (2) within a sector (“vertically”), and (3) individually (via a “request/offer” format). Addressing trade in manufactured goods broadly, the group continued to consider the technical specifics involved in the NAMA tariff-cutting formula to be used—a formula that aims to reduce higher tariff rates to a greater extent than lower ones. In general, according to the chairman, approximately 30 self-declared developing-country members of the WTO have been seeking a technical specification of the formula that would effectively permit them to retain higher tariffs in many sectors through the use of various exclusions and other flexibilities in the formula, which would not apply to member countries that are more developed. The chairman noted that the group also familiarized delegations with the complexities of the WTO Secretariat’s electronic negotiating files, where each member sets out its individual draft tariff schedule and where final negotiated concessions and commitments will be incorporated.

The chairman reported that in addressing trade in manufactured goods, the group focused on certain priority sectors and issues raised in different members’ proposals: automobiles and related products; electronics and electrical products; labeling of textile, apparel, footwear, and travel goods; remanufactured goods; chemicals; and a “horizontal NTM mechanism” that members might be able to use to address NTMs following the round’s conclusion. He added that further tariff initiatives were proposed for other sectors, including bicycles and related parts, fish and fish products, forest products, gems and jewelry, hand tools, industrial machinery, pharmaceuticals and medical equipment, raw materials, sports equipment, and toys. However, according to the TNC chairman, despite presentation of technical work on sectoral proposals by various sponsors during several informational sessions, progress was negligible.<sup>11</sup>

## **Trade in Services**

Chairman Lamy reported that during 2009, the Special Session of the Council for Trade in Services continued negotiations based on Lamy’s draft text issued in July 2008. Despite broad agreement in the group on the chairman’s text, little additional progress was reported in 2009. The chairman added that although members link progress in the services negotiations to advances made first in the agricultural and NAMA groups, members have sought to maintain the draft modalities text in services on par with those under negotiation in these other two groups.

In 2009, according to the chairman, the group focused discussions in two areas: (1) market access and (2) rules affecting trade in services. He stated that on market access, technical discussions were held, seeking to clarify previous discussions and likely offers. Concerning rules on traded services, negotiations based on the chairman’s draft text continued regarding domestic services regulation, but the chairman reported little progress regarding services subsidies, emergency safeguards for services, or government procurement of services. However, he stated, work on a draft text for a waiver for the least-developed countries in the area of trade in services advanced during 2009. Toward year-end, the TNC chairman remarked on the need to achieve a balance in the services negotiations between the two areas of market access and rules. He called for improved

---

<sup>11</sup> WTO, “Tuesday, 17 November 2009—Agenda Item 1—Report by the Chairman of the Trade Negotiations Committee,” November 17, 2009, 2; WTO, “Minutes of Meeting—Held in the Centre William Rappard on 17 November 2009,” March 2, 2010, 2–3; USDOS, U.S. Mission, Geneva, “WTO General Council Meeting, November 17, 2009,” November 19, 2009; USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 12–14.

market access offers, as well as further progress in the negotiations on rules governing trade in services, especially text addressing domestic services regulation.<sup>12</sup>

## **Rules on Trade Disciplines**

During 2009, according to chairman Lamy, the Negotiating Group on Rules continued to clarify and improve multilateral trade rules and disciplines concerning antidumping measures, subsidy and countervailing duty measures (including fishery subsidies), as well as regional trade agreements (RTAs). The chairman reported that during the year, the group structured discussions in the three areas set out in the chairman's revised draft text of December 2008: (1) items in the draft text that are "bracketed" or contentious, (2) items in the draft text that are "unbracketed" or largely agreed, and (3) items not reflected in the draft text but that have been proposed by members. The chairman stated that the group largely completed its first review of the WTO agreements on antidumping measures as well as on subsidies and countervailing duty measures following the chairman's three categories, although no significant convergence resulted concerning contentious issues. He added that the group also finished its initial review of differences between provisions in the WTO Agreement on Antidumping Measures and the WTO Agreement on Subsidies and Countervailing Duty Measures, with an eye to harmonizing the two, but no definitive conclusions were reached.

Chairman Lamy reported that in 2009, discussions regarding fishery subsidies proceeded according to the chairman's December 2008 "roadmap" of key questions intended to identify issues members wish to include in any revision of the November 2007 draft text on fishery subsidies. He stated, however, that the group made little progress in 2009 on RTAs, in particular regarding making the provisional transparency mechanism for RTAs into a permanent WTO instrument. According to the chairman, members largely agreed that insufficient time had passed since 2007, when the provisional mechanism was implemented, to properly evaluate its operation; members also noted that little discussion has taken place concerning systemic issues involving RTAs.<sup>13</sup>

## **Trade-Related Intellectual Property Rights**

In 2009, the Special Session of the Council for Trade-Related Aspects of Intellectual Property Rights continued discussions aimed at establishing a multilateral system of notification and registration of geographical indications (GI) for wines and spirits (the "register"). As identified in the chairman's report of June 2008, three main areas are currently at the center of the group's discussions: (1) issues involving participation in the register—for example, whether participation would be mandatory (for all WTO members) or voluntary; (2) the legal effect or other consequences of registration and

---

<sup>12</sup> WTO, "Tuesday, 17 November 2009—Agenda Item 1—Report by the Chairman of the Trade Negotiations Committee," November 17, 2009, 1–2; WTO, "Minutes of Meeting—Held in the Centre William Rappard on 17 November 2009," March 2, 2010, 3; USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 10–11.

<sup>13</sup> WTO, "Tuesday, 17 November 2009—Agenda Item 1—Report by the Chairman of the Trade Negotiations Committee," November 17, 2009, 3; WTO, "Minutes of Meeting—Held in the Centre William Rappard on 17 November 2009," March 2, 2010, 3–4; USDOS, U.S. Mission, Geneva, "WTO General Council Meeting, November 17, 2009," November 19, 2009; USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 14–17.

participation in the system, such as whether compliance with rights under the register would apply universally or solely within a given territory; and (3) issues of special and differential treatment for developing and least-developed countries concerning costs, fees, and administrative burdens entailed in the register's operation.

According to the chairman, the core issue of the register's legal effect has been the source of significant division in the group. He stated that one group of members, including most notably the EU, argues that the register should be more binding legally, with notification of a geographical term obliging other participants to defend the registered term, while a second group of countries, which includes the United States, envisions a more informational register resulting from members' notifications.<sup>14</sup>

## **Geographical Indications and the Convention on Biological Diversity**

The TNC chairman reported in his role as WTO Director-General that he and members continued consultations during 2009 regarding the possible relationship between the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights and the United Nations Convention on Biological Diversity (UN CBD). The chair pointed out that this dialogue has focused on reaching a clearer view of the policy and legal issues involved, in particular concerning the possible extension of the UN CBD to include protection for geographical indications found under article 23 (Additional Protection for Geographical Indications for Wines and Spirits) of the WTO TRIPS Agreement. The Director-General reported that discussions are roughly halfway through the exchange of views on different themes involving possible extension of GI protection to the UN CBD, which is expected to be followed by a review to determine how to proceed toward more concrete results.<sup>15</sup>

## **Trade and Development**

The Special Session of the Committee on Trade and Development has a DDA mandate to review and strengthen WTO special and differential treatment (S&D) provisions.<sup>16</sup> According to the chairman, in 2009 the committee focused on identifying elements needed to establish a monitoring mechanism that would help oversee the implementation and effectiveness of S&D provisions. The chairman stated that with minimal progress reported in 2008 regarding S&D provisions in specific agreements—such as the WTO

---

<sup>14</sup> WTO, "Tuesday, 17 November 2009—Agenda Item 1—Report by the Chairman of the Trade Negotiations Committee," November 17, 2009, 4–5; WTO, "Minutes of Meeting—Held in the Centre William Rappard on 17 November 2009," March 2, 2010, 5; USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 23–24.

<sup>15</sup> WTO, "Tuesday, 17 November 2009—Agenda Item 1—Report by the Chairman of the Trade Negotiations Committee," November 17, 2009, 6; USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 59–63.

<sup>16</sup> The WTO Agreements contain special provisions whereby developed country members treat developing country members more favorably in order to help support their economic development. These provisions—collectively referred to as "special and differential treatment"—can include allowing longer time periods to implement and adjust to various obligations and commitments in WTO Agreements, measures to increase trading opportunities specifically for developing countries, and support to help developing countries build their own administrative infrastructure to carry out WTO work, handle WTO disputes, and implement commonly agreed technical standards. In addition, S&D treatment includes additional provisions aimed at addressing the particular issues affecting least-developed country members.

Sanitary and Phytosanitary Agreement and the WTO Agreement on Import Licensing—members turned in 2009 to discussing key parts of an S&D monitoring mechanism, including its possible structure, scope, and function.

The chairman said that forthcoming discussion of these elements is likely to consider (1) whether the mechanism should address S&D issues through a more political-level or technical-level structure, (2) whether the mechanism’s scope should encompass S&D provisions in WTO agreements alone or should also encompass S&D provisions under WTO General Council Decisions and Ministerial Declarations; and (3) what function the mechanism should play in WTO deliberations once results from the S&D monitoring exercise become available. According to the chairman, consultations are likely in 2010 between the chairman of the special session and the chairmen of other negotiating groups on how to advance “category II” proposals—proposals regarding trade, development, and S&D treatment that are under discussion in other WTO bodies besides the Special Session of the Committee on Trade and Development.<sup>17</sup>

## **Trade Facilitation**

Chairman Lamy reported that during 2009, the Negotiating Group on Trade Facilitation compiled members’ proposals regarding General Agreement on Tariffs and Trade (GATT) 1994 articles V (Freedom of Transit), VIII (Fees and Formalities connected with Importation and Exportation), and X (Publication and Administration of Trade Regulations) into a consolidated draft text. The chairman explained that the proposals in the draft text address issues affecting the transparency of customs rules and procedures such as publication requirements, enquiry points, and appeal procedures, as well as pre-arrival approval, expedited shipment, clearance, and release procedures for goods; the text also includes proposals to eliminate or simplify customs fees and formalities. He added that the group continued to consider how these proposed rules can improve S&D treatment provisions for developing and least-developed countries. The chair noted that negotiations in 2010 are likely to focus on further clarification and refinement of the elements in the draft text consolidated at year-end 2009.<sup>18</sup>

## **Trade and the Environment**

According to the chairman, in 2009, the Special Session of the Committee on Trade and Environment continued to consider the three elements of its mandate under the DDA: (1) the relation between trade rules under the WTO Agreement and trade obligations under various multilateral environmental agreements (MEAs); (2) procedures for regular information exchange between WTO committees and MEA secretariats; and (3) the reduction or elimination of tariff and nontariff measures to trade in environmental goods

---

<sup>17</sup> WTO, “Tuesday, 17 November 2009—Agenda Item 1—Report by the Chairman of the Trade Negotiations Committee,” November 17, 2009, 4; WTO, “Minutes of Meeting—Held in the Centre William Rappard on 17 November 2009,” March 2, 2010, 4; WTO, “Special Session of the Committee on Trade and Development—Report by the Chairman,” December 14, 2009, 1–3; USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 24–25.

<sup>18</sup> WTO, “Tuesday, 17 November 2009—Agenda Item 1—Report by the Chairman of the Trade Negotiations Committee,” November 17, 2009; WTO, “Minutes of Meeting—Held in the Centre William Rappard on 17 November 2009,” March 2, 2010, 4; USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 18–20.

and services. The chairman stated that in discussing the relation between WTO and MEA trade obligations and information exchange between the WTO and MEA secretariats, members highlighted the value of national coordination between their experts on trade and their experts on the environment, as well as the value of arranging for WTO members and MEA members to exchange their various experiences on trade and environment subjects. The chairman added that in regard to the effort to identify an appropriate list of environmental goods and services of interest, members moved forward based on the work program outlined in the chairman's July 2008 report, although relatively few new proposals were submitted identifying new goods or services of interest. The TNC chairman nonetheless reported that a few members had started to table contributions on cross-cutting trade and environment issues, and that other members have indicated that work had begun on these issues in their capitals.<sup>19</sup>

## **Dispute Settlement**

The TNC chairman reported that during 2009, the Special Session of the Dispute Settlement Body continued to discuss ways to improve and clarify the WTO Dispute Settlement Understanding, based largely on the text drafted by the chairman in July 2008 that took stock of work accomplished to date. He noted that participants held consultations in 2009 on 9 of the 12 issues set out in the chairman's draft text, with the remaining 3 issues slated for discussion in early 2010. The TNC chairman indicated in his summary that the group is likely in 2010 to review progress made during these consultations, and then assess how to revise the group chairman's draft text so as to conclude discussions as mandated at the WTO ministerial conference in Hong Kong in December 2005.<sup>20</sup>

## ***General Council***

### **Work Programs, Decisions, and Reviews**

The WTO General Council held six meetings in 2009, on February 3, May 26, July 28, October 20, November 17, and December 17–18.<sup>21</sup> Members held an additional meeting, on April 29–30, 2009, devoted to the appointment of the next WTO Director-General.<sup>22</sup>

---

<sup>19</sup> WTO, "Tuesday, 17 November 2009—Agenda Item 1—Report by the Chairman of the Trade Negotiations Committee," November 17, 2009, 5; WTO, "Minutes of Meeting—Held in the Centre William Rappard on 17 November 2009," March 2, 2010, 4–5; USDOS, U.S. Mission, Geneva, "WTO General Council Meeting, November 17, 2009," November 19, 2009; USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 20–22.

<sup>20</sup> WTO, "Tuesday, 17 November 2009—Agenda Item 1—Report by the Chairman of the Trade Negotiations Committee," November 17, 2009, 5–6; WTO, "Minutes of Meeting—Held in the Centre William Rappard on 17 November 2009," March 2, 2010, 5; USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 22–23.

<sup>21</sup> WTO, "Minutes of Meeting—Held in the Centre William Rappard on 3 February 2009," March 30, 2009, "Minutes of Meeting—Held in the Centre William Rappard on 29–30 April 2009," June 23, 2009, "Minutes of Meeting—Held in the Centre William Rappard on 26–27 May 2009," August 21, 2009, "Minutes of Meeting—Held in the Centre William Rappard on 28 July 2009," October 7, 2009, "Minutes of Meeting—Held in the Centre William Rappard on 20 October 2009," February 26, 2010, "Minutes of Meeting—Held in the Centre William Rappard on 17 November 2009," March 2, 2010; USDOS, U.S. Mission, Geneva, "WTO General Council Meeting, February 3, 2009," February 5, 2009; USDOS, U.S.

At each session, the General Council heard updates on the current status of the Doha Development Agenda from the WTO Director-General and reports by the Chairman of the Committee on Trade and Development on the Work Program on Small and Vulnerable Economies. Each session also heard concerns raised about the non-recognition of rights under GATT 1994 related to the EU banana import regime and its discrimination against a number of Latin American banana exporters. At the final December session, the EU introduced to the WTO General Council the “Geneva Agreement on Trade in Bananas” reached with the affected Latin American countries, effectively signaling resolution of the dispute.<sup>23</sup> Various administrative matters were discussed at all sessions as well, involving items such as the WTO pension plan and reports from the WTO Committee on Budget, Finance, and Administration.

At a number of meetings, members discussed the current global financial and economic crisis, including proposals to analyze the effects of various national economic stimulus packages on international trade.<sup>24</sup> At several sessions, members considered and approved requests for waiver extensions for preferential trade arrangements (such as AGOA, ATPA, and CBERA, and EU preferences for East European countries), as well as waiver extensions for several country members concerning the adoption of the 1996 Harmonized System trade nomenclature.<sup>25</sup> Members also heard reports on consultations held with member countries Ecuador and Ukraine regarding restrictions each imposed for balance-of-payments purposes. At most sessions, members also discussed plans for the Seventh WTO Conference at Ministerial Level, in Geneva, Switzerland, November 30 to December 2, 2009.

At two sessions, in February and December, members held their biennial review of the U.S. exemption under paragraph 3 of the GATT 1994 that permits the extension of provisions found in U.S. legislation (commonly known as the Jones Act) that govern the use of domestic- and foreign-built vessels in U.S. maritime cabotage transport.<sup>26</sup> The General Council agreed that the next review would be held in 2011. In December, the members held their eighth annual review of China’s implementation of the WTO Agreement under China’s WTO Protocol of Accession. At several meetings, a number of developing countries raised concerns about the WTO accession process, such as how acceding developing countries can have their views taken more fully into account during the accession process. In 2009, the number of WTO members remained at 153, the same

---

Mission, Geneva, “WTO General Council Meeting, July 28, 2009,” August 3, 2009; USDOS, U.S. Mission, Geneva, “WTO General Council Meeting, October 20, 2009,” October 23, 2009; USDOS, U.S. Mission, Geneva, “WTO General Council Meeting, November 17, 2009,” November 19, 2009; USDOS, U.S. Mission, Geneva, “WTO General Council Meeting, December 17–18, 2009,” December 18, 2009.

<sup>22</sup> USDOS, U.S. Mission, Geneva, “WTO General Council Meeting on Reappointment of DG, April 29–30, 2009,” May 1, 2009.

<sup>23</sup> WTO, “17–18 December 2009—Geneva Agreement on Trade in Bananas,” December 15, 2009.

<sup>24</sup> WTO, “Minutes of Meeting—Held in the Centre William Rappard on 29–30 April 2009,” June 23, 2009; WTO, “Minutes of Meeting—Held in the Centre William Rappard on 20 October 2009,” February 26, 2010; USDOS, U.S. Mission, Geneva, “WTO General Council Meeting, October 20, 2009,” October 23, 2009; USDOS, U.S. Mission, Geneva, “WTO General Council Meeting, December 17–18, 2009,” December 18, 2009.

<sup>25</sup> WTO, “Minutes of Meeting—Held in the Centre William Rappard on 28 July 2009,” October 7, 2009; USDOS, U.S. Mission, Geneva, “WTO General Council Meeting, July 28, 2009,” August 3, 2009; USDOS, U.S. Mission, Geneva, “WTO General Council Meeting, December 17–18, 2009,” December 18, 2009.

<sup>26</sup> WTO, “Minutes of Meeting—Held in the Centre William Rappard on 3 February 2009,” March 30, 2009; USDOS, U.S. Mission, Geneva, “WTO General Council Meeting, February 3, 2009,” February 5, 2009; USDOS, U.S. Mission, Geneva, “WTO General Council Meeting, December 17–18, 2009,” December 18, 2009.

**TABLE 3.1** WTO membership in 2009

---

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

---

Source: WTO, "Members and Observers," (accessed January 21, 2010).

<sup>a</sup> In the WTO, the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu is informally referred to as "Chinese Taipei"; elsewhere it is also commonly called "Taiwan."

**TABLE 3.2** WTO observers in 2009

Afghanistan	Guinea, Equatorial	Samoa
Algeria	Iran	São Tomé and Príncipe
Andorra	Iraq	Serbia
Azerbaijan	Kazakhstan	Seychelles
Bahamas	Laos	Sudan
Belarus	Lebanon	Tajikistan
Bhutan	Liberia	Uzbekistan
Bosnia and Herzegovina	Libya	Vanuatu
Comoros	Montenegro	Vatican (Holy See)
Ethiopia	Russia	Yemen

Source: WTO, "Members and Observers," (accessed February 23, 2010).

as in 2008 (table 3.1). The number of observers also remained unchanged, at 30 (table 3.2). On July 15, 2009, Chinese Taipei became a signatory to the plurilateral WTO Agreement on Government Procurement, bringing membership in that agreement to 14.

At the General Council sessions early in the year, members discussed the appointment of new officers for WTO bodies, including the appointment of the WTO Director-General, the latter appointment being addressed at a dedicated session in April. Running unopposed, the sitting Director-General, Pascal Lamy, was reappointed for a second 4-year term.

The council also heard during the year a number of reports regarding trade "monitoring" and "transparency" mechanisms being put in place.<sup>27</sup> In July, the council heard a report from the Director-General on the second Global Review of Aid for Trade. In November, the council heard a report from the Director-General on progress in consultations concerning the development assistance aspects of cotton.<sup>28</sup> At the December session, council members heard about progress concerning the monitoring mechanism being devised under the work program on special and differential treatment. They also reviewed the transparency mechanism in provisional use for RTAs, and considered a proposal tabled in December 2009 for a separate transparency mechanism for preferential trade arrangements.<sup>29</sup>

### *Dispute Settlement Body*

This section focuses principally on complaints filed, and panel and Appellate Body findings and recommendations adopted, under the WTO Dispute Settlement Understanding during calendar year 2009.<sup>30</sup> Appendix table A.19 shows developments during 2009 in the WTO dispute-settlement cases in which the United States was either a complainant or respondent.

<sup>27</sup> WTO, "Minutes of Meeting—Held in the Centre William Rappard on 28 July 2009," October 7, 2009; USDOS, U.S. Mission, Geneva, "WTO General Council Meeting, July 28, 2009," August 3, 2009; USDOS, U.S. Mission, Geneva, "WTO General Council Meeting, December 17–18, 2009," December 18, 2009.

<sup>28</sup> WTO, "Minutes of Meeting—Held in the Centre William Rappard on 17 November 2009," March 2, 2010; USDOS, U.S. Mission, Geneva, "WTO General Council Meeting, November 17, 2009," November 19, 2009.

<sup>29</sup> USDOS, U.S. Mission, Geneva, "WTO General Council Meeting, December 17–18, 2009," December 18, 2009.

<sup>30</sup> For additional information on the WTO dispute-settlement process, WTO Dispute Settlement Understanding, and individual dispute cases, see the WTO Web site, "Dispute Settlement" gateway at [http://www.wto.org/english/tratop\\_e/dispu\\_e/dispu\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm).

The WTO Dispute Settlement Understanding (DSU) establishes a framework for the resolution of disputes that arise between members under the WTO agreements.<sup>31</sup> Under the DSU, a complaining member may file a complaint with the WTO Dispute Settlement Body (DSB). The member must first seek to resolve the dispute through consultations with the named respondent party.<sup>32</sup> If the parties fail to resolve the dispute through consultations, the complaining party may ask the DSB to establish a panel to review the matters raised in the complaint and make findings and recommendations.<sup>33</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>34</sup>

The findings and recommendations of the Appellate Body and panel (as modified by the Appellate Body) are then generally adopted without change by the DSB. While the guidelines suggest that panels should complete their proceedings in six months, and the Appellate Body should complete its review in 60 days, these periods are often extended.

Once the panel report or the Appellate Body report is adopted, the party concerned must notify its intentions with respect to implementation of adopted recommendations.<sup>35</sup> If it is impracticable to comply immediately, the party concerned is given a reasonable period of time, the latter to be decided either by 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 of non-implementation.<sup>36</sup> Within a specified timeframe, parties can enter into negotiations to agree on mutually acceptable compensation. When the parties fail to reach agreement, a party to the dispute may request authorization of the DSB to suspend concessions or other obligations to the other party concerned. Disagreements over the proposed level of suspension may be referred to arbitration. Litigation relating to implementation and compensation issues has sometimes continued for a lengthy period after adoption of the initial panel or Appellate Body report.

The remainder of this section focuses on dispute-settlement activity during 2009 involving the United States either as the complainant or the respondent, including new requests for dispute-settlement consultations filed, the issues before new panels established during 2009, and panel reports and Appellate Body reports issued during 2009. The summaries in this section are intended to identify key issues raised in the complaint, note key procedural events as the case moves forward, and indicate the panel or Appellate Body ruling. The summaries should not be regarded as comprehensive or as reflecting a U.S. government interpretation of the issues raised or addressed in a panel or Appellate Body report. The summaries are based entirely on information in publicly available documents, including summaries published online by the WTO and news releases issued by government agencies.

One dispute based on a complaint filed by the United States against China in late 2008 was resolved during 2009 without resort to a panel. In that dispute, DS387: *China—Grants, Loans and Other Incentives*, the United States (and Mexico in a separate complaint) challenged various “famous brand” initiatives by China under which certain designated enterprises were entitled to various government preferences, including financial support tied to exports. The United States alleged that these subsidy programs

---

<sup>31</sup> WTO, “Understanding on Rules and Procedures Governing the Settlement of Disputes,” Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations (WTO, Geneva: 1995).

<sup>32</sup> WTO Dispute Settlement Understanding, article 4.

<sup>33</sup> WTO Dispute Settlement Understanding, article 6.

<sup>34</sup> WTO Dispute Settlement Understanding, article 17.6.

<sup>35</sup> WTO Dispute Settlement Understanding, article 21.3.

<sup>36</sup> WTO Dispute Settlement Understanding, article 22.

were subsidies prohibited under the WTO Subsidies and Countervailing Measures (SCM) Agreement and the WTO Agreement on Agriculture.<sup>37</sup> The United States filed its request for consultations on December 19, 2008. On December 18, 2009, the U.S. Trade Representative announced that the United States had reached an agreement with China under which China confirmed that it had eliminated numerous subsidies identified by the United States as prohibited under WTO rules.<sup>38</sup>

Several cases with complex issues remained pending before panels throughout 2009 with little or no reported activity. For example, disputes involving trade in large civil aircraft brought by the United States against the European Communities (EC)<sup>39</sup> (DS316) and by the EC against the United States (DS353), in which panels were established in 2005 and 2006, respectively, remained pending throughout 2009, with panel reports expected in 2010.<sup>40</sup> In addition, litigation in a number of disputes continued well beyond the adoption of panel and Appellate Body reports, as parties pressed for implementation of recommendations or sought compensation and/or suspension of concessions in the case of nonimplementation. During 2009, the United States was involved in several such matters, including in reaching agreement in May 2009 with the EC on a temporary solution in the beef hormones dispute,<sup>41</sup> in continuing to press the EC in resolving outstanding issues in the biotech products dispute,<sup>42</sup> in arbitration relating to claims by the EC and Japan that the United States had not fully complied with DSB recommendations relating to “zeroing” in calculating dumping margins,<sup>43</sup> and in arbitration relating to Brazil’s request for authorization to suspend trade concessions against the United States in response to an earlier ruling that certain U.S. agricultural subsidies on cotton were inconsistent with U.S. obligations.<sup>44</sup>

---

<sup>37</sup> USTR, “United States Files WTO Case Against China Over Illegal Support,” April 26, 2009.

<sup>38</sup> USTR, “United States Wins End to China’s “Famous Brand” Subsidies after Challenge at WTO,” December 18, 2009.

<sup>39</sup> The term EC is used rather than EU in the WTO dispute-settlement section because the source documents (WTO online summaries) use EC.

<sup>40</sup> See WTO, DSB, online summaries of DS316, *European Communities—Measures Affecting Trade in Large Civil Aircraft*; and DS353, *United States—Measures Affecting Trade in Large Civil Aircraft—Second Complaint*.

<sup>41</sup> On July 13, 2009, the USTR announced that the United States had signed a Memorandum of Understanding with the European Commission that would provide U.S. producers with additional access, at zero duty, to the European Union market for beef produced from cattle that have not been treated with growth-promoting hormones subject to an import quota of 20,000 tons in each of the first three years, rising to 45,000 tons in the fourth year. The parties agreed to suspend their litigation for at least the first 18 months of the agreement. USTR, “USTR Announces Agreement With European Union in Beef Hormones Dispute,” July 13, 2009.

<sup>42</sup> The issue here involved EC implementation of panel report recommendations adopted in December 2006 relating to EC measures affecting the approval and marketing of biotech products. In January 2008, the United States asked for authority to suspend concessions. The EC objected and, on February 6, 2008, referred the matter to arbitration. On February 15, 2008, the EC and United States jointly asked the arbitrator to suspend work pursuant to procedures agreed to by the EC and United States. WTO, DSB, *DS291: European Communities—Measure Affecting the Approval and Marketing of Biotech Products*, Online Summary.

<sup>43</sup> The EC requested establishment of a compliance panel on September 13, 2007, asserting a disagreement as to whether the United States had complied with certain DSB recommendations. The compliance panel found that the United States had failed to comply with DSB recommendations in administrative reviews in two cases reviewed, but that it had not failed to comply with recommendations in administrative reviews in three other cases reviewed. WTO, DSB, *DS294: United States—Laws, Regulations and Methodology for Calculating Dumping Margins (Zeroing)*, Online Summary.

<sup>44</sup> See, e.g., USTR, “USTR Statement on Awards in Brazil Cotton Dispute,” August 31, 2009. On April 6, 2010, the USTR announced that the United States and Brazil had agreed upon a path toward a negotiated settlement with Brazil over the dispute, and that this agreement would avoid the imposition of

## **New Requests for Consultations and New Panels Established**

During 2009, WTO members filed 14 new requests for WTO dispute-settlement consultations as compared to 19 in 2008 and 13 in 2007. Ten new dispute-settlement panels, including 2 panels reflecting a consolidation of cases, were established in 2009, as compared with 5 panels established in 2008 and 14 in 2007. Table 3.3 lists the 10 panels established during 2009 and 13 underlying cases that are the subject of these panels.

### *Requests for consultations filed during 2009 in which the United States was the complaining party or named respondent*

The United States was the complaining party or named respondent in 5 of the 14 requests for dispute-settlement consultations filed during 2009. It was the complaining party in 2 requests, the first directed against the EC (certain measures affecting imports of U.S. poultry) and the second directed against China (certain measures relating to the export of raw materials). Consultations were held in response to both complaints, and when the parties failed to resolve the dispute, the United States requested establishment of panels in the respective cases, and panels were established. The issues raised and year-end 2009 status are summarized below in the section on panels established during 2009.

Three complaints named the United States as the respondent. Two were filed by China (concerning U.S. measures affecting poultry imports from China and U.S. measures on passenger vehicle and light truck tires from China) and the third was filed by Korea (concerning U.S. use of zeroing in antidumping measures involving products from Korea). As of the end of 2009, a panel had been established in only one of the three cases: the one filed by China concerning U.S. poultry measures.

### *Panels established during 2009 at the request of the United States*

During 2009, the DSB established two panels at the request of the United States, one to consider a U.S. complaint about EC measures affecting U.S. poultry meat exports to the EC, and a second to consider complaints filed by the United States, the EC, and Mexico concerning measures imposed by China on the exportation of various raw materials. The issues raised and procedural histories of both disputes are summarized below.

### ***European Communities—Certain Measures Affecting Poultry Meat and Poultry Meat Products from the United States (DS389)***

In this dispute, the United States challenged the EU's ban on the import and marketing of poultry meat and poultry meat products processed with pathogen reduction treatments judged safe by both U.S. and European food safety authorities. The United States alleged that the measures violate certain provisions of the Sanitary and Phytosanitary Agreement, articles X:1 and XI:1 of the GATT 1994, article 4.2 of the Agriculture Agreement, and article 2 of the TBT Agreement. The United States filed its request for consultations on

---

countermeasures set to begin on April 7, 2010. USTR, "U.S., Brazil Agree Upon Path Toward Negotiated Solution of Cotton Disputes," April 6, 2010.

**TABLE 3.3** WTO dispute settlement panels established in 2009

Case no.	Complainant	Respondent	Case name	Panel established
DS379	China	United States	United States—Definitive Anti-Dumping and Countervailing Duties on Certain Products from China	Jan. 20, 2009
DS381	Mexico	United States	United States—Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products	Apr. 20, 2009
DS382	Brazil	United States	United States—Anti-Dumping Administrative Reviews and Other Measures Related to Imports of Certain Orange Juice from Brazil	Sept. 25, 2009
DS383	Thailand	United States	United States—Anti-Dumping Measures on Polyethylene Retail Carrier Bags from Thailand	Mar. 20, 2009
DS384	Canada	United States	United States—Certain Country of Origin Labelling (Cool) Requirements	Nov. 19, 2009 (single panel with DS386)
DS386	Mexico	United States	United States—Certain Country of Origin Labelling Requirements	Nov. 19, 2009 (single panel with DS384)
DS389	United States	EC	European Communities—Certain Measures Affecting Poultry Meat and Poultry Meat Products	Nov. 19, 2009
DS391	Canada	Korea	Korea—Measures Affecting the Importation of Bovine Meat and Meat Products from Canada	Aug. 31, 2009
DS392	China	United States	United States—Certain Measures Affecting Imports of Poultry from China	July 31, 2009
DS394	United States	China	China—Measures Related to the Exportation of Various Raw Materials	Dec. 21, 2009 (single panel with DS395 and DS398)
DS395	EC	China	China—Measures Related to the Exportation of Various Raw Materials	Dec. 21, 2009 (single panel with DS394 and DS398)
DS397	China	EC	European Communities—Definitive Anti-Dumping Measures on Certain Iron or Steel Fasteners from China	Oct. 23, 2009
DS398	Mexico	China	China—Measures Related to the Exportation of Various Raw Materials	Dec. 21, 2009 (single panel with DS394 and DS395)

*Source:* Derived from WTO, "Dispute Settlement: The Disputes—Chronological List of Disputes Cases" (accessed February 4, 2010).

January 16, 2009. After consultations failed to resolve the dispute, the United States requested establishment of a panel and the DSB established a panel on November 19, 2009. As of year-end 2009, the panel had not been composed.<sup>45</sup>

***China—Measures Related to the Exportation of Various Raw Materials (DS394)***

In this dispute, the United States challenged several forms of restraints imposed by China on exports of raw materials, including export quotas, export duties, and other export-related administrative measures and costs. The raw materials at issue included bauxite, coke, fluorspar, magnesium, manganese, silicon metal, silicon carbide, yellow phosphorus, and zinc. According to USTR, “The restraints at issue in this dispute significantly distort the international market and provide preferential conditions for Chinese industries that use these raw materials.”<sup>46</sup> The United States alleged that the export restraints violate articles VIII, X, and XI of the GATT 1994 and certain provisions of China’s WTO accession protocol. The United States filed its request for consultations on June 23, 2009. After consultations failed to resolve the dispute, the United States requested establishment of a panel. The EC and Mexico in the meantime had filed similar complaints (DS395 and DS398, respectively) and requests for panels, and the DSB established a single panel on December 21, 2009, to examine the matters raised by the three complaints.<sup>47</sup>

*Panels established during 2009 in which the United States was the named respondent*

During 2009, the DSB established six panels in which the United States was the named respondent. As of the end of 2009, panel reports were still pending in all six disputes. The six disputes are as follows.

***United States—Definitive China Antidumping and Countervailing Duties on Certain Products from China (DS379)***

In this dispute, China challenged determinations and orders of the U.S. Department of Commerce in several antidumping and countervailing-duty investigations involving imports from China (DS379), including imports of circular welded carbon quality steel pipe, certain pneumatic off-the-road tires, light-walled rectangular pipe and tube, and laminated woven sacks. China alleged that the U.S. measures were inconsistent with articles I and VI of the GATT 1994, various articles of the SCM Agreement and the Antidumping Agreement, and article 15 of China’s WTO Protocol of Accession. China requested consultations on September 19, 2008. After consultations failed to resolve the dispute, China requested establishment of a panel, and the DSB established a panel on

---

<sup>45</sup> WTO, DSB, *DS389: European Communities—Certain Measures Affecting Poultry Meat and Poultry Meat Products from the United States*, Online Summary. See also USTR, “U.S. Files WTO Case Challenging EU Restrictions on U.S. Poultry Exports,” June 22, 2009; USTR, “United States Requests WTO Panel in Challenge of EU Restrictions on U.S. Poultry Exports,” October 8, 2009.

<sup>46</sup> USTR, “United States Requests WTO Panel Against China Over Export Restraints on Raw Materials,” November 4, 2009.

<sup>47</sup> WTO, DSB, *DS394: China—Measures Related to the Exportation of Various Raw Materials*, Online Summary. See also USTR, “United States Files WTO Case against China over Export Restraints on Raw Materials,” June 23, 2009; USTR, “United States Requests WTO Panel against China over Export Restraints on Raw Materials,” November 4, 2009.

January 20, 2009. The Director-General, at the request of China, composed the panel on March 4, 2009. On November 17, 2009, the chairman of the panel informed the DSB that the panel expected to complete its work by May 2010.<sup>48</sup>

***United States—Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products (DS381)***

In this dispute, Mexico challenged certain U.S. measures relating to the labeling of Mexican tuna and tuna products as “dolphin safe” (DS381). Mexico alleged that the U.S. measures have the effect of prohibiting the labeling of Mexican tuna and tuna products as “dolphin safe” even when the tuna has been harvested by means that comply with multilaterally agreed standards. Mexico alleged that these measures are inconsistent with articles 2, 5, 6, and 8 of the TBT Agreement and articles I and III of the GATT 1994. Mexico requested consultations on October 24, 2008, and after the consultations failed to resolve the dispute, requested establishment of a panel. The DSB established a panel at its meeting on April 20, 2009. At the request of Mexico, the Director-General, on December 14, 2009, composed the panel.<sup>49</sup>

***United States—Antidumping Administrative Reviews and Other Measures Related to Imports of Certain Orange Juice from Brazil (DS382)***

In this dispute, Brazil alleged that certain U.S. laws, regulations, and procedures applied in U.S. antidumping duty reviews relating to imports of orange juice from Brazil (DS382) are inconsistent with articles II, VI:1, and VI:2 of the GATT 1994, certain articles of the Antidumping Agreement, and article XVI:4 of the WTO Agreement.<sup>50</sup> According to USTR, Brazil complained that USDOC used “zeroing” in the administrative review of the antidumping duty order on imports of orange juice.<sup>51</sup> Brazil requested consultations on November 27, 2008, and requested further consultations on May 22, 2009. After consultations failed to resolve the dispute, Brazil requested establishment of a panel, and the DSB established a panel at its meeting of September 25, 2009. The matter was still pending at year-end 2009.<sup>52</sup>

***United States—Antidumping Measures on Polyethylene Retail Carrier Bags from Thailand (DS383)***

In this dispute, Thailand challenged the U.S. practice of “zeroing” negative antidumping margins in calculating overall weighted-average dumping margins in an investigation involving polyethylene retail carrier bags from Thailand (DS383). Thailand alleged that the effect of this practice is either to create margins of dumping where none exist or to

---

<sup>48</sup> WTO, DSB, DS379: *United States—Definitive Anti-Dumping and Countervailing Duties on Certain Products from China*, Online Summary.

<sup>49</sup> WTO, DSB, DS381: *United States—Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products*, Online Summary.

<sup>50</sup> WTO, DSB, DS382: *United States—Anti-Dumping Administrative Reviews and Other Measures Related to Imports of Certain Orange Juice from Brazil*, Online Summary.

<sup>51</sup> USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 98.

<sup>52</sup> WTO, DSB, DS382: *United States—Anti-Dumping Administrative Reviews and Other Measures Related to Imports of Certain Orange Juice from Brazil*, Online Summary.

inflate margins of dumping. Thailand alleged that the U.S. Department of Commerce's use of this practice is inconsistent with U.S. obligations under article VI of the GATT 1994 and article 2.4.2 of the Antidumping Agreement. Thailand requested consultations on November 26, 2008, and, after consultations failed to resolve the dispute, requested establishment of a panel. The DSB established a panel at its meeting on March 20, 2009. The panel's report was still pending at the end of 2009.<sup>53</sup>

***United States—Certain Country of Origin Labeling Requirements (DS384 and DS386)***

In this dispute, Canada<sup>54</sup> and Mexico,<sup>55</sup> in separate complaints, challenged certain U.S. country-of-origin labeling requirements in the U.S. Agricultural Marketing Act of 1946 as amended by the 2008 Farm Bill. The requirements are imposed at the retail level for certain agricultural commodities, including beef and pork. According to Mexico, the U.S. determination of nationality deviates considerably from international country-of-origin labeling standards, a situation which has not been justified as necessary to fulfill a legitimate objective. Canada and Mexico alleged that the U.S. measures are inconsistent with articles III, IX, and X of the GATT 1994, article 2 of the TBT Agreement, or in the alternative, article 2, 5, and 7 of the SPS Agreement, and article 2 of the WTO Agreement on Rules of Origin. Canada requested consultations on December 1, 2008, and Mexico on December 17, 2008; both countries requested further consultations on May 7, 2009. After consultations failed to resolve the dispute, Canada (on October 7, 2009) and Mexico (on October 9, 2009) requested establishment of a panel. The DSB established a single panel on November 19, 2009.<sup>56</sup>

***United States—Certain Measures Affecting Imports of Poultry from China (DS392)***

In this dispute, China challenged U.S. measures in section 727 of the Omnibus Appropriations Act of 2009. China alleges that these measures effectively prohibit Chinese poultry from being imported into the United States because the legislation prohibits the U.S. Department of Agriculture from using funds for this purpose.<sup>57</sup> China requested consultations on April 17, 2009. After consultations failed to resolve the dispute, China requested establishment of a panel. A panel was established on July 31, 2009, and composed on September 23, 2009.<sup>58</sup> The matter was still pending at year-end

---

<sup>53</sup> WTO, DSB, *DS383: United States—Anti-Dumping Measures on Polyethylene Retail Carrier Bags from Thailand*, Online Summary. In a report circulated to members on January 22, 2010, the panel found that the United States acted inconsistently with article 2.4.2 of the Antidumping Agreement. The DSB adopted the panel's report on February 18, 2010.

<sup>54</sup> WTO, DSB, *DS384: United States—Certain Country of Origin Labeling (Cool) Requirements*, Online Summary.

<sup>55</sup> WTO, DSB, *DS386: United States—Certain Country of Origin Labeling Requirements*, Online Summary.

<sup>56</sup> See WTO, DSB, online summaries cited in two preceding footnotes above; see also USTR, "Vilsack, Kirk Comment on Canadian Panel Request Regarding Country-of-Origin Labeling," October 7, 2009.

<sup>57</sup> Under U.S. law, poultry and poultry products may not be imported from any foreign country unless USDA determines that the food safety standards, facilities, and conditions of that country achieve a level of sanitary protection equivalent to that achieved by U.S. standards. If USDA determines that a country achieves this level of protection for some or all poultry products, it issues a rule permitting import of such products, subject to border inspection and other requirements. USTR, "USDA, USTR Applaud Agreement by Congressional Appropriators on Poultry Imports from China," September 25, 2009.

<sup>58</sup> WTO, DSB, *DS392: United States—Certain Measures Affecting Imports of Poultry from China*, Online Summary.

2009. However, the U.S. Congress enacted legislation in late September 2009 that sought to address the issue.<sup>59</sup>

### **Panel and Appellate Body Reports Issued and/or Adopted during 2009 That Involve the United States**

During 2009, panels and/or the Appellate Body issued reports in original disputes<sup>60</sup> in three cases in which the United States was the complainant or a respondent (table 3.4). As noted above, several other disputes before panels in which the United States was either the complainant or a respondent were pending during the year.

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

#### ***China—Measures Affecting the Protection and Enforcement of Intellectual Property Rights (DS362)***

In this dispute, the United States challenged certain Chinese measures pertaining to the protection and enforcement of intellectual property rights in China, including under China's copyright law, and alleged that the measures are inconsistent with China's obligations under the TRIPS Agreement. The United States challenged, among other things, China's lack of criminal procedures and penalties for commercial-scale counterfeiting and piracy in China; China's requirement that infringing goods be released into the channels of commerce; and China's denial of copyright and related rights protection and enforcement to creative works of authorship, sound recordings, and performances that have not been authorized for publication or distribution within China. The panel was established in September 2007. In a report circulated on January 26, 2009, the panel concluded that certain provisions of China's copyright law and certain customs measures are inconsistent with the TRIPS Agreement and recommended that China bring its copyright law and the customs measures into conformity with its obligations under the TRIPS Agreement. The DSB adopted the panel report on March 20, 2009. On June 29, 2009, China and the United States agreed that China should implement the DSB recommendations and rulings by March 20, 2010.<sup>61</sup>

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

In this dispute, the United States alleged that various Chinese measures—ones that reserve trading rights for certain publications and audiovisual entertainment products to Chinese state-designated and wholly or partially state-owned enterprises, as well as others that impose market access restrictions or discriminatory limitations on foreign service providers seeking to engage in the distribution of publications and certain audiovisual home-entertainment (AVHE) products—are inconsistent with China's

---

<sup>59</sup> USTR, "USDA, USTR Applaud Agreement by Congressional Appropriators on Poultry Imports from China," September 25, 2009.

<sup>60</sup> As opposed to panel and Appellate Body reports issued in subsequent compliance proceedings.

<sup>61</sup> WTO, DSB, *DS362: China—Measures Affecting the Protection and Enforcement of Intellectual Property Rights*, Online Summary. See also USTR, "United States Wins WTO Dispute Over Deficiencies in China's Intellectual Property Rights Laws," June 22, 2009.

**TABLE 3.4** WTO dispute settlement panel and Appellate Body reports adopted in 2009

Case no.	Complainant	Respondent	Case name	Reported adopted
DS339	EC	China	China—Measures Affecting Imports of Automobile Parts	Jan. 12, 2009 (single panel with DS340 and DS342)
DS340	United States	China	China—Measures Affecting Imports of Automobile Parts	Jan. 12, 2009 (single panel with DS339 and DS342)
DS342	Canada	China	China—Measures Affecting Imports of Automobile Parts	Jan. 12, 2009 (single panel with DS339 and DS340)
DS350	EC	United States	United States—Continued Existence and Application of Zeroing Methodology	Feb. 19, 2009
DS362	United States	China	China—Measures Affecting the Protection and Enforcement of Intellectual Property Rights	Mar. 20, 2009
DS366	Panama	Colombia	Colombia—Indicative Prices and Restrictions on Ports of Entry	May 20, 2009

*Source:* Derived from WTO, “Dispute Settlement: The Disputes—Chronological list of disputes cases” (accessed February 4, 2010).

obligations under its Protocol of Accession, the GATT 1994, and the General Agreement on Trade in Services (GATS). A panel was established on November 27, 2007.

In its report circulated on August 12, 2009, the panel concluded that a number of China’s measures were inconsistent with China’s obligations under the Protocol of Accession because such measures restricted the right of enterprises in China—and, in some cases, foreign enterprises and foreign individuals—to import reading materials, films, AVHE products, and sound recordings. The panel further found that various Chinese measures imposing requirements relating to registered capital and operating terms for the distribution of reading materials are likewise inconsistent with China’s national treatment commitments under GATS and article II:4 of the GATT 1994. China and the United States appealed various aspects of the panel report to the Appellate Body. In a report circulated on December 21, 2009, the Appellate Body upheld most of the panel’s conclusions. The Appellate Body report was adopted by the DSB at its meeting on January 19, 2010.<sup>62</sup>

<sup>62</sup> WTO, DSB, *DS363: China—Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products*, Online Summary. See also USTR, “World Trade Organization Report Upholds U.S. Trade Claims Against China,” August 12, 2009; USTR, “WTO Appellate Body Confirms Finding Against China’s Treatment of Certain Copyright-Intensive Products,” December 21, 2009.

*Reports in which the United States was the respondent*

***United States—Continued Existence and Application of U.S. Zeroing Methodology (DS350)***

In this dispute, the EC challenged U.S. “zeroing” methodology in calculating the margin of dumping, including the methodology set out in Commerce’s implementing regulation and Commerce’s Antidumping Manual (1997 edition). In a report circulated on October 1, 2008, the panel found that the United States acted inconsistently with its obligations (1) under article 2.4.2 of the Antidumping Agreement, by using model zeroing in four investigations at issue; (2) under article VI:2 of the GATT 1994 and article 9.3 of the Antidumping Agreement, by applying simple zeroing in 29 periodic reviews at issue; and (3) under article 11.3 of the Antidumping Agreement, by using, in the eight sunset reviews at issue, dumping margins obtained through model zeroing in prior investigations. Both the EC and United States appealed the panel’s findings, and the Appellate Body, in a report issued on February 9, 2009, affirmed the panel report in part, and reversed it in part, and recommended that the United States bring its measures into conformity with GATT 1994 and the Antidumping Agreement. On February 19, 2009, the DSB adopted the Appellate Body report and the panel report (as modified by the Appellate Body report).

On March 20, 2009, the United States informed the DSB that it intended to bring its measures into conformity with its WTO obligations. On June 2, 2009, the United States and the EC notified the DSB that a reasonable period of time for the United States to implement the DSB recommendations and rulings would be 10 months, with the period expiring on December 19, 2009. On January 4, 2010, the EU and the United States notified the DSB of agreed procedures under articles 21 and 22 of the DSU.<sup>63</sup>

## **Organisation for Economic Co-operation and Development**

---

The OECD provides a forum where member governments review and discuss economic, social, and governance policy experiences affecting their market economies, as well as the global economy. In 2009, the 30 OECD members were Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, South Korea, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.<sup>64</sup>

In 2009, the OECD ranked among its top priorities providing support to members to help overcome the severe financial and economic crisis unfolding since 2008. The organization has focused in particular on helping member governments improve their economic stimulus packages and social policies in order to raise short-term economic

---

<sup>63</sup> WTO, DSB, *DS350: United States—Continued Existence and Application of Zeroing Methodology*, Online Summary.

<sup>64</sup> Twenty countries originally signed the Convention on the Organisation for Economic Co-operation and Development on December 14, 1960 at Paris, France, and became founding members. Since then, 11 countries have joined. Chile joined on May 10, 2010. For further details, see the OECD Web site, <http://www.oecd.org/>. On May 10, 2010, OECD countries invited Estonia, Israel, and Slovenia to become members. OECD, “Accession: Estonia, Israel and Slovenia invited to join OECD,” May 10, 2010.

activity, and thus achieve a more sustainable economic growth path over the long term. The OECD continued to monitor the impact of the crisis on emerging economies and developing countries as well in an effort to help these countries reach sustainable economic growth.

A core part of the OECD's mission is to negotiate economic and social instruments, decisions, and recommendations to promote common rules and policies in areas such as combating bribery in international business, improving information and communications policy, taxation, and the environment. Nonmembers as well as members may join these agreements. For example, Brazil joined OECD members in signing in 2007 revised provisions of the Aircraft Sector Understanding, an annex to the 1978 OECD Export Credit Arrangement. Brazil is a major regional aircraft producer, yet is not an OECD member.

Through its Enhanced Engagement forum the OECD maintains a dialogue with a number of major nonmember countries—currently Brazil, China, India, Indonesia, and South Africa. The intent is to establish a cooperative structure regarding matters of mutual economic policy interest. In addition, four countries—Estonia, Israel, Russia, and Slovenia—are candidates for accession to the OECD. Chile joined on May 10, 2010.

### ***Ministerial Council Meeting***

At the OECD Ministerial Council Meeting held June 24–25, 2009, the Secretary-General highlighted the strategic directions proposed for the coming 2009–10 year, which focused on the global financial and economic crisis unfolding since 2008 and in particular on the role the OECD could play in suggesting appropriate policy responses.<sup>65</sup>

At the meeting, the Secretariat presented the interim OECD *Economic Outlook 2009*.<sup>66</sup> Related discussions revolved initially around the short-term economic outlook and risks, including ongoing monetary policy measures in support of national recovery efforts; fiscal stimulus packages, their size, impact, duration, and structure; and issues concerning the financial consolidation involved with this fiscal stimulus, to counter any threat to fiscal sustainability given the increase in the public debt planned in many countries. Growing unemployment and pressures on pension systems, as well as the impact of the economic crisis on small and medium-sized enterprises (SMEs), were also key issues discussed by ministers.

Discussions subsequently progressed to longer-term economic issues, as ministers discussed how to restore strength to the financial system and exit from the financial interventions currently in place. Promoting policies to establish sound regulatory, competition, and governance structures were key items under examination, as well as how to advance the exchange of tax information and increase transparency to help reduce the risk of future crises. The ministers discussed the role played by the OECD in global economic policy cooperation through liaisons with other international organizations, and through various economic and political groupings, notably the G8 and G20 countries,

---

<sup>65</sup> OECD, “2009 Ministerial Council Meeting: Follow-up,” July 15, 2009; OECD, “2009 Ministerial Council Meeting: Follow-up,” September 11, 2009; OECD, “2009 Ministerial Council Meeting: Follow-up,” October 8, 2009; OECD, *Annual Report, 2009*, 8–25; USDOS, “OECD Ministerial Council Meeting (MCM) 2009,” July 15, 2009.

<sup>66</sup> Subsequently finalized as OECD, *Economic Outlook 86*, November 2009.

where OECD support is aimed at helping governments strengthen their responses to the current global recession.

Ministers considered the current economic crisis as a possible opportunity to address challenges regarding climate change. They reasoned that by adopting environmental measures favoring more environmentally sustainable growth, economic recovery plans could be oriented toward achieving more low-carbon economic progress while also providing a multiplier effect in terms of job creation and mobilizing private sector investment. Ministers voiced views that the present economic crisis might provide an opportunity to reform economic policies by reducing or eliminating subsidies on both production and consumption of fossil fuels, expanding investment in alternative energy sources and pollution control, and disseminating information—in particular concerning technology that is more oriented toward environmental issues.

Ministers discussed how to prevent protectionism in trade and investment from threatening global economic recovery and long-term growth. Members agreed to continue monitoring medium- and long-term export financing, and their commitments to support nondiscrimination in trade matters—for example, the commitments voiced at the G20 London summit meeting, held April 2, 2009. Concluding the Doha Round was again stressed as a key element in keeping markets open for trade and investment flows.

### *Trade Committee*

At their 152nd session meeting, April 28–29, 2009, the OECD Trade Committee reaffirmed its support for continued work in the areas of trade in services and nontariff measures. The committee also noted the importance of work on the WTO’s “Trade Facilitation” and “Aid for Trade” programs in light of the global economic downturn, and said it would continue to cooperate with the WTO on such issues.<sup>67</sup> The committee discussed the key messages highlighted in recently released OECD research on globalization and emerging economies. This research supported three conclusions in particular concerning trade: (1) that trade openness has proven quite beneficial for the world economy, including the “BRIICS” countries of Brazil, Russia, India, Indonesia, China, and South Africa; (2) that trade protection is a poor way to tackle economic problems; and (3) that trade liberalization thus remains a priority, especially through a multilateral approach. Subsequent discussion of possible OECD responses to the global financial crisis and economic recession touched on how to resist trade protectionism and successfully conclude the Doha Round of multilateral trade negotiations. The discussion noted that similar to more traditional border measures (such as tariff and nontariff measures), domestic policy measures—such as subsidies or stimulus measures taken to reduce unemployment—could have protectionist effects that would worsen the economic downturn, and should be monitored to avoid these effects. The committee suggested possible policy topics for future consideration, including limits on access to raw materials as a nontariff measure, the transparency of trade-related domestic regulations, and the issue of regionalism and regional trade agreements.

At their 153rd session meeting October 27–29, 2009, the Trade Committee discussed the effects of members’ responses to the global economic crisis, including sectoral policies

---

<sup>67</sup> OECD, “Summary Record of the 152nd Session of the Trade Committee: Plenary Session,” July 27, 2009; OECD, “Summary Record of the 152nd Session of the Trade Committee: Confidential Session,” July 27, 2009.

and related subsidies; discriminatory government procurement measures; trade finance; and protectionism related to environmental policies.<sup>68</sup> The committee noted ongoing work involving data verification and methodology refinement undertaken in the development of a Services Trade Restrictiveness Index, which covers protectionist measures applied in the areas of computer services, construction, professional services, and telecommunications. The committee also heard reports from the Market Openness Reviews held during the year for Chile, Israel, Estonia, and Slovenia, all countries engaged in the OECD membership accession process.

## **Asia-Pacific Economic Cooperation**

---

APEC is an international organization that consists of Pacific Basin countries seeking to enhance intra-regional economic growth and cooperation.<sup>69</sup> The organization operates as a cooperative, multilateral economic and trade group, whose decisions are made by consensus, and whose commitments are undertaken voluntarily. APEC leaders meet annually to provide direction to the organization in the form of action-oriented work programs, and to define priorities for its committees, working groups, senior officials meetings, and special task groups. Since its inception, APEC has aimed to facilitate economic growth, trade, investment, and cooperation in the Asia-Pacific region.<sup>70</sup> To reach its objectives, member countries committed to the “Bogor Goals” in 1994, which set forth a timetable for creating a free and open trade and investment area in the Asia-Pacific region by 2010 for the industrialized countries, and by 2020 for the developing countries. In subsequent years, various annual APEC initiatives have been undertaken to provide member countries with direction on how to successfully meet the long-term objectives initially agreed upon in Bogor, Indonesia.<sup>71</sup>

At the November 2009 annual APEC summit in Singapore, ministers agreed to review progress toward the Bogor Goals, made commitments to long-term multilateral trade negotiations, and produced a new set of guidelines for balanced economic growth. The November meeting also represented the culmination of a year-long effort by the Committee on Trade and Investment (CTI) to increase regional economic integration by lowering barriers to trade and improving the international business environment.

---

<sup>68</sup> OECD, “Summary Record of the 153rd Session of the Trade Committee: Plenary Session,” January 13, 2010, 2; OECD, “Summary Record of the 153rd Session of the Trade Committee: Confidential Session,” January 19, 2010.

<sup>69</sup> APEC was established in 1989 when ministers from 12 Asia-Pacific governments met in Canberra, Australia, to discuss world and regional economic developments, global trade liberalization, and opportunities for regional cooperation. Current APEC membership includes Australia; Brunei Darussalam; Canada; Chile; China; Hong Kong, China; Indonesia; Japan; South Korea; Malaysia; Mexico; New Zealand; Papua New Guinea; Peru; the Philippines; Russia; Singapore; Chinese Taipei (Taiwan); Thailand; the United States; and Vietnam. For further details, see APEC, *APEC at a Glance*, 2010; and the APEC Web site, <http://www.apec.org/>.

<sup>70</sup> APEC, *APEC at a Glance*, 2010.

<sup>71</sup> APEC, *Outcomes & Outlook 2009–10*, 2010.

## ***The 2010 Bogor Goal Target, FTAAP, and Related APEC Commitments***

In 2009, ministers agreed to establish a “credible and meaningful mechanism” to assess the achievement of the 2010 Bogor Goal target for free trade and investment in the region among industrialized member countries.<sup>72</sup> Four APEC members contributed to a report on a possible Free Trade Area of the Asia-Pacific (FTAAP), which was presented at the November 2009 meeting. The report examined economic benefits and challenges of FTAAP, listed issues that would need to be addressed in preparation for negotiations, and studied convergences and divergences in various Asian-Pacific regional and bilateral trade agreements.<sup>73</sup> Ministers committed to reaching a conclusion to the Doha Round in 2010 and endorsed recommendations by the APEC Secretariat on specific areas of cooperation with the WTO, such as the Aid for Trade agenda.<sup>74</sup> As a response to the continuing economic crisis and declining levels of trade worldwide, trade ministers committed in July 2009 to keep markets open and refrain from protectionist measures until the end of 2010, even if such measures were deemed WTO-consistent.<sup>75</sup> Nonetheless, a report compiled by the APEC Secretariat for the November 2009 meeting found that use of trade remedies had increased throughout the region despite an overall relative openness to trade during 2009.<sup>76</sup> At the APEC leaders’ meeting, heads of state endorsed a “new growth paradigm,” based on a rebalancing of the global economy; an inclusive approach to free trade through retraining of vulnerable workers, maintenance/reinforcement of social safety nets, and promotion of small enterprises; and a sustainable approach to climate change consistent with international trade obligations.<sup>77</sup>

### ***Regional Economic Integration***

In order to accelerate the regional integration agenda and progress toward the Bogor Goals, the CTI produced new initiatives designed to liberalize trade and enhance supply chain connectivity.<sup>78</sup> In October 2009, the APEC Pathfinder Initiative for Self-Certification of Origin (“Pathfinder”) was launched. The Pathfinder allows exporters to self-certify a product’s origin in order to avoid the process of applying for and submitting an Authorized Certificate of Origin (ACO). By avoiding the ACO process, traders can reduce transaction costs and time necessary to fulfill the rules of origin requirements of FTAs, allowing them to take advantage of preferential tariffs. The Pathfinder includes seven APEC members, who will initiate the process and share best practices with future participants.<sup>79</sup> The CTI also produced a set of Services Principles intended to help

---

<sup>72</sup> APEC, “Joint Statement at 21st APEC Ministerial Meeting,” November 12, 2009.

<sup>73</sup> Members who contributed to this report include Australia, China, South Korea, and New Zealand. For more information, see APEC, *Further Analytical Study on the Likely Economic Impact of an FTAAP*, 2009.

<sup>74</sup> APEC, “Joint Statement at 21st APEC Ministerial Meeting,” November 12, 2009.

<sup>75</sup> APEC, “Joint Statement at 21st APEC Ministerial Meeting,” November 12, 2009.

<sup>76</sup> APEC, *Key Trends and Developments Relating to Trade and Investment Measures and Their Impact on the APEC Region*, 2009.

<sup>77</sup> APEC, “Leaders’ Declaration 2009,” November 15, 2009.

<sup>78</sup> APEC, “Joint Statement at 21st APEC Ministerial Meeting,” November 12, 2009.

<sup>79</sup> The seven participating countries are Australia, Canada, Japan, New Zealand, Singapore, South Korea, and the United States. For more information, see APEC, “APEC Ministers Take Concrete Actions to Improve Business Environment,” November 12, 2009; APEC Committee on Trade and Investment, *Annual Report to Ministers*, 2009. Appendix I.

members' policies on trade in services converge by assembling them into a single document, and a Services Action Plan to guide APEC's work on services trade promotion.<sup>80</sup> APEC ministers agreed to develop measures to address eight critical impediments that were identified in regional supply chains. These impediments encompassed regulatory issues, lack of coordination between customs agencies, and inadequate transport networks and infrastructure.<sup>81</sup>

At the APEC Ministerial Meeting in November 2009, ministers initiated an Ease of Doing Business (EoDB) Action Plan with the goal of making it 25 percent cheaper, faster, and easier to do business within APEC economies by 2015. The EoDB Action Plan identified five priority areas for reform, using the World Bank EoDB indicators as a reference, and assigned countries to act as coordinating "Champion Economies" for each area. The Champion Economies run seminars and working groups where best practices are shared between APEC members, and countries create work plans for regulatory reform. The five priority areas include starting a business (led by the United States and New Zealand); getting credit (Japan); enforcing contracts (South Korea); trading across borders (Hong Kong, China, and Singapore); and dealing with permits (Singapore).<sup>82</sup>

## **The Anti-Counterfeiting Trade Agreement**

---

Negotiation of the Anti-Counterfeiting Trade Agreement (ACTA), an agreement focused on combating the counterfeiting and piracy of intellectual property, began in 2008. In June 2009, the USTR stated that ACTA negotiations would continue under President Obama and identified opportunities for improving transparency and increasing public input into the negotiation process.<sup>83</sup>

ACTA negotiating parties include Australia, Canada, the European Union and its 27 member states, Japan, Mexico, Morocco, New Zealand, Singapore, South Korea, Switzerland, and the United States.<sup>84</sup> The ACTA negotiating text reportedly focuses on improving the enforcement of intellectual property rights and is modeled after the intellectual property enforcement provisions of U.S. free trade agreements with Australia, Morocco, Singapore, and South Korea.<sup>85</sup> The parties aim to conclude ACTA negotiations in 2010.<sup>86</sup>

---

<sup>80</sup> APEC Committee on Trade and Investment, *Annual Report to Ministers*, 2009. Appendices IV and V.

<sup>81</sup> APEC, "APEC Ministers Take Concrete Actions to Improve Business Environment," November 12, 2009.

<sup>82</sup> APEC, "APEC Ministers Take Concrete Actions to Improve Business Environment," November 12, 2009; APEC, "Joint Statement at 21<sup>st</sup> APEC Ministerial Meeting," November 12, 2009.

<sup>83</sup> USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 160.

<sup>84</sup> USTR, "The Anti-Counterfeiting Trade Agreement," November 6, 2009, 1.

<sup>85</sup> Kirk, letter to Senator Ron Wyden, January 28, 2010, 2.

<sup>86</sup> Following the eighth round of ACTA negotiations held April 12–16, 2010, in Wellington, New Zealand, USTR announced April 16, 2010, that participants had reached agreement on a draft text to be made available to the public. Participants in the negotiations included Australia, Canada, the European Union (represented by the European Commission, the EU Presidency (Spain) and EU member states), Japan, Korea, Mexico, Morocco, New Zealand, Singapore, Switzerland, and the United States. USTR, "USTR Releases Statement Regarding Recent ACTA Negotiations in New Zealand," April 16, 2010. USTR released the "Consolidated Text Prepared for Public Release" of the Anti-Counterfeiting Trade Agreement on April 21, 2010; it can be found at [http://www.ustr.gov/webfm\\_send/1883](http://www.ustr.gov/webfm_send/1883).

# CHAPTER 4

## U.S. Free Trade Agreements

---

This chapter summarizes developments related to U.S. free trade agreements during 2009. It describes trends in U.S. merchandise trade with FTA partners during 2009, the status of U.S. FTA negotiations during the year, and major North American Free Trade Agreement (NAFTA) activities, including NAFTA dispute-settlement developments during the year.

### FTAs in Force During 2009

---

The United States was a party to 11 FTAs as of December 31, 2009.<sup>1</sup> These include the U.S.-Oman FTA, which entered into force in 2009; a multiparty agreement with the countries of Central America and the Dominican Republic that entered into force with the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua in 2006–07, and with Costa Rica in 2009; the U.S.-Peru Trade Promotion Agreement (TPA) (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 (1994); and the U.S.-Israel FTA (1985).

In 2009, total two-way merchandise trade between the United States and its FTA partners was \$832.5 billion, or one-third of U.S. merchandise trade with the world. U.S. merchandise exports to FTA partners decreased by 19.4 percent to \$357.8 billion from 2008 to 2009, but still accounted for 38.2 percent of total U.S. exports. U.S. imports of goods from FTA partners decreased 24.2 percent to \$474.7 billion and accounted for 30.6 percent of U.S. imports from the world.

The U.S. merchandise trade deficit with its FTA partners decreased by \$64.8 billion during the same period, dropping to \$116.8 billion in 2009 (table 4.1). The U.S. merchandise deficit with its NAFTA partners was \$123.5 billion, a decrease of \$73.7 billion from 2008. Excluding NAFTA, the United States registered a collective trade surplus with its FTA partners of \$6.7 billion, down from \$15.6 billion in 2008. The FTA partners with which the United States recorded a merchandise trade surplus in 2009 were Jordan, Singapore, Chile, Australia, Morocco, Bahrain, the CAFTA-DR region, Oman, and Peru, while the United States continued to have merchandise trade deficits with Canada, Israel, and Mexico.

The value of U.S. imports entered under FTA provisions decreased 18.8 percent during 2008–09, falling from \$329.8 billion in 2008 to \$240.3 billion in 2009 (table 4.2). Approximately 55 percent of total imports from NAFTA partners entered the United States under NAFTA provisions in 2009. The United States remained the largest source

---

<sup>1</sup> Since the U.S.-Singapore FTA in 2004, the modifications to the HTS required to implement each FTA can be found at USITC Tariff Information Center Web site, [http://www.usitc.gov/tata/hts/other/rel\\_doc/annex/index.htm](http://www.usitc.gov/tata/hts/other/rel_doc/annex/index.htm).

**TABLE 4.1** U.S. merchandise trade with FTA partners, total trade, 2007–09, millions of dollars

	2007	2008	2009
<b>Exports:</b>			
Israel	9,940	10,238	6,237
NAFTA	332,500	353,932	277,413
Canada	213,119	222,424	171,695
Mexico	119,381	131,507	105,718
Jordan	832	904	1,165
Singapore	23,577	25,655	19,924
Chile	7,610	11,367	8,694
Australia	17,917	20,948	18,244
Morocco	1,334	1,506	1,584
Bahrain	565	779	629
CAFTA–DR <sup>a</sup>	16,176	18,875	18,850
Oman	–	–	1,065
Peru <sup>b</sup>	–	–	4,022
FTA partner total	410,451	444,205	357,826
World total	1,046,358	1,169,821	936,745
FTA partner share of world total (percent)	39.2	38.0	38.2
<b>Imports:</b>			
Israel	20,817	22,264	18,743
NAFTA	522,663	551,168	400,893
Canada	312,505	334,840	224,584
Mexico	210,159	216,328	176,309
Jordan	1,333	1,139	924
Singapore	19,080	15,718	15,588
Chile	8,969	8,182	6,047
Australia	8,633	10,535	7,998
Morocco	626	880	467
Bahrain	626	517	463
CAFTA–DR <sup>a</sup>	14,239	15,387	18,816
Oman	–	–	883
Peru <sup>b</sup>	–	–	3,834
FTA partner total	596,987	625,790	474,656
World total	1,942,863	2,090,483	1,549,163
FTA partner share of world total (percent)	30.7	29.9	30.6

**TABLE 4.1** U.S. merchandise trade with FTA partners, total trade, 2007–09, million of dollars—*Continued*

	2007	2008	2009
<b>Trade balance:</b>			
Israel	-10,877	-12,026	-12,506
NAFTA	-190,163	-197,236	-123,480
Canada	-99,386	-112,415	-52,889
Mexico	-90,778	-84,821	-70,591
Jordan	-501	-234	241
Singapore	-1,359	3,184	2,646
Chile	4,496	9,937	4,336
Australia	9,283	10,413	10,246
Morocco	708	626	1,117
Bahrain	-60	262	165
CAFTA–DR <sup>a</sup>	1,937	3,488	34
Oman	–	–	182
Peru <sup>b</sup>	–	–	188
FTA partner total	-186,536	-181,586	-116,829
World total	-896,505	-920,661	-612,419
FTA partner share of world total (percent)	20.8	19.7	19.1

Source: USDOC.

<sup>a</sup> CAFTA–DR was in force for the Dominican Republic for part of 2007 and for Costa Rica beginning January 1, 2009.

<sup>b</sup> FTA was in force for part of 2009.

of imports for NAFTA partners Canada (accounting for 51.6 percent of Canada’s imports), and Mexico (48.1 percent of Mexico’s imports) in 2009. More than 50 percent of total U.S. imports from Chile, Bahrain, El Salvador, Honduras, the Dominican Republic, and Oman entered under FTA provisions. On the other hand, less than 30 percent of total imports from Israel, Jordan, Singapore, Morocco, Costa Rica, and Peru entered under FTA provisions. Imports entered under FTA provisions accounted for 15.5 percent of total U.S. imports in 2009, a decrease from 15.8 percent in 2008.

## FTA Developments During 2009

Two new FTAs became effective at the beginning of 2009. On January 1, 2009, the U.S.–Oman FTA entered into force, allowing immediate duty-free access to Oman for virtually all U.S. exports of industrial and consumer products, as well as for goods comprising 87 percent of Oman’s agricultural tariff lines.<sup>2</sup> For all remaining products, Oman will phase out duties over the next 10 years. Also on January 1, 2009, a December 23, 2008, Presidential proclamation implementing the CAFTA-DR for Costa Rica became effective.<sup>3</sup> Costa Rica was the last of the signatory countries to implement the CAFTA-DR.

<sup>2</sup> 73 Fed. Reg. 80289 (December 31, 2008).

<sup>3</sup> 73 Fed. Reg. 79585 (December 30, 2008).

**TABLE 4.2** U.S. imports entered under FTA provisions, by FTA partner, 2007–09

FTA partner	2007	2008	2009	% change, 2008–09
	Millions of \$			
Israel	2,755	3,209	2,493	-22.3
NAFTA	293,057	306,593	219,664	-28.4
Canada	158,984	166,077	112,373	-32.3
Mexico	134,073	140,516	107,291	-23.6
Jordan	313	280	240	-14.3
Singapore	935	1,018	850	-16.5
Chile	5,001	4,454	3,453	-22.5
Australia	3,155	4,356	2,758	-36.7
Morocco	176	161	114	-29.0
Bahrain	199	288	258	-10.5
CAFTA–DR <sup>a</sup>	8,289	9,410	9,009	-4.3
El Salvador	1,490	1,685	1,425	-15.4
Guatemala	1,286	1,635	1,354	-17.2
Honduras	2,855	3,016	2,469	-18.1
Nicaragua	706	816	783	-4.1
Dominican Republic	1,952	2,259	1,802	-20.2
Costa Rica	–	–	1,176	<sup>(b)</sup>
Oman	–	–	456	<sup>(b)</sup>
Peru <sup>c</sup>	–	–	981	<sup>(b)</sup>
Total imports under FTA provisions	313,879	329,770	240,276	-27.1
World	1,942,863	2,090,483	1,549,163	-25.9
	Share of total imports from FTA partner			
Israel	13.2	14.4	13.3	
NAFTA	56.1	55.6	54.8	
Canada	50.9	49.6	50.0	
Mexico	63.8	65.0	60.9	
Jordan	23.5	24.6	26.0	
Singapore	4.9	6.5	5.5	
Chile	55.8	54.4	57.1	
Australia	36.5	41.4	34.5	
Morocco	28.2	18.3	24.5	
Bahrain	31.8	55.7	55.6	
CAFTA–DR <sup>a</sup>	55.9	61.2	47.9	
El Salvador	72.9	75.7	78.2	
Guatemala	42.4	47.5	43.2	
Honduras	72.4	74.3	73.8	
Nicaragua	43.9	47.8	48.6	
Dominican Republic	46.3	57.1	54.5	
Costa Rica	–	–	21.0	
Oman	–	–	51.7	
Peru <sup>c</sup>	–	–	23.2	

Source: USDOC.

<sup>a</sup> CAFTA–DR in force for the Dominican Republic for part of 2007 and Costa Rica beginning January 1, 2009.

<sup>b</sup> Not applicable.

<sup>c</sup> FTA in force for part of 2009.

A third FTA took effect shortly afterwards. The U.S.-Peru TPA was implemented on February 1, 2009, allowing 80 percent of U.S. industrial and consumer goods and more than two-thirds of U.S. farm exports to enter Peru duty-free. For all remaining products, duties will be phased out over the next 10 years. The agreement also lowers Peru's barriers to U.S. services, provides a secure legal framework for investors, and mandates effective protection for intellectual property, labor rights, and the environment.<sup>4</sup>

For the first time since 2007, the Joint Committee of the U.S.-Israel Free Trade Agreement met on December 14, 2009. During the meeting, the committee discussed issues involving bilateral trade, investment, and economic matters, including oversight of the FTA.<sup>5</sup>

The status of many pending FTAs remained unchanged throughout 2009. FTAs with Colombia, Panama, and South Korea, which were signed by both parties in previous years and approved by the partner governments in the cases of Colombia and Panama, were all still awaiting congressional approval as of the end of 2009.<sup>6</sup> There were no changes in the status of other previously initiated FTA negotiations with Ecuador, the Southern African Customs Union, Thailand, and the United Arab Emirates (UAE), or countries involved with the Free Trade Area of the Americas. The status of U.S. FTA negotiations during 2009 is shown in table 4.3.

Since July 2007, the President has remained without Trade Promotion Authority, the statutory authority to negotiate trade agreements that the Congress can approve or disapprove, but cannot amend.<sup>7</sup> Trade Promotion Authority is a pact whereby the Executive Branch agrees to consult with Congress during the negotiations and Congress agrees to hold an "up or down" vote on the agreement. After receiving legislation to implement the agreement, Congress has a maximum of 90 legislative days to vote on the legislation.<sup>8</sup>

### ***U.S.-Trans-Pacific Strategic Economic Partnership***

On September 23, 2008, the United States announced that it would enter negotiations to join the Trans-Pacific Strategic Economic Partnership (TPP). Current members of the TPP include Brunei Darussalam, Chile, New Zealand, and Singapore. The first round of negotiations to expand the TPP to include the United States, Australia, Peru, and Vietnam was scheduled to take place in March 2009, but was suspended in February when the United States requested a postponement to accommodate the incoming Obama administration. On November 14, 2009, President Obama affirmed that the United States would resume negotiations with TPP countries and other economies in the Asia-Pacific

---

<sup>4</sup> USTR, "Statement by U.S. Trade Representative Susan C. Schwab Regarding Entry into Force of the Peru FTA," January 16, 2009.

<sup>5</sup> USTR, "USTR and Israel Hold FTA Joint Committee Meeting," December 15, 2009.

<sup>6</sup> USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 135, 142; USTR, Colombia FTA, found at <http://www.ustr.gov/trade-agreements/free-trade-agreements/colombia-fta>; and USTR, Panama FTA, found at <http://www.ustr.gov/trade-agreements/free-trade-agreements/panama-tpa>. Korea has not yet approved the U.S.-Korea FTA.

<sup>7</sup> The Trade Act of 2002 (title XXII of the Trade Act of 2002) was enacted on August 2, 2002.

<sup>8</sup> USTR, "U.S.-Colombia Free Trade Agreement: How Trade Promotion Authority Works," April 8, 2008.

**TABLE 4.3** Status of U.S. FTA negotiations during 2009

FTA partner(s)	Negotiations launched	Negotiations concluded	Agreement signed by parties	Date of entry into force
Central America and the Dominican Republic:				
El Salvador	Jan. 8, 2003	Dec. 17, 2003	May 28, 2004	Mar. 1, 2006
Honduras and Nicaragua	Jan. 8, 2003	Dec. 17, 2003	May 28, 2004	Apr. 1, 2006
Guatemala	Jan. 8, 2003	Dec. 17, 2003	May 28, 2004	July 1, 2006
Dominican Republic	Jan. 14, 2003	Mar. 15, 2004	Aug. 5, 2004	Mar. 1, 2007
Costa Rica	Jan. 8, 2003	Jan. 25, 2004	May 28, 2004	Jan. 1, 2009
Oman	Mar. 12, 2005	Oct. 3, 2005	Jan. 19, 2006	Jan. 1, 2009
Peru	May 18, 2004	Dec. 7, 2005	Apr. 12, 2006	Feb. 1, 2009
Colombia	May 18, 2004	Feb. 27, 2006	Nov. 22, 2006	–
Panama	Apr. 26, 2004	Dec. 19, 2006	June 28, 2007	–
Korea	Feb. 2, 2006	Apr. 1, 2007	June 30, 2007	–
Trans-Pacific Strategic Economic Partnership (Australia, Brunei Darussalam, Chile, New Zealand, Peru, Singapore, and Vietnam)				
	Dec. 14, 2009	–	–	–

Source: USTR, various press releases, <http://www.ustr.gov>.

Note: No negotiations have taken place for the Free Trade Area of the Americas (FTAA) since 2005; for the Southern Africa Customs Union (Botswana, Lesotho, Namibia, South Africa, and Swaziland), Ecuador, Thailand, and the United Arab Emirates since 2006; for Malaysia since 2008.

region to conclude a regional trade agreement.<sup>9</sup> USTR notified Congress on December 14, 2009, of the administration's intent to enter into negotiations with the TPP.<sup>10</sup> The TPP is intended to build upon the FTAs already signed by the United States with Singapore, Chile, Peru, and Australia. The first round of negotiations took place in Melbourne, Australia, March 14–19, 2010, and the second round is scheduled for June.<sup>11</sup>

In the past three years (2007–09), TPP countries have been important destinations for U.S. exports such as heavy and light fuel oil, oil and gas field machinery, civil aircraft and parts, motor vehicles, and gold bullion. Imports from TPP countries during these years have included goods such as therapeutic medications; copper cathodes; magnetic disk drives; frozen, boneless bovine meat cuts; and cotton sweaters, pullovers, and similar apparel. U.S. merchandise exports to these markets averaged \$60.9 billion over 2007–09, and U.S. merchandise imports from these markets averaged \$53.6 billion, resulting in a U.S. trade surplus with TPP countries (table 4.4). If concluded, this trade agreement would be the second largest in terms of total trade covered after NAFTA, measuring approximately one-third the value of average total two-way merchandise trade under NAFTA during the same period. Following the first session of TPP discussions, the USTR announced that it would seek further guidance from the U.S. Congress and other stakeholders regarding negotiating objectives and approaches, including requesting the

<sup>9</sup> USDOS, Secretary of State, "Information Regarding U.S. Announcement of Intent to Participate in Trans-Pacific Partnership (TPP) Agreement," November 14, 2009; USTR, "Trans-Pacific Partnership Agreement," December 14, 2009; "USTR Ron Kirk Remarks on Trans-Pacific Partnership Negotiations," December 15, 2009.

<sup>10</sup> 74 Fed. Reg. 66720 (December 16, 2009); USTR, "Trans-Pacific Partnership Announcement," December 14, 2009; USTR, "USTR Ron Kirk Remarks On Trans-Pacific Partnership Negotiations," December 15, 2009; and USTR, "USTR Staff Meet with Trans-Pacific Partnership Counterparts, Prepare for Congressional Consultations on TPP," December 8, 2009.

<sup>11</sup> USTR, "USTR Negotiators Report Successful First Round Of Trans-Pacific Partnership Talks," March 19, 2010.

**TABLE 4.4** U.S. merchandise trade with potential TPP partners,<sup>a</sup> 2007–09

Trade with TPP partners	2007	2008	2009	% change, 2008–09
	Millions of \$			
U.S. Exports	57,511	68,880	56,329	-18.2
U.S. Imports	55,866	56,159	48,812	-13.1
Trade balance	1,645	12,721	7,517	-40.9

Source: USDOC.

<sup>a</sup> Potential partners include Australia, Brunei Darussalam, Chile, New Zealand, Peru, Singapore, and Vietnam.

Commission to provide advice with regard to the probable economic effect of providing duty-free treatment for imports from the seven TPP countries.<sup>12</sup>

## North American Free Trade Agreement<sup>13</sup>

The North American Free Trade Agreement, an agreement between the United States, Canada, and Mexico, entered into force on January 1, 1994. All of the agreement's provisions were implemented by January 1, 2008, with the exception of the NAFTA cross-border trucking provisions.<sup>14</sup> In 2009, total two-way (exports plus imports) U.S. merchandise trade with NAFTA partners decreased by 25.1 percent over 2008, with U.S.-Canada merchandise trade amounting to \$396.3 billion and U.S.-Mexico merchandise trade totaling \$282.0 billion (table 4.5). The U.S. merchandise trade deficit with NAFTA partners decreased to \$123.5 billion in 2009 from \$197.2 billion in the previous year—a decrease of 37.4 percent, in contrast to an increase of 3.7 percent in 2008.

The following sections describe the major activities of the NAFTA Free Trade Commission (FTC) and the Commission for Environmental Cooperation (CEC), and dispute-settlement activities under NAFTA chapters 11 and 19 during 2009. With respect to the Commission for Labor Cooperation (CLC), no new submissions on labor matters were filed in 2009.

### *Free Trade Commission*

NAFTA's central oversight body is the FTC. It is chaired jointly by trade representatives or their designees from the three member countries.<sup>15</sup> The FTC is responsible for overseeing implementation and elaboration of NAFTA, as well as for its dispute-settlement provisions.

<sup>12</sup> As part of this effort, the USTR requested an investigation by the U.S. International Trade Commission on December 15, 2009. See USITC, "USITC to Investigate the Probable Economic Effect of Duty-Free Imports of a U.S.-Trans-Pacific Partnership Free Trade Agreement," January 11, 2010.

<sup>13</sup> U.S. bilateral trade relations with Canada and Mexico are described in chap. 5 of this report.

<sup>14</sup> The section on Mexico of chap. 5 discusses NAFTA's cross-border trucking provisions. Further information on the last remaining restrictions on U.S.-Mexico trade that were removed on January 1, 2008, is presented in USITC, *The Year in Trade 2008*, 5–16.

<sup>15</sup> The representatives are the U.S. Trade Representative, Canadian Minister for International Trade, and Mexican Secretary of Economy.

**TABLE 4.5** U.S. merchandise trade with NAFTA partners, 2007–09, billions of dollars

Year	NAFTA partner	U.S. Exports	U.S. Imports	Trade balance	Two-way trade (exports plus imports)
2009	Canada	171.7	224.6	-52.9	396.3
	Mexico	105.7	176.3	-70.6	282.0
	Canada and Mexico	277.4	400.9	-123.5	678.3
2008	Canada	222.4	334.8	-112.4	557.3
	Mexico	131.5	216.3	-84.8	347.8
	Canada and Mexico	353.9	551.2	-197.2	905.1
2007	Canada	213.1	312.5	-99.4	525.6
	Mexico	119.4	210.2	-90.8	329.5
	Canada and Mexico	332.5	522.7	-190.2	855.2

Source: Compiled from official statistics of the USDOC.

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

At its most recent annual meeting, in October 2009, in Dallas, Texas, the FTC agreed to build upon the work of the August 2009 North American Leaders Summit, where leaders committed to “reinvigorate our trading relationship and to ensure that the benefits of our economic relationship are widely shared and sustainable.”<sup>16</sup> The FTC asked officials of NAFTA countries to develop a work plan for revitalizing NAFTA that would incorporate three principles: competitiveness, strengthening institutions, and communications and transparency. The FTC also asked officials to cooperate in other areas reducing unnecessary regulatory differences so that goods, services, and capital can flow freely through modern and efficient borders.<sup>17</sup>

At the meeting, the FTC also agreed to strengthen its relationship with both the CEC and CLC. To accomplish this, the FTC established an ad hoc working group composed of senior trade officials to explore areas of potential collaboration between the FTC and the CEC and to further trilateral discussion about North American trade and the protection of the environment. The FTC also designated senior trade officials to enhance collaboration between the FTC and CLC and further trilateral cooperation on trade and labor issues.<sup>18</sup>

In 2009, the United States, Canada, and Mexico implemented two sets of changes to the NAFTA rules of origin. The first set liberalized the NAFTA rules of origin via changes that cover approximately \$100 billion in annual trilateral trade. The second set modified the NAFTA rules of origin to reflect changes in tariff nomenclature agreed to under the International Convention on the Harmonized Commodity and Coding System.<sup>19</sup> At its October meeting, the FTC asked the Working Group on Rules of Origin to continue its work to liberalize the NAFTA rules of origin and to examine the rules of origin for

<sup>16</sup> USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 131.

<sup>17</sup> USTR, “Joint Statement of the 2009 NAFTA Commission Meeting,” October 21, 2009; USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 131.

<sup>18</sup> USTR, “Joint Statement of the 2009 NAFTA Commission Meeting,” October 21, 2009; USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 131.

<sup>19</sup> Presidential Proclamation No. 8405, 74 Fed. Reg. 45529 (September 2, 2009); USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 131. For further information on the modifications to the NAFTA rules of origin, see USITC, *Modifications of the Harmonized Tariff Schedule of the United States*, 2009.

environmental goods to determine whether liberalizing such rules would facilitate additional trade.<sup>20</sup>

### *Commission for Environmental Cooperation*

The CEC was established under the North American Agreement on Environmental Cooperation (NAAEC), a supplemental agreement to NAFTA designed to ensure that trade liberalization and efforts to protect the environment are mutually supportive. The CEC oversees the mandate of the NAAEC and is composed of (1) the Council—the governing body of the CEC—made up of the environmental ministers from the United States, Canada, and Mexico;<sup>21</sup> (2) the Joint Public Advisory Committee, made up of five private citizens from each of the NAFTA parties; and (3) the Secretariat, located in Montreal, Canada, and composed of professional staff that carry out initiatives and conduct research on topics pertaining to the North American environment, environmental law, and environmental standards, as well as processing citizen submissions on enforcement matters.<sup>22</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 Secretariat's obligations in considering the submissions and publishing findings in the factual record.<sup>23</sup> At the end of 2009, 12 complaint files remained active under article 14, 4 of which were submitted in 2009 (table 4.6). During 2009, there were 12 active files that were based on citizen submissions under article 15; 1 involved the United States, 3 involved Canada, and 8 involved Mexico (table 4.7). In 2009, the CEC did not publicly release any final factual records.

At the June, 24, 2009, annual ministerial session in Denver, Colorado, the CEC Council committed to renewing, revitalizing, and refocusing the CEC to better serve the environment and citizens of the three countries.<sup>24</sup> The CEC asked its officials to return in mid-July 2009 with a proposal to examine the governance of the CEC with a view to enhance its accountability, make the Secretariat's activities more transparent, ensure alignment with Council priorities, and set clear performance goals.<sup>25</sup> Also, the Council agreed on a new policy direction for the CEC to ensure it is focused on the key environmental priorities of North America, in the context of free trade and more integrated economies, and is positioned to deliver clear results. This new direction for the CEC will focus on three priorities during the period 2010–15: healthy communities and ecosystems; climate change and a low-carbon economy; and greening the economy in North America.<sup>26</sup>

---

<sup>20</sup> USTR, "Joint Statement of the 2009 NAFTA Commission Meeting," October 21, 2009; USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 131.

<sup>21</sup> The CEC Council consists of the U.S. Environmental Protection Agency Administrator, Canadian Environment Minister, and Mexican Secretary for Environment and Natural Resources.

<sup>22</sup> CEC, "CEC Secretariat Council," n.d. (accessed January 18, 2010).

<sup>23</sup> CEC, "A Guide to articles 14 and 15," January 12, 2000.

<sup>24</sup> Sixteenth regular session of the CEC Council; CEC, "Ministerial Statement," June 24, 2009.

<sup>25</sup> Sixteenth regular session of the CEC Council; CEC, "Ministerial Statement," June 24, 2009.

<sup>26</sup> Sixteenth regular session of the CEC Council; CEC, "Ministerial Statement," June 24, 2009; and USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 155.

**TABLE 4.6** Active files through 2009 under article 14 of the North American Agreement on Environmental Cooperation

Name	Case	First filed	Country <sup>a</sup>	Status
Lake Chapala II	SEM-03-003	May 23, 2003	Mexico	The Secretariat posted a request for information relevant to the factual record on its Web site on September 4, 2008.
Coal-fired Power Plants	SEM-04-005	Sept. 20, 2004	United States	The Secretariat posted a request for information relevant to the factual record on its Web site on September 15, 2008.
Quebec Automobiles	SEM-04-007	Nov. 3, 2004	Canada	The Secretariat posted a request for information relevant to the factual record on its Web site on September 1, 2006.
Environmental Pollution in Hermosillo II	SEM-05-003	Aug. 30, 2005	Mexico	The Secretariat informed the Council on April 4, 2007, that the Secretariat considers that the submission warrants development of a factual record.
Ex Hacienda El Hospital II	SEM-06-003	July 17, 2006	Mexico	The Secretariat informed the Council on May 12, 2008, that the Secretariat considers that the submission warrants development of a factual record.
Ex Hacienda El Hospital III	SEM-06-004	Sept. 22, 2006	Mexico	The Secretariat informed the Council on May 12, 2008, that the Secretariat considers that the submission warrants development of a factual record.
Species at Risk	SEM-06-005	Oct. 10, 2006	Canada	The Secretariat informed the Council on September 10, 2007, that the Secretariat considers that the submission warrants development of a factual record.
La Ciudadela Project	SEM-08-001	Feb. 22, 2008	Mexico	The Secretariat received a response on March 10, 2008, from the concerned government party and began considering whether to recommend development of a factual record.
Transgenic Maize in Chihuahua	SEM-09-001	Jan. 28, 2009	Mexico	The Secretariat received a revised submission on February 5, 2010, and began to analyze it.
Wetlands in Manzanillo	SEM-09-002	Feb. 4, 2009	Mexico	The Secretariat received a revised submission on November 2, 2009, and began to analyze it.
Los Remedios National Park II	SEM-09-003	July 16, 2009	Mexico	The Secretariat began reviewing the submission under article 14 (1).
Skeena River Fishery	SEM-09-005	Oct. 15, 2009	Canada	The Secretariat acknowledged receipt of a submission on October 15, 2009, and began a preliminary analysis of it under the guidelines.

Source: CEC, "Active Files."

<sup>a</sup> Refers to the country against which an allegation was filed.

**TABLE 4.7** Citizen submissions on enforcement under article 15 of the North American Agreement on Environmental Cooperation: Submissions active during 2009

Name	Case	First filed	Country <sup>a</sup>	Status <sup>b</sup>
Lake Chapala II	SEM-03-003	May 23, 2003	Mexico	Open
Coal-fired Power Plants	SEM-04-005	Sept. 20, 2004	United States	Open
Quebec Automobiles	SEM-04-007	Nov. 3, 2004	Canada	Open
Environmental Pollution in Hermosillo II	SEM-05-003	Aug. 30, 2005	Mexico	Open
Ex Hacienda El Hospital II	SEM-06-003	July 17, 2006	Mexico	Open
Ex Hacienda El Hospital III	SEM-06-004	Sept. 22, 2006	Mexico	Open
Species at Risk	SEM-06-005	Oct. 10, 2006	Canada	Open
La Ciudadela Project	SEM-08-001	Feb. 22, 2008	Mexico	Open
Transgenic Maize in Chihuahua	SEM-09-001	Jan. 28, 2009	Mexico	Open
Wetlands in Manzanillo	SEM-09-002	Feb. 4, 2009	Mexico	Open
Los Remedios National Park II	SEM-09-003	July 16, 2009	Mexico	Open
Skeena River Fishery	SEM-09-005	Oct. 15, 2009	Canada	Open

Source: CEC, "Current Status."

<sup>a</sup> Refers to the country against which an allegation was filed.

<sup>b</sup> Status as of December 31, 2009.

In November 1993, the United States and Mexico agreed on arrangements to help border communities with environmental infrastructure projects to further the goals of NAFTA and the NAAEC. In 2009, the Border Environment Cooperation Commission (BECC) and the North American Development Bank (NADB), both organizations created pursuant to a NAFTA side agreement, reported working with more than 153 communities throughout the U.S.-Mexico border region to address their environmental infrastructure needs. As of December 31, 2009, the BECC had certified 167 environmental infrastructure projects, which will cost an estimated \$3.7 billion to build. To date, the NADB has contracted approximately \$1.1 billion in loans and grants to support 132 certified projects. Of those funds, a total of \$934.2 million has already been disbursed.<sup>27</sup>

### *Dispute Settlement*

The dispute-settlement provisions of NAFTA chapters 11 and 19 cover a variety of areas.<sup>28</sup> Developments during 2009 are described below with respect to NAFTA chapter 11 investor-state disputes and chapter 19 binational reviews of final determinations of antidumping and countervailing cases. Appendix table A.20 presents an overview of developments in NAFTA dispute-settlement cases to which the United States was a party in 2009.

<sup>27</sup> BECC and NADB Quarterly Status Report, December 31, 2009, 9.

<sup>28</sup> NAFTA Secretariat, "Overview of the Dispute Settlement Provisions," January 18, 2010.

## Chapter 11 Dispute Settlement Developments

Chapter 11 of NAFTA includes provisions designed to protect cross-border investors and facilitate the settlement of investment disputes. An 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>29</sup> A key feature of the chapter 11 arbitral provisions is the enforceability in domestic courts of final awards made by arbitration tribunals.<sup>30</sup>

In 2009, there was one active chapter 11 case filed against the United States by Canadian investors.<sup>31</sup> In the same year, there were two active chapter 11 cases filed by U.S. investors against Canada,<sup>32</sup> and one active chapter 11 case filed by U.S. investors against Mexico.<sup>33</sup>

## Chapter 19 Dispute Panel Reviews

Chapter 19 of NAFTA contains a mechanism that provides for a binational panel to review final determinations made by national investigating authorities in antidumping and countervailing duty cases. Such a panel serves as an alternative to judicial review by domestic courts and may be established at the request of any involved NAFTA country.<sup>34</sup>

At the end of 2009, the NAFTA Secretariat listed nine binational panels active under chapter 19 (table 4.8). Of the two binational panels formed in 2009 under chapter 19, one challenged U.S. agencies' determinations on products from Canada and another challenged U.S. agencies' determinations on products from Mexico.<sup>35</sup>

---

<sup>29</sup> Internationally recognized arbitral mechanisms include the International Centre for the Settlement of Investment Disputes (ICSID) at the World Bank, ICSID's Additional Facility Rules, and the rules of the United Nations Commission on International Trade Law (UNCITRAL Rules).

<sup>30</sup> NAFTA Secretariat, "Overview of the Dispute Settlement Provisions," January 18, 2010.

<sup>31</sup> USDOS, "NAFTA Investor-State Arbitrations: Cases Filed Against the United States;" Foreign Affairs and International Trade Canada, "NAFTA—Chapter 11: Cases Filed Against the Government of the United States of America."

<sup>32</sup> USDOS, "NAFTA Investor-State Arbitrations: Cases Filed Against Canada;" Foreign Affairs and International Trade Canada, "NAFTA—Chapter 11: Cases Filed Against the Government of Canada."

<sup>33</sup> USDOS, "NAFTA Investor-State Arbitrations: Cases Filed Against the United Mexican States;" Foreign Affairs and International Trade Canada, "NAFTA—Chapter 11: Cases Filed Against the Government of the United Mexican States."

<sup>34</sup> NAFTA Secretariat, "Overview of the Dispute Settlement Provisions," January 18, 2010.

<sup>35</sup> NAFTA Secretariat, "NAFTA—Chapter 19 Active Cases," <http://www.nafta-sec-alena.org/en/StatusReportResults.aspx>.

**TABLE 4.8** NAFTA Chapter 19 binational panels, active reviews as of the end of 2009

Country <sup>a</sup>	Case number	National agencies' final determination <sup>b</sup>	Case title <sup>c</sup>
<b>Mexico</b>	MEX-USA-2006-1904-02	SE Final Dumping Determination	Fresh Apples (AD)
<b>United States</b>	USA-CDA-2008-1904-02	USDOC Antidumping Administrative Review	Carbon and Alloy Steel Wire Rod (AD)
	USA-CDA-2009-1904-01	USDOC Antidumping Administrative Review	Carbon and Alloy Steel Wire Rod (AD)
	USA-MEX-2007-1904-01	USDOC Antidumping Administrative Review	Stainless Steel Sheet and Strip in Coils (AD)
	USA-MEX-2007-1904-03	USITC Antidumping Duty Review	Welded Pipe (AD)
	USA-MEX-2008-1904-01	USDOC Antidumping Administrative Review	Stainless Steel Sheet and Strip in Coils (AD)
	USA-MEX-2008-1904-03	USDOC Antidumping Administrative Review	Light-Walled Rectangular Pipe and Tube (AD)
	USA-MEX-2008-1904-04	USITC Final Injury Determination	Light-Walled Rectangular Pipe and Tube from China, Korea, and Mexico (IN)
	USA-MEX-2009-1904-02	USDOC Antidumping Administrative Review	Stainless Steel Sheet and Strip (AD)

Source: NAFTA Secretariat, "Status Report of Panel Proceedings."

<sup>a</sup> Refers to the country that filed the case.

<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 Secretary of Economy. 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."

<sup>c</sup> The abbreviations in the title of the reports represent the following: AD, Antidumping Duty, and IN, Injury.



# CHAPTER 5

## U.S. Relations with Major Trading Partners

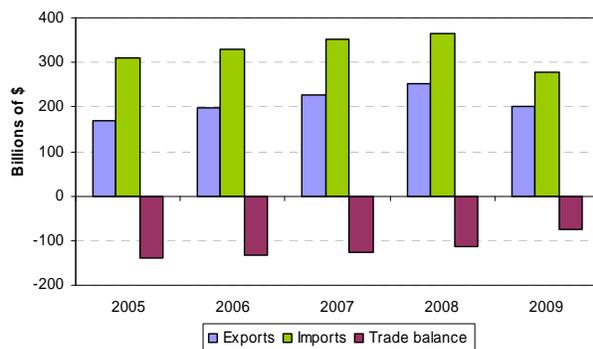
This chapter reviews U.S. bilateral trade relations with nine selected trading partners during 2009: the European Union, Canada, China, Mexico, Japan, Republic of Korea (Korea), Taiwan, Brazil, and India (ordered by value of merchandise trade). The decline in global trade because of the economic downturn of 2008–09 was reflected in U.S. bilateral trade trends with each of these trading partners in 2009.

### European Union

The EU as a unit<sup>1</sup> is the largest two-way (exports and imports) U.S. trading partner in terms of both goods and services. Reflecting the economic downturn, in 2009 U.S. merchandise trade with the EU decreased 21.9 percent to \$480.5 billion, which accounted for 19.3 percent of total U.S. trade. The U.S. merchandise trade deficit with the EU declined for the fourth year in a row, falling \$36.8 billion to \$75.7 billion in 2009 (figure 5.1). The United States also registered a trade surplus in services with the EU of \$52.3 billion, down \$4.1 billion from 2008 (figure 5.2); the EU accounted for 36.4 percent of U.S. trade in services in 2009.<sup>2</sup>

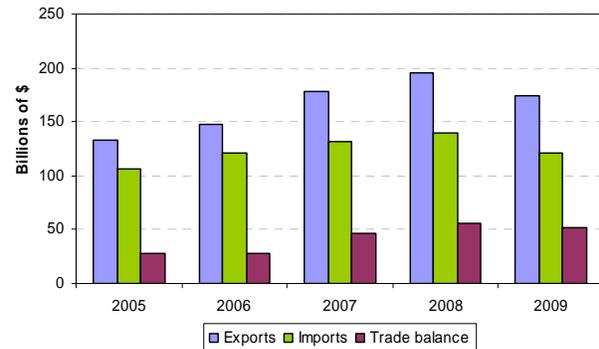
U.S. merchandise exports to the EU declined 19.4 percent to \$202.4 billion in 2009. Leading U.S. exports included aircraft and parts, certain medicaments, blood fractions (e.g., antiserum), petroleum products, nonmonetary gold, medical instruments, coal, and passenger motor vehicles. Among top exports, there were notable declines in exports of motor vehicles, which fell 50 percent, as well as petroleum products and coal.

**FIGURE 5.1** U.S. merchandise trade with the EU, 2005–09



Source: USDOC.

**FIGURE 5.2** U.S. private services trade with the EU, 2005–09<sup>a</sup>



Source: USDOC.

<sup>a</sup> Data for 2009 are preliminary.

<sup>1</sup> The 27 members of the EU in 2009 were Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, the Slovak Republic, Slovenia, Spain, Sweden, and the United Kingdom.

<sup>2</sup> The United Kingdom was the largest single-country U.S. trading partner in services in 2009.

U.S. merchandise imports from the EU declined 23.5 percent in 2009 to \$278.1 billion. Because of the importance of intra-industry trade in the bilateral relationship, the composition of U.S. imports from the EU was similar to the composition of U.S. exports. Leading U.S. imports were certain medicaments, petroleum products, passenger motor vehicles, nucleic acids and their salts, heterocyclic compounds, and aircraft and parts. Imports of all major product categories decreased in 2009, with the most notable declines in imports of motor vehicles and petroleum products. U.S.-EU merchandise trade data are shown in appendix tables A.21 through A.23.

The Transatlantic Economic Council (TEC), established in 2007, addressed a number of bilateral trade issues in 2009, which are described below. There were also developments in several WTO dispute-settlement cases involving the United States and the EU in 2009 (see chapter 3 and appendix table A.19). The United States requested dispute-settlement consultations with the EU regarding a ban on imports of U.S. poultry meat treated with pathogen reduction substances, ending an attempt to address this issue in the TEC forum. Panel reports were delayed in several disputes, including disputes involving alleged U.S. and EU subsidies for large civil aircraft and a dispute regarding EU tariff treatment of certain information technology products.<sup>3</sup> One long-running WTO dispute regarding the EU banana import regime was ended, and there were further developments in another dispute involving EU imports of U.S. beef (beef hormones dispute). Developments in both of these disputes are summarized below.

### ***Transatlantic Economic Council***

The TEC is a cabinet-level organization that was created at the U.S.-EU Summit in April 2007 to oversee and guide efforts to lower barriers to trade and investment between the United States and the EU. At the November 2009 summit, the leaders of the United States and the EU agreed to “intensify [their] work under the Framework for Advancing Transatlantic Economic Integration and the Transatlantic Economic Council, including through the formation of a high-level innovation dialogue, strengthened regulatory cooperation in key sectors leading to reduced barriers to trade, investment and economic activity.”<sup>4</sup> In anticipation of the U.S.-EU Summit, the TEC met in October to improve regulatory cooperation and address progress made on certain priority issues (“lighthouse projects”) aimed at advancing transatlantic economic integration, including intellectual property rights (IPR), secure trade, financial markets, and investment. A fifth lighthouse project, innovation and technology, was added in 2009. These priority areas were discussed formally and informally during the year through working groups and ministerial-level dialogues.

### **Lighthouse Projects**

The U.S.-EU IPR Working Group met in September 2009, focusing on common goals in key third-country markets such as China, Russia, and India. The Working Group reaffirmed its commitment to the completion of the Anti-Counterfeiting Trade Agreement, including the engagement of third-country trading partners.<sup>5</sup> The U.S.

---

<sup>3</sup> For more information on major developments during 2009, see the WTO dispute-settlement section of chap. 3.

<sup>4</sup> Council of the European Union, “2009 EU-US Summit Declaration,” November 3, 2009, 3.

<sup>5</sup> For more information on the Anti-Counterfeiting Trade Agreement, see chap. 3.

Department of Commerce and the European Commission presented online IPR resources that had been developed for SMEs and a new set of guidelines to aid U.S. and EU customs officials in differentiating illicit and legitimate goods.<sup>6</sup> With regard to trade and transport security, a mutual recognition agreement (MRA) on U.S. and EU secure-trade initiatives was not finalized in 2009, but negotiations continued with the purpose of completing discussions in time for the next U.S. Joint Customs Cooperation Committee meeting in 2010.<sup>7</sup> The Financial Markets Regulatory Dialogue (FMRD) met twice in 2009, discussing U.S. and EU financial reform efforts within the context of the global financial system and G20 commitments.<sup>8</sup> At the TEC meeting in October, both sides noted the importance of pursuing “compatible approaches and avoiding financial mercantilism” while developing new financial regulations.<sup>9</sup> The Investment Dialogue also continued to discuss bilateral and global investment issues in 2009, remaining committed to “preserving and promoting open investment policies.”<sup>10</sup>

As part of a new emphasis on cooperation in innovation and emerging policy areas, the TEC agreed to establish a new U.S.-EU Innovation Dialogue designed to promote collaboration in innovative technological development and entrepreneurship. Potential topics of discussion might include policies relating to health information technology, information and communication technology, and clean energy technology. The TEC agreed to complete an assessment of priority projects and create a work program for this dialogue before meeting again in 2010.<sup>11</sup>

## Regulatory Cooperation

The U.S.-EU High-Level Regulatory Cooperation Forum (HLRCF), established at the 2005 U.S.-EU Summit, met in July and October 2009. The forum reported progress to the TEC on a number of issues related to regulatory cooperation, including import safety in key product areas, impact and risk assessment methodologies in the development of regulations, and better incorporation of international standards in domestic regulations. At the October meeting, the TEC asked the HLRCF to assess “respective experiences with regulatory cooperation approaches, including mutual recognition agreements, and consider how and in what sectors each of these new and existing tools could be used more effectively to facilitate transatlantic trade.”<sup>12</sup> The HLRCF noted in July 2009 that “past experience of using mutual recognition to reduce barriers to trade has been disappointing.”<sup>13</sup> The TEC also identified nanotechnology, energy efficiency, and labeling as areas that require “immediate progress.” According to a U.S. TEC official, a major purpose of the TEC’s future work will be to “try and go upstream, anticipate future areas of regulation and where we can find common approaches.” By focusing on developing harmonized regulations in new sectors rather than changing established

---

<sup>6</sup> Transatlantic Economic Council, “Review of Progress under the Framework for Advancing Transatlantic Economic Integration,” October 27, 2009, 4–5.

<sup>7</sup> Transatlantic Economic Council, “Review of Progress,” October 27, 2009, 5.

<sup>8</sup> U.S.-EU Financial Markets Regulatory Dialogue, *Joint Report on U.S.–EU Financial Markets Regulatory Dialogue*, October 27, 2009.

<sup>9</sup> Transatlantic Economic Council, “TEC Statement: Message to the EU-US Summit,” October 27, 2009, 2.

<sup>10</sup> Transatlantic Economic Council, “Review of Progress,” October 27, 2009, 7.

<sup>11</sup> Transatlantic Economic Council, “TEC Statement,” October 27, 2009, 2; Transatlantic Economic Council, “Review of Progress,” October 27, 2009, 6.

<sup>12</sup> Transatlantic Economic Council, “TEC Statement,” October 27, 2009, 2.

<sup>13</sup> U.S.-EU High-Level Regulatory Cooperation Forum, “Report on the Sixth Meeting of the EC-U.S. HLRCF,” July 24, 2009, 7.

policies, both sides said that they hope to make the TEC a more effective forum for regulatory cooperation.<sup>14</sup>

In October 2009, the forum updated the TEC on import product safety cooperation in key sectors, including food products, pharmaceuticals, medical devices, cosmetics, chemicals, electrical equipment, automobiles, toys, and Internet services. Import safety cooperation was driven by information exchanges between ministries and regulatory organizations in 2009. For example, the U.S. Environmental Protection Agency and its European counterparts met several times during the year on the margins of OECD meetings to discuss harmonization and transparency of chemicals management policies, such as the new EU Registration, Evaluation, Authorization, and Restriction of Chemicals (REACH) program.<sup>15</sup>

The HLRCF reported in 2009 that recommendations from a joint report to the May 2008 TEC meeting had been the basis for collaboration between U.S. and EU regulatory agencies to improve impact assessment policies.<sup>16</sup> In the United States, regulatory agencies are directed to identify pending regulations that have international impacts.<sup>17</sup> The EU Commission Impact Assessment Board published a set of revised guidelines that ensures that trade and investment impacts are considered in new regulations.<sup>18</sup> In order to move forward on risk assessment collaboration, representatives from the United States and EU as well as Canada agreed in 2009 to develop three white papers focused on exposure assessment, emerging risks, and technologies and methodologies used to characterize uncertainty.<sup>19</sup> With respect to international standards, the European Commission and the U.S. National Institute of Standards and Technology presented white papers outlining U.S. and EU approaches to the use of voluntary and international standards in regulations.<sup>20</sup>

## ***Bananas***

In December 2009, the United States and the EU signed the U.S.-EU Agreement on Bananas, ending a longstanding dispute over the EU import regime for bananas. The U.S.-EU agreement was signed in conjunction with the Geneva Agreement on Trade in Bananas (GATB), involving the EU and 11 Latin American countries. At issue in the dispute was a European banana import regime instituted in 1993 that granted preferential market access to domestic suppliers and producing countries that were former colonies in Africa, the Caribbean, and the Pacific (“ACP countries”). The EU banana regime placed tariff-rate quotas (TRQs) with high in-quota duties on non-ACP countries, which are primarily Latin American countries. The EU licensing system also limited access for U.S.

---

<sup>14</sup> Transatlantic Economic Council, “TEC Statement,” October 27, 2009, 2; USDOS, “Transatlantic Economic Council,” Foreign Press Center Briefing, October 27, 2009.

<sup>15</sup> Transatlantic Economic Council, “Review of Progress,” October 27, 2009, 2–4; U.S. Department of State, Bureau of European and Eurasian Affairs, “Trans Atlantic Economic Framework, Annex I, B.3(e): Chemicals and Nanomaterials.” 2009.

<sup>16</sup> The report finds that, as a matter of practice, U.S. agencies consider trade and other international impacts as part of the regulatory review process. For more information on U.S. and EU impact assessment, see U.S. Office of Management and Budget and Secretariat General of the European Commission, *Review of the Application of EU and U.S. Regulatory Impact Assessment Guidelines*, 2008.

<sup>17</sup> U.S. Office of Management and Budget, “Memorandum for Regulatory Policy,” July 7, 2008, 2–3.

<sup>18</sup> European Commission, *Impact Assessment Guidelines*, January 15, 2009.

<sup>19</sup> USDOS, “Trans Atlantic Economic Framework, Annex I, A: Horizontal Cooperation,” 2009.

<sup>20</sup> European Commission, *The Use of Voluntary Standards in Support of EU Legislation*, 2009; U.S. National Institute of Science and Technology, *Report on the Use of Voluntary Standards in Support of Regulation in the United States*, 2009.

banana-producing companies, such as Chiquita Brands International and Dole Foods, which historically have distributed the majority of bananas exported from Latin America.<sup>21</sup> The U.S.-EU agreement and the GATB were designed to settle all WTO disputes related to the EU banana import regime, including the dispute *EC—Regime for the Importation, Sale and Distribution of Bananas*, first requested by the United States along with Ecuador, Guatemala, Honduras, and Mexico in February 1996. The EU agreed to maintain an MFN tariff-only import regime for bananas, therefore removing TRQs or licensing regimes that differentiate between countries or exporting companies. The EU also agreed to reduce the bound tariffs on bananas on an annual basis from 148 euro/metric ton in 2010 to 114 euro/metric ton in 2017.<sup>22</sup> This replaces the most recent banana import regime instituted in 2006, which consisted of a TRQ on non-ACP bananas subject to a 176 euro/metric ton in-quota tariff and an autonomous ACP-only TRQ subject to a zero in-quota tariff.<sup>23</sup>

## ***Beef***

In May 2009, the United States and the EU signed a Memorandum of Understanding (MOU) regarding the importation of U.S. beef. The EU has banned beef from cattle treated with growth-promoting hormones since 1989, effectively excluding most U.S. beef. In 1996, the United States requested a formal WTO dispute-settlement panel challenging the EU ban, which ruled that the EU ban was inconsistent with the WTO SPS Agreement because it was not based on a scientific risk assessment.<sup>24</sup> Since 1999, the United States has applied additional retaliatory duties on a variety of EU products pending EU compliance with the WTO's ruling.<sup>25</sup> In January 2009, the United States announced that these additional duties would be collected on a modified list of EU products.<sup>26</sup> This modification was delayed as MOU negotiations continued through early 2009.<sup>27</sup>

The MOU, signed on May 13, 2009, provides opportunities for the United States and the EU to enter into established phases of increased market access. Initiation of each new phase is optional and therefore contingent upon continued successful negotiations. As each new phase enters into force, the United States will reduce the additional retaliatory duties authorized by the 1999 WTO ruling in exchange for increased access to the EU for exports of “high quality” beef, or beef determined to be from cattle untreated by hormones.<sup>28</sup> Phase 1 of the agreement was initiated on August 3, 2009, and is scheduled to last for three years. This phase requires the EU to establish an autonomous TRQ of

---

<sup>21</sup> For more background on the banana dispute, see USTR, “European Union,” 2001, 104–105; USITC, *The Year in Trade*, 2001, 4-2 to 4-6.

<sup>22</sup> “Bananas” refers to fresh bananas, excluding plantains, classified under HS tariff line 0803.00.19. For more information on the U.S.-EU agreement and the GATB, see United States-EU Agreement on Bananas, [http://www.ustr.gov/webfm\\_send/1566](http://www.ustr.gov/webfm_send/1566); Geneva Agreement on Trade in Bananas, <http://docsonline.wto.org/DDFDocuments/t/wt/l/784.doc>.

<sup>23</sup> USTR, “European Union,” 2009, 188.

<sup>24</sup> For more information on the WTO dispute settlement proceedings, refer to chap. 2 (Section 301) and chap. 3.

<sup>25</sup> USTR, “European Union,” 2009, 186–7.

<sup>26</sup> USTR, “USTR Announces Revised Trade Action in Beef Hormones Dispute,” January 15, 2009.

<sup>27</sup> USTR, “USTR Announces Delay of Trade Action in Beef Hormones Dispute,” March 12, 2009.

<sup>28</sup> The Food Safety and Inspection Service (FSIS) of the U.S. Department of Agriculture authenticates high-quality beef exports. For more information on the definition of high-quality beef and the terms of EU market access, see USDA, FAS Web site. “High Quality Beef Quota,” <http://www.fas.usda.gov/posthome/useu/hqb.html> (accessed March 11, 2010); USTR, “Memorandum of Understanding,” May 13, 2009.

20,000 metric tons of high-quality fresh, chilled, or frozen beef from U.S. exporters, with an in-quota tariff rate of zero percent. In exchange, the United States agreed to suspend the planned modification of its additional retaliatory duties. The MOU provides for an opportunity to enter into a year-long “phase 2” at the end of phase 1, beginning in August 2012. Phase 2 would require that the United States suspend all additional retaliatory duties in exchange for an increase in the TRQ to 45,000 metric tons of high-quality beef. A “phase 3,” to be initiated in August 2013, would require the EU to maintain the increased quota in exchange for a permanent cessation of U.S. retaliatory duties.<sup>29</sup>

## Canada

---

In 2009, Canada was the number one single-country U.S. merchandise trading partner, with two-way merchandise trade (exports plus imports) worth 16 percent of total U.S. trade. Because of the global economic downturn, however, U.S. merchandise trade with Canada declined by 30 percent to \$396.3 billion in 2009. During this period, the U.S. trade deficit with Canada improved markedly, going from \$112.4 billion in 2008 to \$52.9 billion in 2009 (figure 5.3). However, the U.S. services trade surplus with Canada also declined, though only slightly: it fell 2.3 percent (\$487.0 million) to \$20.9 billion in 2009. U.S. exports of services to Canada fell 8.5 percent to \$41.9 billion, while imports of services from Canada decreased 13.9 percent to \$21.0 billion (figure 5.4). Canada was the second largest market for U.S. services and the fourth largest supplier of services in 2009.

U.S. merchandise exports to Canada declined 22.8 percent, from \$222.4 billion in 2008 to \$171.7 billion in 2009. Leading U.S. exports to Canada were aircraft and parts, motor vehicles and parts, and energy products (e.g., oil and oil products, natural gas). Almost all of the leading exports to Canada declined in 2009.

U.S. merchandise imports from Canada decreased more sharply: they fell 32.9 percent, from \$334.8 billion in 2008 to \$224.6 billion in 2009. Leading U.S. imports were heavily represented by energy products (e.g., oil and oil products, natural gas, electricity) and motor vehicles and parts. Other leading imports were certain medicaments, aluminum, aircraft, paper, and softwood lumber. U.S.-Canada merchandise trade data can be found in appendix tables A.24 through A.26.

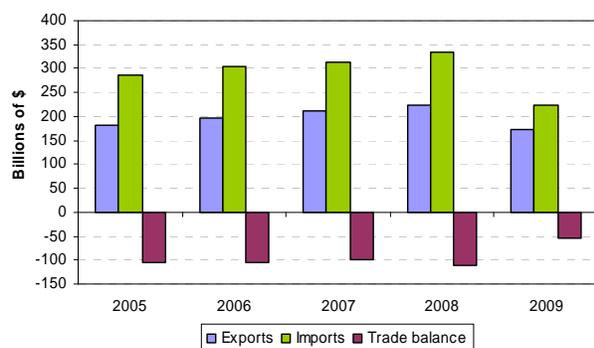
U.S.-Canadian trade relations are governed in large part by the North American Free Trade Agreement, which entered into force on January 1, 1994, replacing the 1989 bilateral U.S.-Canada Free Trade Agreement.<sup>30</sup> Many of the developments in U.S.-Canada trade relations during 2009 described below relate to agricultural goods and issues in the context of the extensive integration of the two economies and their markets.

---

<sup>29</sup> USTR, “Memorandum of Understanding,” May 13, 2009.

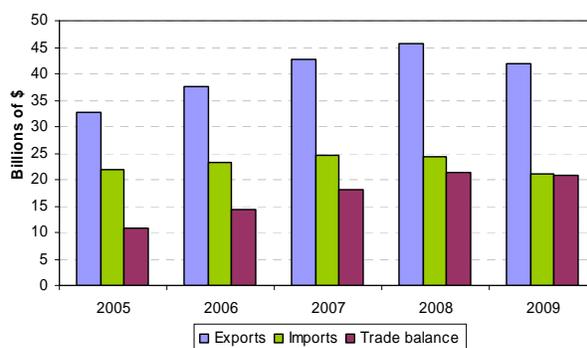
<sup>30</sup> For more information on NAFTA, see chap. 4.

**FIGURE 5.3** U.S. merchandise trade with Canada, 2005–09



Source: USDOC.

**FIGURE 5.4** U.S. private services trade with Canada, 2005–09<sup>a</sup>



Source: USDOC.

<sup>a</sup> Data for 2009 are preliminary.

## *Agriculture*

### **Consultative Committee on Agriculture**

The Canada-United States Consultative Committee on Agriculture and the Province/State Advisory Group met in May and December 2009, to continue their discussions on technical and trade policy issues concerning trade in vegetables, fruit, seeds, plants, livestock, and biotechnology.<sup>31</sup> In 2009, these discussions touched on topics such as the 2007 Canada-U.S. Potato Arrangement, cheese standards and other dairy product issues, meat and livestock veterinary issues involving bovine spongiform encephalopathy (BSE or “mad cow”) disease and the H1N1 virus, food safety policy and animal welfare standards, and biotechnology issues such as nanotechnology, biotech food labeling, animal cloning, and genetic modification.<sup>32</sup> These groups were established under the 1998 U.S.-Canada Record of Understanding on Agricultural Matters to strengthen bilateral trade relations and facilitate discussion and cooperation on agricultural matters.<sup>33</sup>

### **Organic Products Agreement**

On June 17, 2009, Canada and the United States signed an organic products agreement through an exchange of letters that recognizes each country’s organic certification standards as equivalent. The exchange of letters sets out a “determination of equivalence” that allows the U.S. Department of Agriculture (USDA) Organic seal—regulated under USDA’s National Organic Program—and the Canada Organic Biologique logo—regulated by the Canadian Food Inspection Agency—to indicate organic products in one another’s markets without further certification.<sup>34</sup>

<sup>31</sup> USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 136–7.

<sup>32</sup> Canada-United States Consultative Committee on Agriculture, Minutes of meeting, May 27, 2009.

<sup>33</sup> USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 136–7.

<sup>34</sup> USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 136–7; Trade Reports International Group, “US, Canada Sign ‘Organic’ Agreement,” *Washington Trade Daily*, June 18, 2009.

## Country-of-Origin Labeling

On March 16, 2009, the final rule on country-of-origin labeling (COOL) went into effect in the United States, covering a wide variety of unprocessed foods. The USDA first issued voluntary COOL guidelines for certain commodities in 2002, as required under the 2002 U.S. farm bill and, later, the 2008 U.S. farm bill. The COOL law requires retailers to inform customers about the source of certain foods. COOL is mandatory for beef, pork, lamb, chicken, goat meat, wild and farm-raised fish and shellfish, perishable agricultural commodities, peanuts, pecans, ginseng, and macadamia nuts.<sup>35</sup>

Since 2002, the Government of Canada has registered its concerns with the United States about COOL during U.S. legislative comment periods, in meetings with U.S. administration officials, and, in 2008–09, through dispute-settlement consultations at the WTO. In particular, the Canadian government is concerned that the labeling requirements are likely to hinder trade in Canadian products by imposing additional costs at all processing stages.<sup>36</sup> In 2009, both Canada and Mexico requested WTO dispute-settlement panels to consider these mandatory U.S. COOL provisions, and a single WTO dispute panel was established on November 19, 2009.<sup>37</sup>

## Softwood Lumber

In 1996, the United States and Canada signed the U.S.-Canada Softwood Lumber Agreement (SLA), which expired in March 2001. In 2006, the United States and Canada signed a second U.S.-Canada SLA, which entered into force on October 12, 2006, and is expected to continue for seven years, with the possibility of extension for another two years.<sup>38</sup>

### *Arbitration on export measures*

On August 13, 2007, the United States requested international arbitration by the London Court of International Arbitration (now the LCIA) under terms of the 2006 SLA to consider Canada's failure to apply certain export measures—export charges and export volume controls—on softwood lumber imported into the United States during the first half of 2007.<sup>39</sup> On March 3, 2008, the LCIA issued its Award on Liability, deciding that Canada had breached the agreement.<sup>40</sup>

On February 26, 2009, the LCIA issued its Award on Remedies, identifying 30 days as a reasonable period of time for Canada to “cure the breach” under the terms of the

---

<sup>35</sup> 74 Fed. Reg. 2658 (January 15, 2009); USDA, Agricultural Marketing Service (AMS), “Country of Origin Labeling,” March 5, 2010.

<sup>36</sup> Government of Canada, Foreign Affairs and International Trade Canada, “Government of Canada to Begin Formal WTO Consultations on U.S. Country-of-Origin Labelling,” December 1, 2008.

<sup>37</sup> For more information on this WTO dispute, see the chap. 3 section on WTO dispute-settlement panels and appendix table A.19.

<sup>38</sup> USTR, “Tribunal Orders Canada to Cure Breach of the Softwood Lumber Agreement,” February 26, 2009.

<sup>39</sup> LCIA, “The United States of America, Claimant, v. Canada, Respondent—Award on Liability,” March 3, 2008, 11–13; USTR, “Tribunal Orders Canada to Cure Breach of the Softwood Lumber Agreement,” February 26, 2009.

<sup>40</sup> LCIA, “The United States of America, Claimant, v. Canada, Respondent—Award on Liability,” March 3, 2008, 97.

agreement.<sup>41</sup> In its 2009 award, the LCIA required Canada to collect an additional 10 percent ad valorem export charge on softwood lumber shipments from the Canadian provinces of Manitoba, Ontario, Quebec, and Saskatchewan until a total remedy amount of C\$68.26 million (approximately US\$54.80 million at the time of the award, according to the USTR) was collected.<sup>42</sup>

On March 27, 2009, Canada tendered a cash payment of approximately US\$36.66 million (US\$34.0 million plus simple interest at 4 percent) to the United States contingent on final settlement of the case.<sup>43</sup> After reviewing Canada's offer, the United States notified Canada on April 2, 2009, that it would not accept Canada's compensation offer.<sup>44</sup> As a consequence, Canada submitted the same day a request for LCIA arbitration to determine or clarify whether a lump sum government-to-government payment could qualify as a cure for breaches of the agreement.<sup>45</sup>

On April 7, 2009, the United States announced it would begin imposing the 10 percent ad valorem customs duty on imports of softwood lumber from the Canadian provinces of Manitoba, Ontario, Quebec, and Saskatchewan, as outlined by the LCIA tribunal in February 2009. The United States said that these duties would remain in place until US\$54.80 million had been collected.<sup>46</sup>

On September 28, 2009, the LCIA tribunal denied Canada's request that it be allowed to make a lump sum payment to the United States as a cure for breach of the agreement. The tribunal pointed out that such payments as compensatory adjustments for a breach would have no economic effect to reduce the volume of lumber exports from Canada, as is the purpose of the SLA.<sup>47</sup> The Government of Canada announced the same day that it would move to comply with the tribunal's decision.<sup>48</sup>

#### *Arbitration on provincial subsidies*

On January 18, 2008, the United States requested LCIA arbitration to consider U.S. claims that certain provincial and federal assistance programs providing subsidies to the forest products industry—such as in the provinces of Ontario and Quebec, as well as

---

<sup>41</sup> LCIA, "The United States of America, Claimant, v. Canada, Respondent—Award on Remedies," February 23, 2009, 148–9.

<sup>42</sup> LCIA, "The United States of America, Claimant, v. Canada, Respondent—Award on Remedies," February 23, 2009, 148–9; USTR, "Tribunal Orders Canada to Cure Breach of the Softwood Lumber Agreement," February 26, 2009.

<sup>43</sup> LCIA, "Canada, Claimant, v. The United States of America, Respondent—Award," September 28, 2009, 11–2; USTR, "United States Imposes Tariffs on Softwood Lumber from Four Canadian Provinces due to Canada's Failure to Comply with the Softwood Lumber Agreement," April 7, 2009.

<sup>44</sup> LCIA, "Canada, Claimant, v. The United States of America, Respondent—Award," September 28, 2009, 11–2; USTR, "U.S. Responds to Canadian Failure to Cure Breach of the Softwood Lumber Agreement," April 3, 2009; USTR, "United States Imposes Tariffs on Softwood Lumber from Four Canadian Provinces due to Canada's Failure to Comply with the Softwood Lumber Agreement," April 7, 2009.

<sup>45</sup> LCIA, "Canada, Claimant, v. The United States of America, Respondent—Award," September 28, 2009, 44–5.

<sup>46</sup> USTR, "United States Imposes Tariffs on Softwood Lumber from Four Canadian Provinces due to Canada's Failure to Comply with the Softwood Lumber Agreement," April 7, 2009. For more information on the U.S. sect. 301 case concerning the SLA arbitration, see the chap. 2 section on U.S. laws against unfair trade practices.

<sup>47</sup> LCIA, "Canada, Claimant, v. The United States of America, Respondent—Award," September 28, 2009, 73; USTR, "Tribunal Finds Canada Failed to Cure Breach of the Softwood Lumber Agreement," September 28, 2009.

<sup>48</sup> Government of Canada, Department of Foreign Affairs and International Trade, "Statement from Minister Day on Softwood Lumber Tribunal Ruling," September 28, 2009.

nationally—circumvent Canada’s commitments under the 2006 SLA.<sup>49</sup> The case was still pending in early 2010.<sup>50</sup>

## ***Government Procurement***

In late 2009, the United States and Canada held consultations concerning market access for government procurement contracts below the federal level. These consultations were initiated in response to the “Buy American” provisions enacted into U.S. law through the American Recovery and Reinvestment Act of 2009, signed February 17, 2009.<sup>51</sup>

Reciprocal market access to central government procurement contracts is provided to members of the plurilateral WTO Agreement on Government Procurement (GPA), but not in all cases to procurement contracts at sub-federal or municipal levels. Although both Canada and the United States are GPA signatories and thus provide reciprocal central government access to procurement contracts, neither provides access to the other at the sub-federal level under the GPA. However, as a result of these 2009 bilateral discussions, U.S. and Canadian government negotiators were able to reach a tentative agreement in early 2010 that helps expand U.S. and Canadian market access to U.S. state, Canadian provincial, and each other’s municipal procurement contracts on a provisional basis.<sup>52</sup>

## ***Intellectual Property Rights***

Over the last 20 years, Canada has regularly appeared on USTR’s Special 301 watch list of countries that merit bilateral attention because of IPR problems.<sup>53</sup> In 2009, for the first time, USTR elevated Canada to its priority watch list of countries with significant IPR problems that warrant close monitoring and bilateral consultation. Canada’s failure to accede to and implement the World Intellectual Property Organization (WIPO) Internet Treaties that it signed in 1997 has been a longstanding concern of USTR. USTR also continued to urge Canada to improve its IPR enforcement system within the country, to take action to curb infringing products transshipped to the United States through Canada, and to strengthen border enforcement measures so that Canadian customs officers have the authority to seize suspected infringing products without a court order.<sup>54</sup> More

---

<sup>49</sup> LCIA, “The United States of America, Claimant, v. Canada, Respondent—Request for Arbitration,” January 18, 2008.

<sup>50</sup> USTR, *2010 National Trade Estimate Report on Foreign Trade Barriers*, April 2010; Inside U.S. Trade, “Order Signals U.S. Victory in Canada Lumber Case, Extent May Be Limited,” February 5, 2010.

<sup>51</sup> USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 136–7.

<sup>52</sup> USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 136–7; Trade Reports International Group, “US-Canada Sign Procurement Pact,” *Washington Trade Daily*, February 15, 2010. In February 2010, the United States and Canada signed a tentative agreement—subject to domestic legislative approval—that provides permanent U.S. access to Canadian provincial and territorial procurement contracts under the same terms as the WTO GPA; provides temporary U.S. access to Canadian provincial and municipal construction contracts through September 2011 that are not already covered by the WTO GPA; provides reciprocal access for Canadian companies in the 37 U.S. states already covered by the GPA; and provides Canada access to a limited number of programs under the ARRA that are otherwise reserved for domestic suppliers under the 2009 economic stimulus legislation.

<sup>53</sup> International Intellectual Property Alliance (IIPA), “2009 Special 301 Submission,” February 18, 2009, appendix D.

<sup>54</sup> USTR, “2009 Special 301 Report,” April 30, 2009, 17.

positively, Canada is one of the countries negotiating a new Anti-Counterfeiting Trade Agreement with the United States that is focused on improving IPR enforcement.<sup>55</sup>

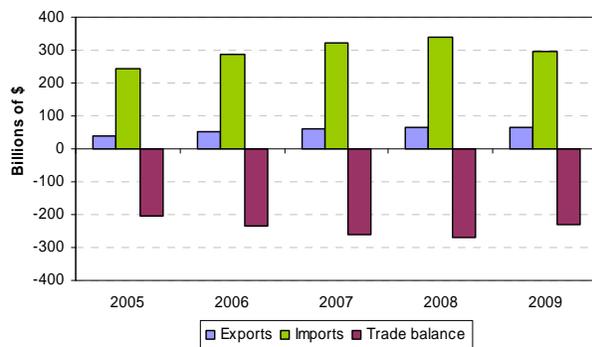
## China

In 2009, China was the United States' second largest single-country trading partner based on two-way trade, accounting for 14.5 percent of U.S. trade with the world. Despite falling by \$39.9 billion to \$230.4 billion in 2009, the United States' bilateral deficit with China was higher than the U.S. deficit with any other single-country trading partner. The narrowing of the 2009 U.S. merchandise trade deficit with China was mostly attributable to a fall in U.S. merchandise imports from China (figure 5.5). The United States also ran a services trade surplus with China in 2009, which amounted to \$6.7 billion in 2009, compared to \$6.1 billion the year before (figure 5.6).

U.S. merchandise exports to China amounted to \$65.1 billion in 2009, down 3.0 percent from 2008. China remained the third largest destination for U.S. exports in 2009, behind Canada and Mexico. U.S. exports to China remained relatively low in the first three quarters of 2009, but increased rapidly during the fourth quarter. Soybeans represented the largest U.S. export to China in 2009, followed by aircraft; ferrous, copper, and aluminum waste and scrap; and computer chips. Lower U.S. exports to China of computer chips, copper and aluminum waste and scrap, and cotton were largely offset by increased exports of soybeans, aircraft, and ferrous waste and scrap.

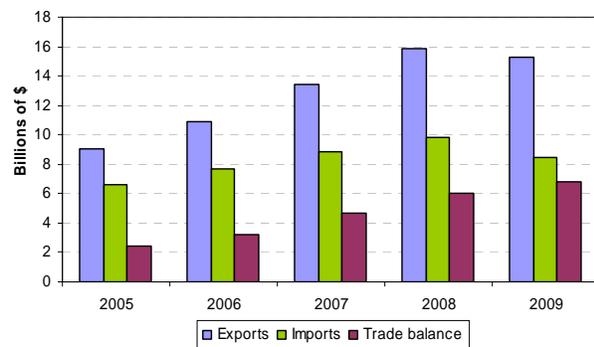
In 2009, China remained the largest single-country source of U.S. imports and, for the first time, displaced the 27 members of the EU as the largest source of imports. U.S. imports from China amounted to \$295.5 billion, a decrease of 12.4 percent from 2008. This decline was the result of falling U.S. imports in virtually all product categories, particularly consumer products. U.S. imports from China in the first quarter were at their lowest level since the first quarter of 2006; however, imports increased throughout the year. Leading U.S. imports from China in 2009 were computers and their parts, wireless telephones, toys, and video games and their parts. U.S.-China merchandise trade data are shown in appendix tables A.27 through A.29.

**FIGURE 5.5** U.S. merchandise trade with China, 2005–09



Source: USDOC.

**FIGURE 5.6** U.S. private services trade with China, 2005–09<sup>a</sup>



Source: USDOC.

<sup>a</sup> Data for 2009 are preliminary.

<sup>55</sup> ACTA is discussed in chap. 3 of this report.

In 2009, U.S.-China bilateral trade relations focused on IPR enforcement, clean energy, Chinese restrictions on imports of U.S. pork, and cooperation on the financial sector and on the environment. Also during 2009, U.S. and Chinese officials held bilateral discussions to address global trade imbalances and China's exchange-rate policy. These issues were the main focus of the July 2009 U.S.-China Strategic and Economic Dialogue (S&ED) and the October 2009 Joint Commission on Commerce and Trade (JCCT).

There were also developments in a number of WTO dispute-settlement cases between the United States and China. Two disputes were resolved in 2009—on Chinese measures affecting imports of auto parts (DS340) and on Chinese grants, loans, and other incentives (DS387). A panel report was adopted in the dispute over Chinese IPR protection and enforcement (DS362), and an Appellate Body report was circulated in the dispute about Chinese trading rights and distribution services (DS363). Panels were established in two cases brought by China—on U.S. antidumping and countervailing duties (DS379) and U.S. measures affecting imports of Chinese poultry (DS392)—and in one dispute on Chinese measures related to the exportation of various raw materials (DS394). China also requested consultations with the United States regarding U.S. measures affecting imports of Chinese passenger vehicle and light truck tires (DS399). Developments during 2009 with respect to these cases are described in more detail in chapter 3 and appendix table A.19.

### ***Intellectual Property Rights Enforcement***

IPR protection and enforcement in China continued to be a high-priority issue for the United States in 2009. According to the USTR, while China's legal framework for IPR remains "largely satisfactory," reforms are needed in "a few key areas," including measures to implement the requirements of the WIPO Internet Treaties China acceded to in 2007 and additional criminal enforcement measures. Also according to USTR, deficiencies persist in the enforcement of IPR laws; trademark counterfeiting, copyright piracy, and other types of IPR infringement are pervasive. Improvements in coordination among different Chinese government agencies, increased training and resources, and measures to address local protectionism and corruption all are needed for effective IPR enforcement, according to the USTR.<sup>56</sup>

Because of the above deficiencies, China has been on the Special 301 priority watch list of countries with significant IPR problems that warrant close monitoring and bilateral consultation since 2005.<sup>57</sup> In the 2009 Special 301 Report, the USTR particularly noted the need for strong action to address widespread trademark counterfeiting and copyright piracy on the Internet, given China's emergence as a leading user of the Internet, broadband, and mobile devices. According to the report, China's successful crackdown on online IPR infringement in connection with the Beijing Olympics demonstrated that positive results are possible.<sup>58</sup>

The USTR also noted growing concerns from U.S. industry that Chinese government policies are being used to favor Chinese intellectual property over that of foreigners—for example, in government procurement programs that establish preferences for products with intellectual property developed, registered, and owned in China.<sup>59</sup> However, in

---

<sup>56</sup> USTR, "2009 USTR Report to Congress," December 2009, 13, 81, 87.

<sup>57</sup> China will remain on the Priority Watch List in 2010. USTR, "2010 Special 301 Report," April 30, 2010.

<sup>58</sup> USTR, "2009 Special 301 Report," April 30, 2009, 13.

<sup>59</sup> USTR, "2009 Special 301 Report," April 30, 2009, 14–15.

December 2009, USTR noted that China agreed to eliminate subsidies intended to support the export of “famous brands” of Chinese merchandise after the USTR challenged the measures at the WTO.<sup>60</sup>

## *Clean Energy*

In July 2009, the United States and China announced the establishment of a new Clean Energy Research Center. The center aims to facilitate cooperation in research and development of clean energy between the United States and China with a focus on energy efficiency, clean coal, and clean vehicles.<sup>61</sup>

The JCCT serves as one of the primary forums for trade and economic dialogue between the two countries. One of the central focuses of the JCCT meetings in 2009 was clean energy cooperation.<sup>62</sup> Four of the 11 agreements signed during the JCCT were clean energy-related, including the agreement to create the U.S.-China Energy Cooperation Program.<sup>63</sup> This agreement creates a public-private partnership between 21 U.S. companies and several Chinese companies and the Chinese government to undertake clean energy projects in China.<sup>64</sup> The Clean Energy Cooperation Program will focus primarily on the development of smart grids, renewable energy, energy efficiency, and other clean energy technologies.<sup>65</sup> During separate meetings in November, the United States and China announced several other new initiatives related to clean energy, including the U.S.-China Energy Efficiency Action Plan and the U.S.-China Renewable Energy Partnership.<sup>66</sup> These initiatives aim to improve energy efficiencies and to develop new renewable energy programs in both the United States and China.

During the JCCT meetings in October, China agreed to eliminate the mandatory 70 percent local-content requirement on components of wind-powered equipment, in particular wind-powered turbines.<sup>67</sup> While U.S. exports of wind turbines to China are sporadic, China currently has the fastest-growing wind market in the world.<sup>68</sup> Newly installed wind generation capacity in China accounted for 34.7 percent of new global wind generation in 2009.<sup>69</sup>

## *Pork*

According to USTR, in 2009 China maintained restrictive pathogen and residue standards for raw meat, including pork and pork products, which prevented an anticipated increase

---

<sup>60</sup> USTR, “United States Wins End,” December 18, 2009.

<sup>61</sup> USDOE, “US-China Energy Research Center Announced,” July 15, 2009.

<sup>62</sup> USDOC, “Commerce Secretary Gary Locke and USTR Ronald Kirk Convene 20th Session,” October 21, 2009.

<sup>63</sup> USDOC, “Fact Sheet: Eleven Agreements Signed at the 20th U.S.-China JCCT,” October 29, 2009.

<sup>64</sup> USDOC, “U.S. Delegation Media Availability at the 20th U.S.-China Joint Commission on Commerce and Trade,” October 28, 2009.

<sup>65</sup> USDOC, “Commerce Secretary Gary Locke Announces Support for U.S.-China Energy Cooperation Program,” October 28, 2009.

<sup>66</sup> USDOE, “U.S.-China Clean Energy Announcements,” November 17, 2009.

<sup>67</sup> U.S. Embassy in China, “U.S.-China Joint Commission on Commerce and Trade Fact Sheet,” October 29, 2009.

<sup>68</sup> USITC, “Wind Turbines: Industry and Trade Summary,” June 2009, 46.

<sup>69</sup> Global Wind Energy Council, “Global Wind Power Boom Continues despite Economic Woes,” March 2, 2010.

in U.S. pork exports to China. China imposed a complete ban on U.S. pork, pork products, and live swine after the advent of the H1N1 influenza A virus in April 2009. According to the Food and Agricultural Organization of the United Nations, the World Health Organization, and the World Organization for Animal Health, the H1N1 virus is not transmitted by food products.<sup>70</sup> The ban allowed importation of cooked pork products transported in “disinfected” containers; however, talks on the specifics of the disinfection broke down, thereby preventing cooked U.S. pork products from entering the Chinese market as well. On April 30, 2009, Commerce Secretary Locke sent a letter to the Chinese Minister of Commerce Chen Deming urging China to remove the restrictions on the importation of pork.<sup>71</sup> At the October 2009 meeting of the JCCT, China announced its intention of lifting the ban on U.S. pork, pork products, and live swine.<sup>72</sup>

### ***Global Trade Imbalances and China’s Exchange-Rate Regime***

Two important trade phenomena—the U.S. merchandise trade deficit with China of \$230.4 billion in 2009, and China’s policies limiting the yuan’s flexibility—remained a concern for U.S. policymakers. Between July 21, 2005, when China officially ended its fixed exchange-rate peg with the U.S. dollar, and year-end 2009, the yuan appreciated by approximately 17.1 percent in U.S. dollar terms.<sup>73</sup> China temporarily allowed the yuan to be managed against a broader set of currencies between mid-2005 and mid-2008 (including the U.S. dollar, euro, Japanese yen, and Korean won), but subsequently reverted to a managed exchange rate against the U.S. dollar until mid-2010.

During the July 2009 Strategic and Economic Dialogue (S&ED), officials of the U.S. Treasury Department urged their Chinese counterparts to rebalance China’s economy by boosting domestic demand through consumption-led growth, to reform its financial system, and to allow the yuan to appreciate. Both the Department of State and the Treasury Department stated that China’s domestic demand could be stimulated through continued increases in personal incomes and the strengthening of its domestic social safety nets, which would address the underlying causes of the relatively high savings rate in China.<sup>74</sup>

---

<sup>70</sup> USTR, “2009 Report to Congress on China’s WTO Compliance.”

<sup>71</sup> USDA, “Letter to Chinese Minister of Commerce from Secretary Locke,” April 30, 2009.

<sup>72</sup> USDOS, U.S. Embassy, Beijing, “Secretary of Commerce Gary Locke Meets with Chinese Leaders on Bilateral Trade Issues,” November 25, 2009. On March 17, 2010, the United States and China reached an agreement to reopen the Chinese market to U.S. pork and pork products, following discussions with the Administration of Quality Supervision, Inspection and Quarantine of the People’s Republic of China (AQSIQ). USTR, “U.S. And China Agree On Reopening Chinese Pork Market To U.S.,” March 18, 2010. The USDA Food Safety and Inspection Service has published export documentation online to facilitate the resumption of U.S. pork exports to China, although China continues to ban exports from a number of specific establishments as listed on the USDA export notice. USDA, FSIS, “Export Requirements for People’s Republic of China,” April 15, 2010. On May 13, 2010, China gave official notice that it would accept shipments of U.S. pork produced on or after May 1, 2010, although USDA officials have been in contact with Chinese officials to adjust the date of product eligibility to the date of March 24, 2010, originally specified in the agreement. Gabbett, “China Sets Date for Accepting U.S. Pork Shipments,” May 17, 2010.

<sup>73</sup> IMF, International Financial Statistics Database.

<sup>74</sup> U.S. Department of Treasury, “New Strategic and Economic Dialogue with China,” July 29, 2009.

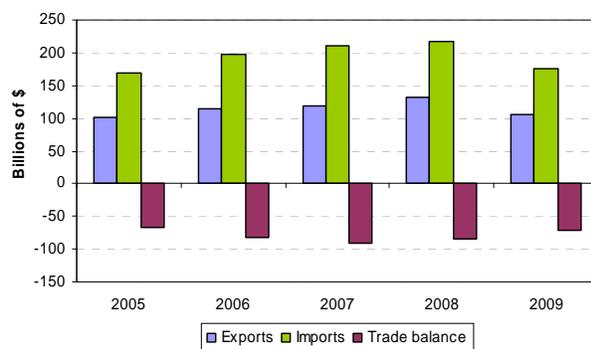
# Mexico

In 2009, Mexico was the United States' third largest single-country trading partner, following Canada and China, and accounted for 11.3 percent of U.S. trade with the world.<sup>75</sup> The U.S. merchandise trade deficit with Mexico declined by \$14.2 billion to \$70.6 billion in 2009 (figure 5.7), mainly due to decreased U.S. merchandise imports from Mexico. These imports declined more in value in 2009 than corresponding U.S. exports to Mexico, despite an average dollar appreciation of approximately 10 percent against the Mexican peso in that year.<sup>76</sup> The U.S. trade surplus in services with Mexico declined by 0.1 percent to \$8.3 billion in 2009 (figure 5.8). U.S. services exports to Mexico were \$21.7 billion and U.S. services imports from Mexico were \$13.4 billion.

U.S. merchandise exports to Mexico totaled \$105.7 billion in 2009, down 19.6 percent from 2008. In 2009, as in the previous year, machinery and transportation equipment continued to be the largest product group in bilateral trade, with automotive trade an important component in both imports and exports. Other leading U.S. exports to Mexico included petroleum products, corn, soybeans, computer parts, aircraft and aircraft parts, plastic articles, and parts for electrical apparatus.

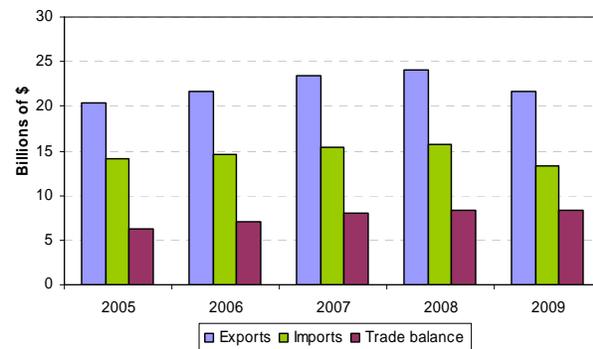
In 2009, U.S. merchandise imports from Mexico decreased by 18.5 percent to \$176.3 billion. Leading U.S. imports from Mexico included petroleum and petroleum products, televisions, motor vehicles, cellular telephones, computers, and medical instruments. Particularly important in the trends for U.S. imports was the decline in U.S. imports of machinery and transport equipment and mineral fuels—together responsible for most of the decline in total U.S. imports from Mexico. U.S.-Mexico merchandise trade data are shown in appendix tables A.30 through A.32.

**FIGURE 5.7** U.S. merchandise trade with Mexico, 2005–09



Source: USDOC.

**FIGURE 5.8** U.S. private services trade with Mexico, 2005–09<sup>a</sup>



Source: USDOC.

<sup>a</sup> Data for 2009 are preliminary.

<sup>75</sup> Based on two-way trade, i.e., the sum of merchandise exports plus merchandise imports.

<sup>76</sup> The slowdown in the economy of the United States, as well as the changes in the value of the dollar against the currencies of major U.S. trading partners in 2009, are discussed in chap. 1.

U.S.-Mexican trade relations are governed in large part by NAFTA, which provides duty-free status for substantially all goods traded between the two countries that originate in the United States and Mexico.<sup>77</sup> There were a number of trade disputes between the United States and Mexico that were the subject of WTO and NAFTA dispute-settlement proceedings in 2009. The procedural developments in each of these cases are listed in appendix tables A.19 and A.20, respectively. Recent developments in cross-border trucking provisions between Mexico and the United States are summarized below.

### ***Cross-Border Trucking Between the United States and Mexico***

The NAFTA cross-border trucking provisions permit Mexican trucks to obtain operating authority to provide cross-border truck services throughout the United States beginning in 2000. The provision's implementation, however, has been delayed because of safety concerns.<sup>78</sup> On September 7, 2007, the U.S. Department of Transportation (USDOT) initiated a one-year Cross-Border Trucking Demonstration Project aimed at demonstrating the ability of Mexico-based motor carriers to operate safely in the United States beyond the commercial zones along the U.S.-Mexico border.<sup>79</sup> On August 6, 2008, after evaluating this one-year demonstration project,<sup>80</sup> the USDOT extended it. Originally, the extension was to be for two years, until 2010.<sup>81</sup> However, the USDOT terminated the project in January 2009, after Congress banned the use of DOT funds to operate or maintain the program.<sup>82</sup>

In response, the government of Mexico, stating that the termination measure was inconsistent with U.S. obligations under NAFTA, suspended the preferential tariffs that the NAFTA affords to certain goods from the United States. On March 18, 2009, the Mexican government announced new tariffs on U.S. goods imported under 89 tariff lines, including Christmas trees (20 percent), fresh grapes (45 percent), and potatoes (20 percent).<sup>83</sup> Duties ranged from 10 percent to 45 percent ad valorem, with a simple average of 18 percent. On March 19, 2009, the new tariffs became effective.<sup>84</sup> On April 2, 2009, the National Chamber of Truck Cargo Transport (Cámara Nacional del Autotransporte de Carga, CANACAR), a trade association representing Mexican trucking companies, filed a Notice of Arbitration with the U.N. Commission on International

---

<sup>77</sup> For more information on NAFTA, see chap. 4.

<sup>78</sup> Developments in cross-border truck services between the United States and Mexico from 1981 to 2008 are reported in USITC, *The Year in Trade 2008*, 5–16.

<sup>79</sup> The safety of the participating carriers was tracked closely by the Federal Motor Carrier Safety Administration (FMCSA) and its state partners, a joint U.S.-Mexico monitoring group, and an evaluation panel independent of the U.S. Department of Transportation. Details of the Cross-Border Trucking Demonstration Project are discussed in 72 Fed. Reg. 23883 (May 1, 2007); 72 Fed. Reg. 31877 (June 8, 2007); 72 Fed. Reg. 46263 (August 17, 2007); and USITC, *The Year in Trade 2007*, 5–11.

<sup>80</sup> As mandated by Congress under the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, Pub. L. 110-28, sect. 6901, 121 Stat. 183–185 (May 25, 2007). Details of the USDOT evaluation and assessment of the implementation of the demonstration program are reported in USITC, *The Year in Trade 2008*, 5–16.

<sup>81</sup> 73 Fed. Reg. 45796 (August 6, 2008).

<sup>82</sup> 74 Fed. Reg. 11628 (March 18, 2009); Omnibus Appropriations Act of 2009, Pub. L. No. 111-8. As of March 24, 2010, the amendment (sect. 136), which banned the funding of the pilot program, was not included in the draft of the 2010 USDOT Appropriations Bill, 111th U.S. Congress.

<sup>83</sup> USDA, FAS, "GAIN Report, Mexico: Mexico Announces Tariff Modifications," 2, March 18, 2009.

<sup>84</sup> Secretaría de Gobernación, Diario Oficial de la Federación (Mexico's Federal Register), March 18, 2009. In 2009, the value of Mexico's imports from the United States of these 89 products amounted to less than 2 percent of total U.S. exports to Mexico.

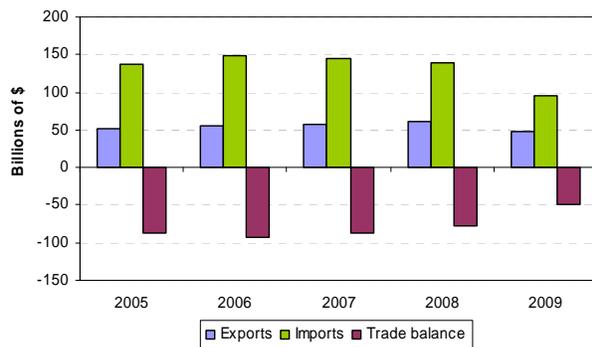
Trade Law and NAFTA.<sup>85</sup> Mexico still grants the United States its rights to operate in Mexico U.S.-domiciled trucks, as originally granted in the two-year project extension.

## Japan

In 2009, Japan was the fourth largest single-country U.S. trading partner, accounting for 5.8 percent of total U.S. merchandise trade, down from 6.2 percent in 2008. U.S. trade with Japan was \$143.1 billion in 2009, down 28.7 percent from 2008. The United States recorded a merchandise trade deficit with Japan of \$48.9 billion or 8.0 percent of the total U.S. merchandise trade deficit in 2009, down for the third year in a row in terms of both share and value (figure 5.9). The \$28.7 billion decline in the bilateral deficit was primarily attributable to the global recession and the overall contraction in world trade in 2009. Japan was both the third-largest market for U.S. exports of services and the third-largest source of services imports in 2009. U.S. services exports to Japan fell 3.6 percent to \$39.7 billion, while imports of services from Japan decreased 12.6 percent to \$21.4 billion, fueling a \$1.6 billion increase in the U.S. surplus to \$18.3 billion in 2009 (figure 5.10).

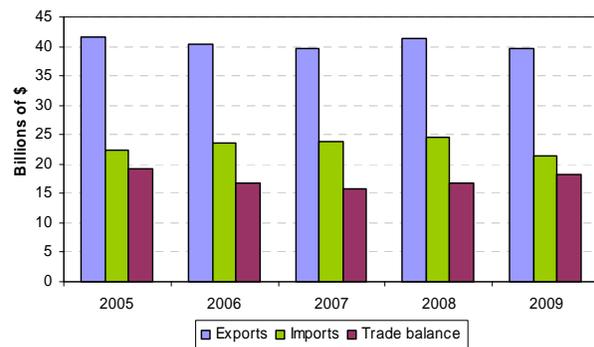
U.S. merchandise exports to Japan declined by 23.4 percent to \$47.1 billion in 2009, from \$61.4 billion in 2008. Leading U.S. exports to Japan were aircraft and parts, corn, certain medicaments, soybeans, and wheat. While exports declined across the board, the largest declines in value were in corn, wheat, and parts of airplanes or helicopters. However, exports of certain medicaments, pork, medical instruments, uranium, and rice increased.

**FIGURE 5.9** U.S. merchandise trade with Japan, 2005–09



Source: USDOC.

**FIGURE 5.10** U.S. private services trade with Japan, 2005–09<sup>a</sup>



Source: USDOC.

<sup>a</sup> Data for 2009 are preliminary.

<sup>85</sup> The filing alleges that the USDOT restricts Mexican carriers' operations in the United States and Mexican investment in the U.S. carriers industry, which is in violation of NAFTA article 1102 (national treatment) and article 1103 (most-favored-nation treatment). CANACAR also alleges that the United States has failed to comply with a 2001 NAFTA Chapter 20 arbitral decision in the Matter of Cross-Border Trucking Services, in violation of NAFTA article 1105 (minimum standard of treatment under international law), CANACAR, Notice of Arbitration, April 2, 2009.

U.S. merchandise imports from Japan declined by 31.0 percent to \$96.0 billion in 2009, the third straight year that imports declined. Leading U.S. imports from Japan were passenger vehicles and parts, parts for printers and copying machines, cameras, and parts of airplanes or helicopters. One category—passenger vehicles and parts—led the declines in merchandise imports, although the declines took place across the board. However, imports of parts of airplanes or helicopters, certain medications, certain organic chemicals, and wind turbines increased. U.S.-Japan merchandise trade data are shown in appendix tables A.33 through A.35.

The United States-Japan Economic Partnership for Growth has served as the primary forum for trade and economic dialogue between the two countries since its establishment in 2001. The Partnership has several components, which include the Regulatory Reform and Competition Policy Initiative, the Trade Forum, and the Investment Initiative.<sup>86</sup> In 2009, discussions through the Regulatory Reform and Competition Policy Initiative continued to focus on regulatory reform in Japan, including economy-wide and sector-specific reforms.<sup>87</sup> The Trade Forum focused specifically on U.S. beef exports to Japan and bilateral trade in automobiles;<sup>88</sup> all three efforts are discussed in greater detail below. In addition, the United States-Japan Investment Initiative addressed the continued facilitation of foreign direct investment between Japan and the United States.<sup>89</sup> The two countries also signed several agreements, including one liberalizing air services for both countries,<sup>90</sup> as well as an agreement to align security standards in international trade partnership programs.<sup>91</sup>

## ***Regulatory Reform***

During 2009, bilateral dialogue on the deregulation of Japan's economy continued under the Regulatory Reform and Competition Policy Initiative. Discussions with Japan focused on recommendations originally exchanged in October 2008. In 2009 the talks made some substantial progress as well as suffering some major setbacks.

Japan implemented several cross-sectoral reforms in 2009. It agreed to continue to ensure timely translations of Japanese laws into English; it had translated 260 laws into English as of April 2009, and plans to translate a total of 440 through its Translation Development Program by the end of fiscal year 2010.<sup>92</sup> The Japanese government also increased the number of public comment periods that are longer than 30 days in order to improve transparency. On June 3, 2009, Japan enacted a bill amending the Antimonopoly Act, which increased penalties against cartels. Furthermore, the Tokyo Stock Exchange proposed and implemented new rules to better protect shareholder interests, to improve the investment environment in Japan.<sup>93</sup>

---

<sup>86</sup> USDOC, International Trade Administration (ITA), "Office of Japan, Market Opening Initiatives," March 8, 2010.

<sup>87</sup> USTR, "Report to the Leaders on the U.S.-Japan Regulatory Reform and Competition Policy Initiative," fact sheet, July 6, 2009.

<sup>88</sup> USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 141.

<sup>89</sup> USDOS, "United States-Japan Investment Initiative 2009 Report," July 6, 2009.

<sup>90</sup> USDOT, "U.S. Transportation Secretary LaHood Announces U.S.-Japan Agreement on Open Skies," December 11, 2009.

<sup>91</sup> U.S. Department of Homeland Security, Customs and Border Protection, "Japan, US Sign Arrangement to Align Security Standards for Cross-Border Business," July 1, 2009.

<sup>92</sup> The Japanese fiscal year 2010 covers the period April 1, 2010, through March 31, 2011.

<sup>93</sup> USTR, "Report to the Leaders on the U.S.-Japan Regulatory Reform and Competition Policy Initiative," report and fact sheet, July 6, 2009.

The dialogue also made progress on several sector-specific reforms, including communications, information technology, medical devices and pharmaceuticals, and financial services. For example, the Japanese government enacted a framework for licensing 3.9G mobile services and identified new requirements for mobile multimedia broadcasting.<sup>94</sup> Japan's Copyright Law was amended and its protections for music and motion pictures were strengthened.<sup>95</sup> A legal framework was introduced to create new opportunities for electronic funds transfer providers. A database of government information systems procurement was launched. Reimbursements were established for remote diagnostic imaging technologies used in telemedicine. The Japanese government also agreed to update the list issued in December 2008 of active ingredients for approved medicated cosmetics. Finally, Japan enacted the Payment Services Bill in June 2009, which allows non-banking entities to provide e-payment services.<sup>96</sup>

However, in a setback to the Regulatory Reform and Competition Policy Initiative, the newly elected Japanese government revised the privatization process for the Japan Post Bank and Japan Post Insurance.<sup>97</sup> The new law indefinitely delays the sale of government shares in these companies.<sup>98</sup> The United States continues to encourage Japan to eliminate the preferential treatment given to Japan Post compared to private sector companies in insurance, banking, and express delivery sectors.<sup>99</sup>

## ***Beef***

Japan continues to restrict imports of U.S. beef by requiring all products to be derived from animals 20 months old or younger because of concerns about bovine spongiform encephalopathy, also known as "mad cow disease."<sup>100</sup> In 2009, several U.S. government officials met with their Japanese counterparts and continued to encourage greater access to Japan's beef market and to base food regulations on commonly agreed scientific norms.<sup>101</sup> However, as of December 2009, Japan's age limit was still in place.

Japan's restrictions on imports of U.S. beef have had an adverse effect on U.S. beef exports. Prior to the ban on imports of U.S. beef in December 2003, Japan was the largest export market for U.S. beef. Total U.S. exports of beef amounted to \$3.6 billion in 2003, of which \$1.3 billion, or 37.1 percent, went to Japan. In 2009, total U.S. exports of beef amounted to \$2.9 billion, and only \$469.0 million, or 16.0 percent of that total, was shipped to Japan.<sup>102</sup>

---

<sup>94</sup> USTR, "Report to the Leaders on the U.S.-Japan Regulatory Reform and Competition Policy Initiative," fact sheet, July 6, 2009.

<sup>95</sup> USTR, "USTR Announces Regulatory Reform Initiative Results with Japan," July 29, 2009.

<sup>96</sup> USTR, "Report to the Leaders on the U.S.-Japan Regulatory Reform and Competition Policy Initiative," report and fact sheet, July 6, 2009.

<sup>97</sup> Tudor, "Japan Shifts Course in Halting Postal Sale," December 5, 2009.

<sup>98</sup> USDOC, U.S. Foreign Commercial Service, "Doing Business in Japan: 2010 Commercial Guide for U.S. Companies," February 17, 2010.

<sup>99</sup> U.S. Embassy in Japan, "Statement on AUSTR Wendy Cutler's Meeting with Cabinet Office Senior Vice Minister Kouhei Ohtuka," February 24, 2010.

<sup>100</sup> USDA, Economic Research Service (ERS), "Japan: Issues and Analysis," Briefing Rooms, July 22, 2009.

<sup>101</sup> USTR, "Ambassador Kirk Meets Japanese Minister Hirotaka Akamatsu," October 8, 2009; USDA, "Agriculture Secretary Vilsack meets Japanese Minister Hirotaka Akamatsu," October 9, 2009.

<sup>102</sup> GTIS, Global Trade Atlas Database (accessed February 26, 2010).

## *Automobiles*

In June 2009, new legislation supporting an environmentally friendly vehicle purchase and scrap incentive program (Japan's version of "Cash for Clunkers") went into effect.<sup>103</sup> The program provides subsidies to encourage purchases of newer, more fuel-efficient automobiles. However, U.S. automobiles imported using Japan's Preferential Handling Procedure (PHP) certification process are not eligible for the purchase program.<sup>104</sup> These restrictions continued throughout the year.<sup>105</sup>

The automotive industry was especially hard hit by the worldwide economic downturn. Between 2008 and 2009, U.S. exports of passenger vehicles to Japan and total U.S. exports of passenger vehicles decreased at a similar pace of 46.4 percent and 44.1 percent respectively. In 2009, U.S. exports of passenger vehicles totaled \$28.4 billion, and just \$295.0 million, or slightly over 1 percent of the total, was shipped to Japan.

## **Republic of Korea**

---

Korea was the United States' seventh-largest single-country two-way trading partner with two-way merchandise trade valued at \$65.8 billion in 2009, accounting for 2.6 percent of U.S. trade with the world. The United States recorded an \$11.7 billion trade deficit with Korea in 2009, the smallest deficit in the last decade (figure 5.11). At the same time, the U.S. trade surplus in services with Korea fell \$455.0 million to \$6.6 billion in 2009 (figure 5.12).

U.S. exports to Korea were valued at \$27.1 billion in 2009, a decrease of 18.1 percent over 2008. Leading U.S. exports to Korea during the year included aircraft, transistors, corn, and ferrous waste and scrap. Most of the 2008 leading exports showed declines in value, but strong increases in exports of transistors, xylenes, certain medicaments, and computer memory chips, among others, partially offset those declines.

U.S. imports from Korea totaled \$38.8 billion, a decrease of 17.0 percent from 2008. Leading U.S. imports from Korea included cellular phones, automobiles, computer parts and accessories (mainly memory modules), and computer chips. There were declines in the value of all of the major leading imports (accounting for nearly half of the value of total imports). U.S.-Korea merchandise trade data are shown in appendix tables A.36 through A.38.

U.S.-Korean trade relations in 2009 were dominated by the status of the U.S.-Korea FTA, which was signed in June 2007 but had not been approved and implemented as of year-end 2009; the agreement on a protocol to resume exports of U.S. beef to Korea, which

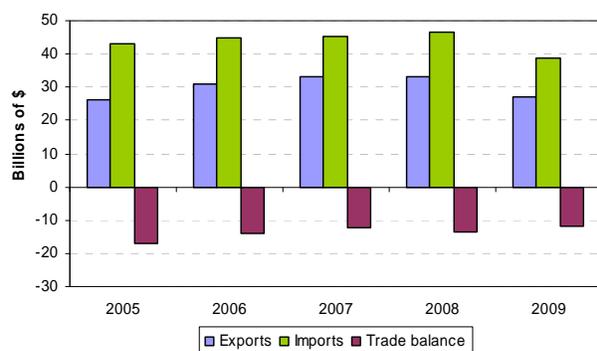
---

<sup>103</sup> Japan Automobile Manufacturers Association, "Japanese Government Incentives for the Purchase of Environmentally Friendly Vehicles," September 24, 2009.

<sup>104</sup> USTR, "Kirk Comments on Changes to Japan's Cash-for-Clunkers Program," January 19, 2010.

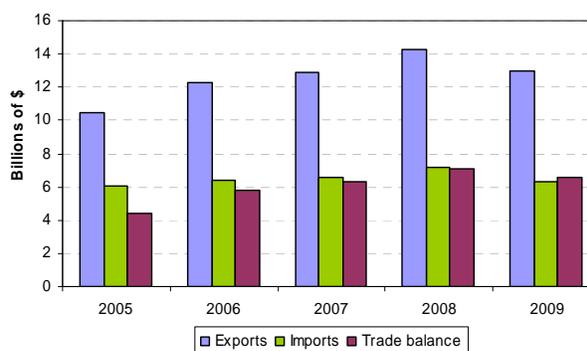
<sup>105</sup> Japan opened the purchase program on January 19, 2010, to automobiles under the PHP import certification process and provided a list of specific eligible models on February 3, 2010. However, as of March 2010, there are still limits on the number of U.S. automobile models that qualify, and the United States continues to encourage Japan to make its program as inclusive and transparent as possible. Japan Ministry of Economy, Trade and Industry, "The Announcement regarding Japan's Subsidy Scheme for Environmental Friendly Vehicles ("eco-cars")," January 19, 2010; USTR, "Kirk Comments on Release of List of U.S. Autos Models That Qualify for Japan's Cash for Clunkers Program," February 3, 2010.

**FIGURE 5.11** U.S. merchandise trade with Korea, 2005–09



Source: USDOC.

**FIGURE 5.12** U.S. private services trade with Korea, 2005–09<sup>a</sup>



Source: USDOC.

<sup>a</sup> Data for 2009 are preliminary.

had been suspended originally over bovine spongiform encephalopathy (BSE) concerns in late 2003; and the removal of Korea from the Special 301 watch list, which identifies countries with which the United States has concerns over IPR enforcement.

### *U.S.-Korea FTA*

The United States and the Republic of Korea signed an FTA on June 30, 2007, after concluding negotiations in April of that year. The U.S.-Korea FTA would, if approved by Congress and implemented, be the “most commercially significant” free trade agreement for the United States since NAFTA entered into force in 1994.<sup>106</sup>

At the end of 2009, the agreement was pending approval by the U.S. Congress and the Korean National Assembly. Major areas of contention for the United States concern beef (see below) and automobiles.<sup>107</sup> A number of U.S. manufacturers, union groups, and legislators have publicly opposed the agreement and cite concerns over market access for automobiles.<sup>108</sup> Korea is a major vehicle producer and exporter but has low levels of import penetration.

### *Beef*

Before 2008, Korea intermittently suspended imports of beef from the United States because of concerns about BSE.<sup>109</sup> On April 18, 2008, the United States and Korea agreed to a protocol that provides for a full reopening of the Korean beef market to exports from the United States. The protocol defines conditions for the importation of U.S. beef into Korea and requires that the United States meet or exceed guidelines set by the World Organization for Animal Health (OIE).<sup>110</sup> It permits all U.S. beef (bone-in and

<sup>106</sup> USTR, “United States and Korea Conclude Historic Trade Agreement,” April 2, 2007.

<sup>107</sup> USTR, *2010 National Trade Estimate Report on Foreign Trade Barriers*, April 2010, 229.

<sup>108</sup> USITC, *U.S.-Korea Free Trade Agreement*, 2007, 3-85–3-90.

<sup>109</sup> For details, see USITC, *The Year in Trade*, 2008, 5-21–5-22.

<sup>110</sup> OIE, “Resolution No. XXIV: Recognition of the Bovine Spongiform Encephalopathy Status of Member Countries.” The Office International des Epizooties was established in 1924. In May 2003, the Office became the World Organization for Animal Health, but kept its historical acronym OIE. See [http://www.oie.int/eng/OIE/en\\_about.htm?e1d1](http://www.oie.int/eng/OIE/en_about.htm?e1d1).

boneless) and beef products from cattle of all ages to be imported into Korea, with appropriate specified risk materials, as defined by the OIE, removed.<sup>111</sup>

In response to significant public opposition to resuming imports of U.S. beef in Korea,<sup>112</sup> Korean beef importers and U.S. exporters reached a commercial understanding—separate from the April 18 agreement—that only U.S. beef and beef products from cattle less than 30 months of age would be shipped to Korea, as a transitional measure, to improve Korean consumer confidence in U.S. beef. At the request of U.S. exporters, the U.S. Department of Agriculture set up a voluntary Quality System Assessment Program that verifies that beef from participating plants is from cattle less than 30 months of age.<sup>113</sup> U.S. beef exports resumed as of June 26, 2008, after Korea published its “Import Health Requirements for U.S. Beef and Products” in its official gazette,<sup>114</sup> and Korea quickly returned to being one of the leading destinations for U.S. beef exports. Korea was the fourth leading destination for U.S. beef exports in 2009, although at levels well below what they were before the 2003 ban.

### *Intellectual Property Rights*

In April 2009, USTR removed Korea from the Special 301 Watch List in recognition of significant improvements Korea made in its IPR regime, as well as the Korean government’s policy direction of continuing to place a priority on improving its IPR regime.<sup>115</sup> Korea had been on either the Watch List or Priority Watch List in every year since the Special 301 Report was started in 1989.

## **Taiwan**

---

Taiwan was the United States’ 10th largest single-country trading partner based on two-way trade in 2009, and accounted for 1.8 percent of U.S. trade with the world. The narrowing of the bilateral deficit with Taiwan, which amounted to \$11.4 billion in 2009 compared to \$12.6 billion the year before, was mostly attributable to a decrease of U.S. imports from Taiwan (figure 5.13). The United States also ran a services trade surplus with Taiwan in 2009, which amounted to \$517.0 million in 2009 compared to a \$397.0 million deficit the year before (figure 5.14).

U.S. merchandise exports to Taiwan amounted to \$16.7 billion in 2009, down 29.3 percent from 2008. This decline was mostly attributable to a fall in U.S. exports of computer chips, ferrous and stainless steel waste and scrap, and staple crops, and caused Taiwan to fall from the 13th to 14th largest destination for U.S. exports in 2009. Leading U.S. exports to Taiwan included semiconductor manufacturing and assembly equipment, computer chips, aircraft, and corn.

---

<sup>111</sup> USTR, *2009 Trade Policy Agenda and 2008 Annual Report*, March 2009, 151.

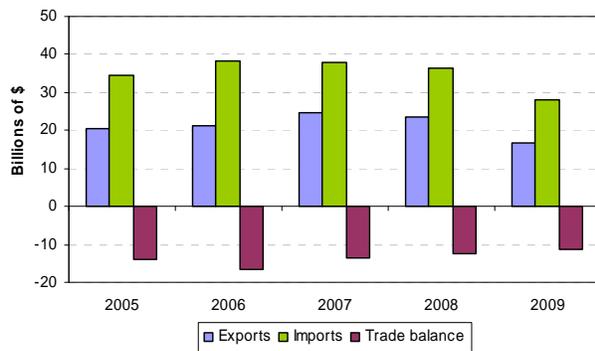
<sup>112</sup> USITC, *Global Beef Trade*, 2008, 6-2.

<sup>113</sup> USTR, *2009 Trade Policy Agenda and 2008 Annual Report*, March 2009, 151; USTR, “USTR Confirms Korea’s Announcement,” June 21, 2008. Key elements and procedures of the protocol are summarized in USITC, *Global Beef Trade*, 2008, 6–13 to 6–14.

<sup>114</sup> USTR, “Statement from USTR Schwab on the Issuing of the Korea Beef Protocol,” June 25, 2008.

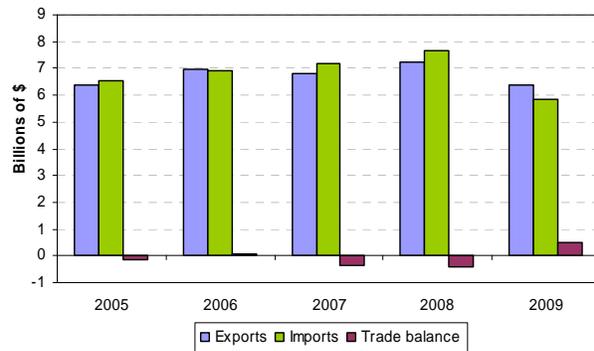
<sup>115</sup> USTR, “2010 Special 301 Report,” April 30, 2010, 10.

**FIGURE 5.13** U.S. merchandise trade with Taiwan, 2005–09



Source: USDOC.

**FIGURE 5.14** U.S. private services trade with Taiwan, 2005–09<sup>a</sup>



Source: USDOC.

<sup>a</sup> Data for 2009 are preliminary.

In 2009, U.S. imports from Taiwan amounted to \$28.1 billion, representing a 22.5 percent decrease from 2008. The drop in overall imports from Taiwan was mostly attributable to a fall in electronic component imports, which declined as a result of weak U.S. consumer demand throughout 2009. Despite this decrease, Taiwan rose from the 12th to the 9th largest source of U.S. imports in 2009, surpassing three major oil producers (Venezuela, Saudi Arabia, and Nigeria). Leading U.S. imports from Taiwan apparatuses for navigational radios, parts for data processing machines, and reception apparatuses for televisions. U.S.-Taiwan merchandise trade data are shown in appendix tables A.39 through A.41.

The U.S.-Taiwan Trade and Investment Framework Agreement (TIFA) entered into effect in 1994 as the primary forum in which officials from the United States and Taiwan could address bilateral trade issues and promote economic cooperation. Traditionally, high-level meetings are held annually to promote continuing development of commercial opportunities. Nonetheless, annual meetings between the United States and Taiwan have been suspended since mid-2007 because of a dispute involving Taiwan’s restrictions on imported U.S. beef.<sup>116</sup> However, in 2009, U.S. officials engaged Taiwan throughout the year on a range of issues under the TIFA.<sup>117</sup>

## ***Intellectual Property Rights***

In April 2008, USTR published in its annual Special 301 Report that an Out-of-Cycle Review (OCR) would be initiated for Taiwan to evaluate ongoing progress in IPR enforcement. USTR completed the OCR in January 2009 and Taiwan was subsequently removed from the Special 301 watch list, where it had been since 2004. It was removed from the watch list largely as a result of the establishment of a specialized IPR court and a Ministry of Education plan to protect IPR on school campuses.<sup>118</sup>

Due to an amendment to Taiwan’s 2007 copyright law, Taiwan prosecutors were also able to initiate more prosecutions involving peer-to-peer networks in April 2009.

<sup>116</sup> American Chamber of Commerce, Taipei, “AmCham Urges Early Scheduling of TIFA Talks,” February 9, 2010.

<sup>117</sup> USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010.

<sup>118</sup> USTR, “2009 Special 301 Report,” April 20, 2009.

Furthermore, Taiwan's government enacted a number of laws that would take punitive action against Internet service providers (ISPs) that are found to be complicit in IPR violations.<sup>119</sup>

## ***Beef***

Due to concerns over bovine spongiform encephalopathy, in 2009 Taiwan continued to restrict the importation of beef from animals over 30 months in age. Taiwan also continued to require the removal of specified risk materials from animals less than 30 months of age, even though the internationally accepted standard, according to USTR, is that these materials be removed only from animals over 30 months in age.<sup>120</sup> On October 22, 2009, the United States and Taiwan signed an import protocol that relaxes Taiwan's restrictions on imports of U.S. beef.<sup>121</sup> The protocol allows the importation of beef as long as it meets or exceeds the guidelines set forth by the World Organization for Animal Health.<sup>122</sup> However, on January 5, 2010, Taiwan passed an amendment to its Food Sanitation Act that effectively bars the importation of a number of U.S. beef products, which is inconsistent with the protocol.<sup>123</sup>

## ***Government Procurement***

On July 15, 2009, Taiwan joined the WTO Agreement on Government Procurement (GPA).<sup>124</sup> The GPA is a plurilateral agreement in the WTO that is legally binding for those WTO members that choose to be parties to the agreement. By becoming a signatory, Taiwan opens its market for government procurement to foreign firms, including those from the United States, while allowing Taiwanese firms the opportunity to participate in the government procurement markets of other GPA signatories.<sup>125</sup> Taiwan's government procurement market was valued by USTR at more than \$18 billion in 2006 and \$21 billion in 2007.<sup>126</sup> Taiwan estimates that its procurement market covered under the GPA is worth about \$6 billion.<sup>127</sup>

---

<sup>119</sup> USTR, "2009 Special 301 Report," April 20, 2009.

<sup>120</sup> USTR, *2010 National Trade Estimate Report on Foreign Trade Barriers*, April 2010, 486.

<sup>121</sup> U.S. Senate Committee on Finance, "Baucus Letter regarding the Taiwan Government's Failure to Implement the Beef Import Protocol," December 31, 2009; USTR, "2010 Report on Sanitary and Phytosanitary Measures," March 31, 2010.

<sup>122</sup> Taiwan Department of Health, "Protocol of Bovine Spongiform Encephalopathy (BSE)—Related Measure for the Importation of Beef and Beef Products for Human Consumption from the Territory of the Authorities Represented by the American Institute in Taiwan (AIT)," October 22, 2009, <http://food.doh.gov.tw/foodnew/Files/Focus/TECROAIT.pdf>.

<sup>123</sup> USTR, "2010 Report on Sanitary and Phytosanitary Measures," March 31, 2010, 70.

<sup>124</sup> WTO, "The Plurilateral Agreement on Government Procurement (GPA)."

<sup>125</sup> USDOC, ITA, "Taiwan's Accession to Government Procurement Agreement to Create Opportunities for U.S. Businesses," August 2009.

<sup>126</sup> USTR, *2010 National Trade Estimate Report on Foreign Trade Barriers*, April 2010, 483.

<sup>127</sup> USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 146.

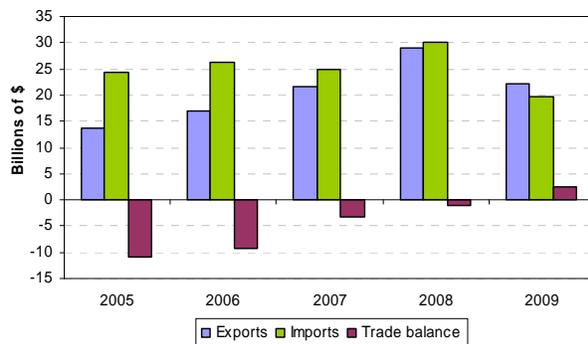
# Brazil

Brazil was the United States' 11th largest single-country two-way trading partner and the United States' largest South American partner, with two-way merchandise trade valued at \$41.7 billion in 2009, accounting for 1.7 percent of U.S. trade with the world. The United States recorded a \$2.5 billion trade surplus with Brazil in 2009, a significant improvement from its \$1.0 billion deficit in 2008 and from deficits in previous years (figure 5.15). On the other hand, the U.S. trade surplus in services with Brazil decreased \$332.0 million to \$7.0 billion in 2009 (figure 5.16).

U.S. exports to Brazil were valued at \$22.1 billion in 2009, a decrease of 23.7 percent over 2008. Leading U.S. exports to Brazil during the year included aircraft and aircraft parts (including turbofan engines for Brazilian-manufactured aircraft), refined petroleum products, and coal. Among the leading exports, there were significant declines in exports of petroleum products and certain medicaments. There was an especially large decrease in the value of aircraft and aircraft parts (reflected in both quantity and unit values) in 2009.

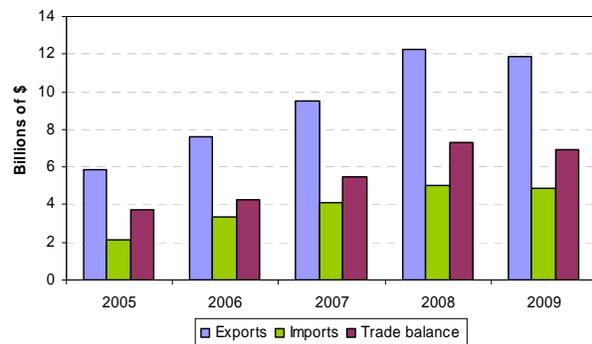
U.S. imports from Brazil totaled \$19.6 billion, a decrease of 34.8 percent from 2008. Leading U.S. imports from Brazil included crude petroleum, coffee, pig iron, and aircraft (regional jet aircraft). Nearly all U.S. imports of leading products from Brazil declined in 2009. There was an especially large decrease in the value of aircraft (reflected in both quantity and unit values), which accounted for 8 percent of the total decrease in the value of imports. U.S.-Brazil merchandise trade data are shown in appendix tables A.42 through A.44.

**FIGURE 5.15** U.S. merchandise trade with Brazil, 2005–09



Source: USDOC.

**FIGURE 5.16** U.S. private services trade with Brazil, 2005–09<sup>a</sup>



Source: USDOC.

<sup>a</sup> Data for 2009 are preliminary.

U.S.-Brazilian dialogue on a possible Trade and Investment Framework Agreement is discussed in the following section. Also, there were two active WTO cases involving the United States and Brazil during 2009. On August 31, 2009, WTO arbitrators determined the level of countermeasures that Brazil can impose on U.S. trade in the case brought by Brazil concerning U.S. subsidies on upland cotton (DS267).<sup>128</sup> Also, a WTO dispute-settlement panel was established on September 25, 2009, in the case brought by Brazil concerning U.S. Anti-Dumping Administrative Reviews and Other Measures Related to Imports of Certain Orange Juice from Brazil (DS382) (see table A.19).

### ***Trade and Investment Framework Agreement***

In September 2009, a U.S. delegation traveled to Brazil to discuss with Brazilian officials the possibility of establishing a Trade and Investment Framework Agreement or similar framework in order to deepen bilateral economic ties.<sup>129</sup> The United States put forward the view that Brazil is an important U.S. trading partner, but as yet there is no formal structure for bilateral trade relations; a TIFA could provide such a structure.<sup>130</sup>

The Brazilian Foreign Minister suggested that Brazil is open to the idea, but raised the question of whether a TIFA is essential to U.S.-Brazil economic relations. The Brazilian government expressed the view that there are already a number of bilateral consultative mechanisms through which it can engage the United States on trade issues. Brazilian officials said that Brazil would seek to ensure that any framework would not involve discussions on tariffs, as Brazil shares a common external tariff with other members of Mercosur.<sup>131</sup> Although no definitive agreement was reached during the initial encounter, both sides agreed to continue discussions on the subject.<sup>132</sup>

## **India**

---

In 2009, India was the 14th largest U.S. trading partner, accounting for 1.4 percent of total U.S. merchandise trade (exports plus imports). U.S.-India merchandise trade declined 17.0 percent to \$35.9 billion in 2009, but the decline was still less than the 23.8 percent decline in total U.S. trade, likely because India's economy was relatively less affected by the 2008–09 global financial crisis and recession compared to more internationally connected economies.<sup>133</sup> The U.S. merchandise trade deficit with India was \$6.6 billion in 2009, a decrease of \$1.9 billion compared to 2008 (figure 5.17). However, the U.S. services trade deficit with India increased to \$2.1 billion in 2009 from

---

<sup>128</sup> On April 20, 2010, the United States and Brazil signed an MOU, which established a fund for technical assistance and capacity building in the cotton sector. On June 25, 2010, both sides signed a framework agreement regarding the dispute: *Framework for a Mutually Agreed Solution to the Cotton Dispute in the World Trade Organization (WT/DS267)*.

<sup>129</sup> USTR, "Ambassador Ron Kirk Concludes Visit to Brazil," September 18, 2009.

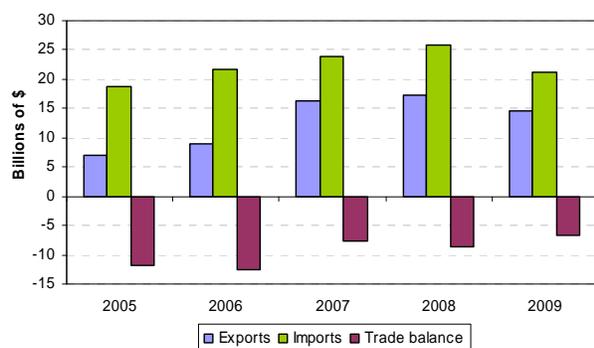
<sup>130</sup> USTR, "Remarks by Ambassador Ron Kirk at the American Chamber of Commerce," September 16, 2009.

<sup>131</sup> MRE, "Brasil recebe com cautela proposta dos EUA para negociar acordo de comércio," September 19, 2009.

<sup>132</sup> USTR, "Ambassador Ron Kirk Concludes Visit to Brazil," September 18, 2009.

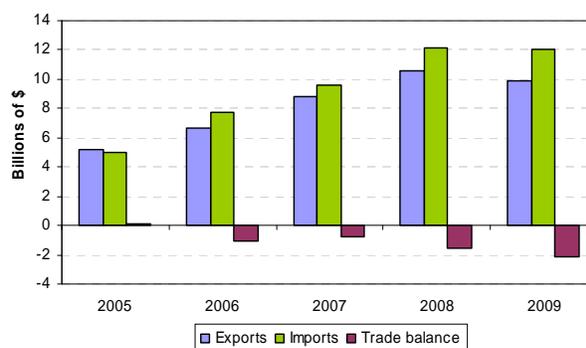
<sup>133</sup> USCIA, *World Factbook*, India section.

**FIGURE 5.17** U.S. merchandise trade with India, 2005–09



Source: USDOC.

**FIGURE 5.18** U.S. private services trade with India, 2005–09<sup>a</sup>



Source: USDOC.

<sup>a</sup> Data for 2009 are preliminary.

\$1.6 billion in 2008. While U.S. imports of Indian services declined \$0.1 billion to \$12.0 billion, U.S. exports of services to India decreased \$0.6 billion to \$9.9 billion (figure 5.18).

U.S. merchandise exports to India were \$14.6 billion in 2009, a decrease of \$2.7 billion or 15.6 percent compared to 2008. Leading U.S. exports to India were civilian aircraft and parts, diammonium phosphate (fertilizer), nonmonetary gold, nonindustrial diamonds, and oil from coal tar. In 2009, India Air—the Indian flagship carrier—took delivery of 12 of the 68 aircraft it ordered from Boeing in 2005.<sup>134</sup> The value of the exports of these aircraft was about \$2 billion. A sharp decline in unit value caused the value of exports of diammonium phosphate to decline 61.2 percent, from \$2.7 billion in 2008 to \$1.0 billion in 2009, despite an increase in the quantity of exports.

U.S. merchandise imports from India were \$21.2 billion in 2009, a decrease of \$4.6 billion or 17.9 percent. Leading U.S. imports from India in 2009 were nonindustrial diamonds, therapeutic or prophylactic medicaments, gold and platinum jewelry, pipe for oil and gas pipelines, bed linens, towels, and apparel. Imports of nonindustrial diamonds declined 20.4 percent to \$3.1 billion in 2009 compared to \$3.9 billion in 2008. Despite this decline, the Indian share of total U.S. imports of nonindustrial diamonds increased to 24.8 percent in 2009 from 20.4 percent in 2008. Similarly, the Indian share of total U.S. imports of gold and platinum jewelry also increased, despite lower imports of these products from India. U.S.-India merchandise trade data are shown in appendix tables A.45 through A.47.

Despite nontariff barriers and high—often prohibitive—tariffs on agriculture,<sup>135</sup> U.S. exports of agricultural products (HS chapters 1–24) to India increased \$186 million (51.8 percent) to \$545 million in 2009. During 2009, the United States and India discussed agricultural trade barriers and other bilateral economic issues in the U.S.-India Trade Policy Forum (TPF), which remained the primary forum for trade and economic dialogue between the two countries. Additionally, the United States continued to monitor India's performance concerning intellectual property. India's agricultural trade policy, bilateral trade and investment issues, and IPR situation are discussed below.

<sup>134</sup> Statistics of the U.S. Department of Commerce.

<sup>135</sup> USITC, *India: Effects of Tariffs and Nontariff Measures on U.S. Agricultural Exports*, November 2009, i.

## *Agriculture*

Indian policymakers manage the supply of agricultural commodities in the domestic market by changing trade policies frequently. India regularly adjusts restrictions, taxes, and subsidies on foreign trade in agricultural commodities in order to influence price and quantity in the Indian market, with the goal of achieving food security and price stability for low-income farmers and consumers. When stocks of agricultural commodities are low, India often tries to increase the domestic supply by banning exports, subsidizing imports, lowering tariffs, and relaxing nontariff measures like sanitary and phytosanitary measures. Conversely, when domestic stocks reach capacity, India typically subsidizes exports and bans or restricts imports using tariffs and nontariff measures.<sup>136</sup> Because India is home to more than one-sixth of the world's food consumers and more than one-twelfth of the world's farmland,<sup>137</sup> changes in India's agricultural trade policies can impact U.S. and global trade in agricultural commodities.

### **Rice**

Imports of rice were free of duty at the beginning of 2009, as the 70 percent ad valorem duty had been suspended in March 2008. However, in March 2009, the tariff was reimposed.<sup>138</sup> In October 2009, India again suspended the 70 percent import duty on all types of rice—this time until September 30, 2010—after low monsoon rainfall led to reduced expectations for rice production.<sup>139</sup> There were also changes specific to Indian exports of basmati rice during the year. In January 2009, India suspended the \$163 per ton export duty on basmati rice. India also lowered its minimum export price several times during the year, resulting in a total change from \$1,200 per metric ton in January to \$900 per metric ton in September.<sup>140</sup>

### **Wheat**

Despite extensive negotiations, India still does not allow imports of U.S. wheat.<sup>141</sup> India's intolerance of weed seeds has effectively banned U.S. wheat shipments.<sup>142</sup> Wheat imports from approved sources (the United States is not on the list of approved sources)—which were allowed subject to quota during 2008—were also banned for all of 2009. For the first half of 2009, India also banned all wheat exports. Exports subject to a quota were allowed during the second half of the year. Some additional exports were expected to be allowed through March 2010.<sup>143</sup>

---

<sup>136</sup> USITC, *India: Effects of Tariffs and Nontariff Measures on U.S. Agricultural Exports*, November 2009, 5–7.

<sup>137</sup> USCIA, *World Factbook*, World section, India section, January 21, 2010.

<sup>138</sup> USITC, *India: Effects of Tariffs and Nontariff Measures on U.S. Agricultural Exports*, November 2009, 5–7.

<sup>139</sup> USDA, FAS, "GAIN Report, India: Rice Monthly Update, November," November 13, 2009.

<sup>140</sup> USDA, FAS, "GAIN Report, India: Grain and Feed; Rice Exports Developments, 2009," January 23, 2009, 2; USDA, FAS, "GAIN Report, India: Grain and Feed Update, October 2009," October 23, 2009.

<sup>141</sup> USDA, FAS, "GAIN Report, India: Grain and Feed; Annual 2010," February 17, 2010.

<sup>142</sup> USTR, *2010 National Trade Estimate Report on Foreign Trade Barriers*, April 2010, 240.

<sup>143</sup> USDA, FAS, "GAIN Report, India: Grain and Feed Annual, 2010," February 17, 2010.

## **Edible Oil**

India's import duties on crude palm, soybean, and sunflower oil, which were suspended starting in April 2008, remained suspended for all of 2009. Likewise, the reduced import duty of 7.5 percent on most refined edible oils remained in place.<sup>144</sup> The suspension of duties on crude soybean oil led to \$120 million in U.S. exports of crude soybean oil to India in 2009; U.S. exports of crude soybean oil to India had been effectively nil in 2008.

## **Sugar**

India experienced a shortfall of domestically supplied sugar in 2009. The shortfall was caused by several factors: crop switching due to relative increases in prices for other crops, increased demand for another sweetener derived from sugarcane ("gur"), lower rainfall due to a poor and uneven monsoon, and the financial troubles of the sugar mills, which caused payment delays. India's standard policy is to allow duty-free imports of raw sugar only when the raw sugar is to be refined in India and then re-exported. In February 2009, India began to temporarily allow duty-free imports of raw sugar to be refined by Indian mills and consumed in India. The mills that imported this raw sugar duty-free had to commit to exporting equivalent quantities of refined sugar derived from domestic raw sugar when domestic raw sugar supplies improved. By April, India had dropped the requirement that mills export equivalent quantities of refined sugar derived from domestic raw sugar in the future. In July 2009, India delayed the expiration of the policy of allowing unconditionally duty-free imports of raw sugar from August 2009 to April 2010. Further, the government allowed the importation of refined sugar without duty up to an aggregate quantity of 1 million metric tons until November 2009.<sup>145</sup> These policy changes have led to a large increase in imports of raw and refined sugar by India, which has driven world prices higher and caused shifts in global trade flows.<sup>146</sup>

## ***Trade and Investment Dialogue***

The United States and India announced the creation of a Strategic Dialogue forum in July 2009. Under the new dialogue, the United States-India Trade Policy Forum (TPF) is the core element of the economics, trade, and agriculture pillar of the Strategic Dialogue and continues to be the principal bilateral forum for government officials to discuss trade and investment.<sup>147</sup> The sixth ministerial-level meeting of the TPF was held on October 26, 2009, in New Delhi, where the two governments agreed to continue their bilateral trade policy dialogue, to work on a framework for cooperation in trade and investment, and to promote cooperation between small and medium-sized enterprises in each other's markets.<sup>148</sup>

The U.S. and Indian chairs of the TPF Focus Groups met regularly during 2009. The groups discussed intellectual property rights, market access in the services sector, tariff and nontariff measures, agricultural and industrial standards issues, and investment

---

<sup>144</sup> USDA, FAS, "GAIN Report, India: Oilseeds and Products; Quarterly Update, February 2009," February 10, 2009, 3.

<sup>145</sup> USDA, FAS, "GAIN Report, India: Sugar; Semi-annual," October 5, 2009.

<sup>146</sup> USDA, ERS, "Sugar and Sweeteners Outlook," March, 15, 2010, 4.

<sup>147</sup> USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 149.

<sup>148</sup> USTR, "United States and India Meet During Trade Policy Forum," November 9, 2009.

policy. The United States and India also agreed to reconstitute the Private Sector Advisory Group (PSAG) in early 2010.<sup>149</sup> The PSAG will provide recommendations to the TPF. Additionally, the two countries agreed to conclude a framework for Cooperation on Trade and Investment in early 2010.<sup>150</sup>

### ***Intellectual Property Rights***

Since 1989, India has been on the USTR's priority watch list of countries with significant IPR problems that warrant close monitoring and bilateral consultation.<sup>151</sup> USTR continued this designation in 2009, urging India to improve its IPR regime with stronger protection for copyrights and patents. In addition, USTR has been pressing for legislation to protect against unfair commercial use of private data that foreign pharmaceutical and agrochemical companies have developed in clinical and field trials before applying for marketing approval.<sup>152</sup> USTR also identified the need for new Indian legislation to implement the provisions of the World Intellectual Property Organization Internet Treaties and to address optical disc piracy.<sup>153</sup> USTR identified as a positive development India's recent passage of a law that increases penalties for spurious pharmaceuticals; most of the counterfeit pharmaceuticals seized by U.S. Customs officials in 2009 originated in India.<sup>154</sup>

---

<sup>149</sup> USTR, *2010 Trade Policy Agenda and 2009 Annual Report*, March 2010, 149.

<sup>150</sup> On March 17, 2010, the United States and India signed a "Framework for Cooperation on Trade and Investment" agreement that increases bilateral cooperation and seeks to increase trade. USTR, "India," <http://www.ustr.gov/countries-regions/south-central-asia/india> (accessed March 23, 2010).

<sup>151</sup> IIPA, "2009 Special 301 Submission," February 18, 2009, Appendix D.

<sup>152</sup> USTR, "2009 Special 301 Report," April 30, 2009, 22–23.

<sup>153</sup> USTR, "2009 Special 301 Report," April 30, 2009, 23.

<sup>154</sup> U.S. Department of Homeland Security, Customs and Border Protection and Immigration and Customs Enforcement, "Intellectual Property Rights," October 2009.

# Bibliography

- American Chamber of Commerce, Taipei. "AmCham Urges Early Scheduling of TIFA Talks." News release, February 9, 2010.
- Asia-Pacific Economic Cooperation (APEC). *Further Analytical Study on the Likely Economic Impact of an FTAAP*. 2009/CSOM/R/010. Singapore: APEC, 2009.  
[http://aimp.apec.org/Documents/2009/SOM/CSOM-R/09\\_csom\\_r\\_010.pdf](http://aimp.apec.org/Documents/2009/SOM/CSOM-R/09_csom_r_010.pdf).
- \_\_\_\_\_. "Joint Statement at 21st APEC Ministerial Meeting," November 12, 2009.  
[http://www.apec.org/apec/ministerial\\_statements/annual\\_ministerial/2009\\_21th\\_apec\\_ministerial.html](http://www.apec.org/apec/ministerial_statements/annual_ministerial/2009_21th_apec_ministerial.html).
- \_\_\_\_\_. "Leaders' Declaration 2009: Sustaining Growth, Connecting the Region," November 15, 2009.  
[http://www.apec.org/apec/leaders\\_declarations/2009.html](http://www.apec.org/apec/leaders_declarations/2009.html).
- \_\_\_\_\_. APEC Secretariat. *APEC at a Glance, 2010*. APEC#210-SE-05.2. Singapore: APEC, 2009.  
[http://publications.apec.org/publication-detail.php?pub\\_id=989](http://publications.apec.org/publication-detail.php?pub_id=989).
- \_\_\_\_\_. APEC Secretariat. *Key Trends and Developments Relating to Trade and Investment Measures and Their Impact on the APEC Region*. 2009/AMM/015. Singapore: APEC, 2009.  
[http://aimp.apec.org/Documents/2009/MM/AMM/09\\_amm\\_015.pdf](http://aimp.apec.org/Documents/2009/MM/AMM/09_amm_015.pdf).
- \_\_\_\_\_. APEC Secretariat. *Outcomes & Outlook 2009–10*. APEC#210-SE-05.1. Singapore: APEC, 2010.  
[http://publications.apec.org/publication-detail.php?pub\\_id=990](http://publications.apec.org/publication-detail.php?pub_id=990).
- \_\_\_\_\_. Committee on Trade and Investment (CTI). *Annual Report to Ministers*. APEC#209-CT-01.6. Singapore: APEC, 2009. [http://publications.apec.org/publication-detail.php?pub\\_id=945](http://publications.apec.org/publication-detail.php?pub_id=945).
- \_\_\_\_\_. Senior Officials' Meeting Chair's Office. "APEC Ministers Take Concrete Actions to Improve Business Environment." Press release, November 12, 2009.
- Board of Governors of the Federal Reserve System. *Monetary Policy Report to the Congress*. Washington, DC: Federal Reserve, February 24, 2010.
- \_\_\_\_\_. "Summary Measures of the Foreign Exchange Value of the Dollar," n.d.  
<https://www.federalreserve.gov/releases/H10/Summary/> (accessed various dates).
- Cámara Nacional del Autotransporte de Carga (CANACAR). Notice of Arbitration under the Arbitration Rules of the United Nations Commission on International Trade Law and the North America Free Trade Agreement, April 2, 2009. <http://www.naftaclaims.com/Disputes/USA/Trucking-II/CANACAR-USA-02-04-09.pdf>.
- Central Intelligence Agency (USCIA). *The World Factbook*. <https://www.cia.gov/library/publications/the-world-factbook/> (accessed various dates).
- Commission for Environmental Cooperation (CEC). "A Guide to Articles 14 and 15 of the North American Agreement to Environmental Cooperation," January 12, 2000.  
[http://www.cec.org/pubs\\_docs/documents/index.cfm?ID=242&varlan=english](http://www.cec.org/pubs_docs/documents/index.cfm?ID=242&varlan=english).
- \_\_\_\_\_. "CEC Secretariat Council," n.d.  
[http://www.cec.org/who\\_we\\_are/secretariat/index.cfm?varlan=english](http://www.cec.org/who_we_are/secretariat/index.cfm?varlan=english) (accessed March 20, 2009).
- \_\_\_\_\_. "Citizen Submission on Enforcement Matters: Active Submissions."  
<http://www.cec.org/citizen/status/index.cfm?varlan=english> (accessed March 19, 2009).

- \_\_\_\_\_. “Ministerial Statement: Sixteenth re Session of the CEC Council.” Denver, Colorado, June 24, 2009.  
[http://www.cec.org/Page.asp?PageID=122&ContentID=1491&SiteNodeID=219&BL\\_ExpandID=158](http://www.cec.org/Page.asp?PageID=122&ContentID=1491&SiteNodeID=219&BL_ExpandID=158).
- Commission for Labor Cooperation. “The National Administrative Offices.”  
<http://www.naalc.org/commission/nao.htm> (accessed February 25, 2010).
- Council of the European Union. “2009 EU-US Summit Declaration.” Press release, November 3, 2009.
- European Commission. Directorate-General for Enterprise and Industry. *The Use of Voluntary Standards in Support of EU Legislation*, 2009. <http://ts.nist.gov/Standards/Global/upload/THE-USE-OF-VOLUNTARY-STANDARDS-IN-SUPPORT-OF-EU-LEGISLATION.pdf>.
- \_\_\_\_\_. *Impact Assessment Guidelines*, January 15, 2009.  
[http://ec.europa.eu/governance/impact/commission\\_guidelines/docs/iag\\_2009\\_en.pdf](http://ec.europa.eu/governance/impact/commission_guidelines/docs/iag_2009_en.pdf).
- Executive Office of the President. “Determinations and Report of the President concerning the Review of Ecuador and Bolivia under the Andean Trade Preference Act, As Amended.” Press release, June 30, 2009.
- Gabbett, Rita Jane. “China Sets Date for Accepting U.S. Pork Shipments.” *Daily News—Industry News—PM*. Meatingplace.com, May 17, 2010.
- Global Trade Information Service, Inc. (GTIS). Global Trade Atlas Database (accessed various dates).
- Global Wind Energy Council. “Global Wind Power Boom Continues despite Economic Woes.” Press release, March 2, 2010.
- Government of Brazil. Ministry of External Relations (MRE). “La Brasil recebe com cautela proposta dos EUA para negociar acordo de comércio [Brazil receives U.S. proposal to negotiate trade agreement with caution.]” Press release, September 19, 2009.
- Government of Canada. Foreign Affairs and International Trade Canada. “Government of Canada to Begin Formal WTO Consultations on U.S. Country-of-Origin Labeling.” Press release no. 232, December 1, 2008.
- Government of Canada. Foreign Affairs and International Trade Canada. “Statement from Minister Day on Softwood Lumber Tribunal Ruling.” Press release no. 278, September 28, 2009.
- Government of Japan. Ministry of Economy, Trade and Industry. “The Announcement regarding Japan’s Subsidy Scheme for Environmental Friendly Vehicles (‘Eco-cars’).” Press release, January 19, 2010.
- \_\_\_\_\_. Ministry of Foreign Affairs (MOFA). *Report to the Leaders on the U.S.-Japan Regulatory Reform and Competition Policy Initiative*. July 6, 2009. <http://www.mofa.go.jp/region/n-america/us/economy/framework-r.html>.
- Inside U.S. Trade*. “Order Signals U.S. Victory in Canada Lumber Case, Extent May Be Limited.” World Trade Online database, February 5, 2010.  
<http://www.insidetrade.com/secure/display.asp?dn=INSIDETRADE-28-5-18&f=wto2002.ask>.
- International Intellectual Property Alliance (IIPA). “2009 Special 301 Submission,” February 18, 2009.
- International Monetary Fund. International Financial Statistics database. (accessed various dates).
- Japan Automobile Manufacturers Association. “Japanese Government Incentives for the Purchase of Environmentally Friendly Vehicles.” Fact sheet, September 24, 2009.  
<http://www.jama.org/library/pdf/FactSheet10-2009-09-24.pdf>.

- London Court of International Arbitration (LCIA). “Case No. 7941—The United States of America, Claimant, v. Canada, Respondent—Award on Liability,” March 3, 2008. [http://www.ustr.gov/sites/default/files/award\\_on\\_export\\_measures.pdf](http://www.ustr.gov/sites/default/files/award_on_export_measures.pdf).
- \_\_\_\_\_. “Case No. 7941—The United States of America, Claimant, v. Canada, Respondent—Award on Remedies,” February 23, 2009. [http://www.ustr.gov/sites/default/files/award\\_on\\_remedy.pdf](http://www.ustr.gov/sites/default/files/award_on_remedy.pdf).
- \_\_\_\_\_. “Case No. 91312—Canada, Claimant, v. The United States of America, Respondent—Award,” September 28, 2009. [http://www.ustr.gov/webfm\\_send/1379](http://www.ustr.gov/webfm_send/1379).
- \_\_\_\_\_. “The United States of America, Claimant, v. Canada, Respondent—Request for Arbitration,” January 18, 2008. [http://www.ustr.gov/sites/default/files/provincial\\_us\\_request\\_for\\_arbitration.pdf](http://www.ustr.gov/sites/default/files/provincial_us_request_for_arbitration.pdf).
- NAFTA Secretariat. “Chapter 19 Cases Reviewing Canadian, U.S., and Mexican Agencies’ Determinations.” <http://www.nafta-sec-alena.org/en/StatusReportResults.aspx> (accessed February 25, 2010).
- \_\_\_\_\_. “Overview of the Dispute Settlement Provisions,” January 18, 2010. <http://www.nafta-sec-alena.org/en/view.aspx?x=226>.
- \_\_\_\_\_. “Status Report of Panel Proceedings,” March 3, 2009. <http://www.nafta-sec-alena.org/en/view.aspx?conID=616>.
- North American Development Bank. *BECC-COCEF Quarterly Status Report*, December 31, 2009. [http://www.nadbank.org/pdfs/status\\_eng.pdf](http://www.nadbank.org/pdfs/status_eng.pdf).
- Organisation for Economic Co-operation and Development (OECD). *Annual Report*. Paris: OECD, 2009.
- \_\_\_\_\_. *Economic Outlook 86, November 2009*. Paris, OECD: 2009. [http://www.oecd.org/document/4/0,3343,en\\_2649\\_34109\\_20347538\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/4/0,3343,en_2649_34109_20347538_1_1_1_1,00.html).
- \_\_\_\_\_. Council. “2009 Ministerial Council Meeting: Follow-up.” C(2009)110, July 15, 2009.
- \_\_\_\_\_. Council. “2009 Ministerial Council Meeting: Follow-up.” C(2009)110/REV1/ADD1, October 8, 2009.
- \_\_\_\_\_. Council. “2009 Ministerial Council Meeting: Follow-up.” C(2009)110/REV1, September 11, 2009.
- \_\_\_\_\_. Trade and Agriculture Directorate. Trade Committee. “Summary Record of the 152nd Session of the Trade Committee: Confidential Session; Paris, 29 April 2009.” TAD/TC/M(2009)1/ANN, July 27, 2009.
- \_\_\_\_\_. Trade and Agriculture Directorate. Trade Committee. “Summary Record of the 152nd Session of the Trade Committee: Plenary Session; Paris, 28-29 April 2009.” TAD/TC/M(2009)1, July 27, 2009.
- \_\_\_\_\_. Trade and Agriculture Directorate. Trade Committee. “Summary Record of the 153rd Session of the Trade Committee: Confidential Session; Paris, 27-29 October 2009.” TAD/TC/M(2009)2/ANN, January 19, 2010.
- \_\_\_\_\_. Trade and Agriculture Directorate. Trade Committee. “Summary Record of the 153rd Session of the Trade Committee: Plenary Session; Paris, 27-29 October 2009.” TAD/TC/M(2009)2, January 13, 2010.
- \_\_\_\_\_. “Accession: Estonia, Israel and Slovenia invited to join OECD.” News release. May 10, 2010.
- Sek, Leonore. Congressional Research Service (CRS). “Trade Adjustment Assistance (TAA) for Workers: Current Issues and Legislation.” *CRS Report for Congress*, February 20, 2008. <http://fpc.state.gov/documents/organization/101801.pdf>.

- Taiwan Department of Health. *Protocol of Bovine Spongiform Encephalopathy (BSE)-Related Measures for the Importation of Beef and Beef Products for Human Consumption from the Territory of the Authorities Represented by the American Institute in Taiwan (AIT)*. Washington, DC: Taiwan Department of Health, October 22, 2009.  
<http://food.doh.gov.tw/foodnew/Files/Focus/TECROAIT.pdf>.
- Topoleski, John J. Congressional Research Service (CRS). "Trade Retaliation: The 'Carousel' Approach." *CRS Report for Congress*, March 5, 2002.  
<http://fpc.state.gov/documents/organization/23368.pdf>.
- Transatlantic Economic Council. "Review of Progress under the Framework for Advancing Transatlantic Economic Integration between the United States of America and the European Union," October 27, 2009.  
[http://ec.europa.eu/enterprise/policies/international/files/tec\\_progress\\_report\\_20091027\\_en.pdf](http://ec.europa.eu/enterprise/policies/international/files/tec_progress_report_20091027_en.pdf).
- \_\_\_\_\_. "TEC Statement: Message to the EU-US Summit," October 27, 2009.  
[http://ec.europa.eu/enterprise/policies/international/files/tecstatement20091027\\_en.pdf](http://ec.europa.eu/enterprise/policies/international/files/tecstatement20091027_en.pdf).
- Tudor, Alison. "Japan Shifts Course in Halting Postal Sale." *Wall Street Journal*, December 5, 2009.  
[http://online.wsj.com/article/SB125991789252076421.html?mod=loomia&loomia\\_si=t0:a16:g2:r1:c0.0578813:b29210018](http://online.wsj.com/article/SB125991789252076421.html?mod=loomia&loomia_si=t0:a16:g2:r1:c0.0578813:b29210018).
- U.S. Department of Agriculture (USDA). "Agriculture Secretary Vilsack Meets Japanese Minister Hirotaka Akamatsu." News release, October 9, 2009.
- \_\_\_\_\_. "Letter to Chinese Minister of Commerce from Secretary Locke," April 30, 2009.
- \_\_\_\_\_. "Statement by Agriculture Secretary Mike Johanns Regarding U.S. Beef Trade with Korea." News release, September 7, 2006.
- \_\_\_\_\_. "U.S. and China Agree on Reopening Chinese Pork Market to U.S." News release, March 18, 2010.
- \_\_\_\_\_. Agricultural Marketing Service. "Country of Origin Labeling," March 5, 2010.  
<http://www.ams.usda.gov/AMSV1.0/COOL>.
- \_\_\_\_\_. Economic Research Service (ERS). "Japan: Issues and Analysis." Briefing, July 22, 2009.  
<http://www.ers.usda.gov/Briefing/japan/issuesandanalysis.htm#beef>.
- USDA. Foreign Agriculture Service (FAS). *GAIN Report, India: Grain and Feed; Annual 2010*. GAIN Report No. IN1011. New Delhi: FAS, February 17, 2010.
- \_\_\_\_\_. *GAIN Report, India: Grain and Feed Update; October 2009*. GAIN Report No. IN9134. New Delhi: FAS, October 23, 2009.
- \_\_\_\_\_. *GAIN Report, India: Grain and Feed; Rice Exports; Developments, 2009*. GAIN Report No. IN9011. New Delhi: FAS, January 23, 2009.
- \_\_\_\_\_. *GAIN Report, India: Oilseeds and Products; Quarterly Update, February 2009*. GAIN Report No. IN1046. New Delhi: FAS, February 10, 2009.
- \_\_\_\_\_. *GAIN Report, India: Rice; Monthly Update, November*. GAIN Report No. IN9146. New Delhi: FAS, November 13, 2009.
- \_\_\_\_\_. *GAIN Report, India: Sugar; Semi-annual*. GAIN Report No. IN9129. New Delhi: FAS, October 5, 2009.
- \_\_\_\_\_. *GAIN Report, Mexico: Mexico Announces Tariff Modifications on 36 U.S. Agricultural Products*. GAIN Report No. MX9010. Mexico City: FAS, March 18, 2009.

- \_\_\_\_\_. “Minutes of the Meeting Held on 27 May, U.S.-Canada Consultative Committee on Agriculture.” <http://www.fas.usda.gov/itp/canada/CCA-05-27-09.pdf> (accessed April 14, 2010).
- \_\_\_\_\_. “Trade Adjustment Assistance for Farmers: Frequently Asked Questions,” September 15, 2009. <http://www.fas.usda.gov/itp/taa/taafaqs.asp>.
- \_\_\_\_\_. “Trade Adjustment Assistance (TAA) for Farmers Program,” March, 2010. <http://www.fas.usda.gov/itp/taa/TAAfactsheet.pdf>.
- \_\_\_\_\_. “USDA Launches Trade Adjustment Assistance for Farmers Program.” Press release, March 1, 2010.
- USDA. Food Safety and Inspection Service (FSIS). “Export Requirements for Meat, Poultry & Processed Egg Products—Export Requirements for People’s Republic of China.” CH-91, April 15, 2010.
- U.S. Department of Commerce (USDOC). “Commerce Secretary Gary Locke and USTR Ronald Kirk Convene 20th Session of U.S.-China Joint Commission on Commerce and Trade in Hangzhou, China.” Press release, October 21, 2009.
- \_\_\_\_\_. “Commerce Secretary Gary Locke Announces Support for U.S.-China Energy Cooperation Program.” Press release, October 28, 2009.
- \_\_\_\_\_. “Congress Makes Changes to Trade Adjustment Assistance for Firms Program,” n.d. <http://www.taacenters.org/> (accessed April 16, 2010).
- \_\_\_\_\_. “Fact Sheet: Eleven Agreements Signed at the 20th U.S.-China JCCT.” Press release, October 29, 2009.
- \_\_\_\_\_. “Fact Sheet: U.S.-China Joint Commission on Commerce and Trade.” Press release, October 29, 2009.
- \_\_\_\_\_. “U.S. Delegation Media Availability at the 20th U.S.-China Joint Commission on Commerce and Trade.” Press release, October 28, 2009.
- \_\_\_\_\_. Bureau of Economic Analysis (BEA). “GDP Rises in the Fourth Quarter.” News release, February 26, 2010.
- \_\_\_\_\_. *Survey of Current Business* 90, no. 1 (January 2010).
- \_\_\_\_\_. “Table 7a: Business, Professional, and Technical Services: 2006–2008.” *U.S. International Services: Cross-Border Trade 1986-2008, and Services Supplied Through Affiliates, 1986-2007*. Washington, DC: BEA, October 30, 2009. <http://www.bea.gov/international/intlserv.htm>.
- \_\_\_\_\_. “U.S. Current-Account Deficit Increases in Fourth Quarter 2009.” News release, March 18, 2010.
- \_\_\_\_\_. “U.S. Current-Account Deficit Decreases in 2009.” News release, March 18, 2010.
- \_\_\_\_\_. *U.S. International Transactions Accounts Data*. Washington, DC: BEA, 2010. [http://www.bea.gov/international/bp\\_web/](http://www.bea.gov/international/bp_web/).
- \_\_\_\_\_. “U.S. International Transactions: First Quarter of 2009.” *Survey of Current Business* 89, no. 7 (July 2009). [http://www.bea.gov/scb/pdf/2009/07%20July/0709\\_itag-text.pdf](http://www.bea.gov/scb/pdf/2009/07%20July/0709_itag-text.pdf).
- \_\_\_\_\_. “U.S. International Transactions: Fourth Quarter and Year 2009.” News release, March 18, 2010.
- \_\_\_\_\_. “U.S. International Transactions: Third Quarter of 2009.” Washington, DC: BEA, 2009. [http://www.bea.gov/scb/pdf/2010/01January/0110\\_itag\\_text.pdf](http://www.bea.gov/scb/pdf/2010/01January/0110_itag_text.pdf).
- USDOC. Economic Development Administration (EDA). “Community Trade Adjustment Assistance Program: Frequently Asked Questions.” [http://www.eda.gov/PDF/CTAA%20FAQs\\_030510.pdf](http://www.eda.gov/PDF/CTAA%20FAQs_030510.pdf) (accessed April 16, 2010).

- \_\_\_\_\_. “Community Trade Adjustment Assistance Program Overview.” <http://www.eda.gov/PDF/CTAA%201-pager.pdf> (accessed April 16, 2010).
- \_\_\_\_\_. “Program and Funding Opportunities.” <http://www.eda.gov/InvestmentsGrants/CommunityTAA.xml> (accessed April 16, 2010).
- \_\_\_\_\_. “Trade Adjustment Assistance for Firms: About Us.” <http://www.taacenters.org/about.html> (accessed April 16, 2010).
- \_\_\_\_\_. “Trade Adjustment Assistance for Firms: Frequently Asked Questions.” <http://www.taacenters.org/faqs.html> (accessed March 11, 2010).
- \_\_\_\_\_. “Trade Adjustment Assistance for Firms: Program Benefits.” <http://www.taacenters.org/benefits.html> (accessed March 11, 2010).
- USDOC. International Trade Administration (ITA). “2009 AGOA Forum—Realizing the Full Potential of AGOA Through Expansion of Trade and Investment,” August 5, 2009. [http://www.agoa.gov/pdf/2009\\_AGOA\\_Forum\\_Complete\\_Session\\_Notes.pdf](http://www.agoa.gov/pdf/2009_AGOA_Forum_Complete_Session_Notes.pdf).
- \_\_\_\_\_. “Taiwan’s Accession to Government Procurement Agreement to Create Opportunities for U.S. Businesses.” Press release, July 15, 2009.
- \_\_\_\_\_. “Office of Japan, Market Opening Initiatives,” March 8, 2010. <http://www.mac.doc.gov/japan/market-opening/market-opening.htm#partnership>.
- USDOC. Office of Textiles and Apparel (OTEXA). “Trade Data: U.S. Imports and Exports of Textiles and Apparel.” <http://otexa.ita.doc.gov/msrpoint.htm> (accessed April 16, 2010).
- USDOC. U.S. Commercial Service. *Doing Business in Japan: 2010 Commercial Guide for U.S. Companies*. Washington, DC: U.S. Commercial Service, February 17, 2010. <http://www.buyusa.gov/japan/en/ccg.html>.
- U.S. Department of Energy. “U.S.-China Clean Energy Announcements.” Press release, November 17, 2009.
- \_\_\_\_\_. “U.S.-China Energy Research Center Announced.” Press release, July 15, 2009.
- \_\_\_\_\_. Energy Information Administration (EIA). Official Energy Statistics Database. “U.S. Imports by Country of Origin.” [http://tonto.eia.doe.gov/dnav/pet/pet\\_move\\_impcus\\_a2\\_nus\\_ep00\\_im0\\_mbb1\\_m.htm](http://tonto.eia.doe.gov/dnav/pet/pet_move_impcus_a2_nus_ep00_im0_mbb1_m.htm) (accessed April 3, 2009).
- U.S. Department of Homeland Security (DHS). U.S. Customs and Border Protection. “Intellectual Property Rights Seizure Statistics Fiscal Year 2009,” October 2009. [http://www.cbp.gov/xp/cgov/trade/priority\\_trade/ipr/pubs/seizure/](http://www.cbp.gov/xp/cgov/trade/priority_trade/ipr/pubs/seizure/).
- \_\_\_\_\_. “Japan, US Sign Arrangement to Align Security Standards for Cross-Border Business.” News release, July 1, 2009.
- U.S. Department of Labor (USDOL). *2009 Congressional Budget Justification: Employment and Training Administration Overview*. Washington, DC: USDOL, 2008. <http://www.dol.gov/dol/budget/2009/PDF/CBJ-2009-V1-03.pdf>.
- \_\_\_\_\_. *2011 Congressional Budget Justification: Employment and Training Administration Overview*. Washington, DC: USDOL, 2010. <http://www.dol.gov/dol/budget/2011/PDF/CBJ-2011-V1-03.pdf>.
- \_\_\_\_\_. Employment and Training Administration (ETA). “Changes to TAA program – Questions and Answers,” December 28, 2009. <http://www.doleta.gov/tradeact/ChangesFAQ.cfm#1>.

- \_\_\_\_\_. *Getting Back to Work after a Trade-Related Layoff*. Washington, DC: USDOL, n.d. [http://www.doleta.gov/tradeact/pdf/TAA\\_brochure\\_eng.pdf](http://www.doleta.gov/tradeact/pdf/TAA_brochure_eng.pdf) (accessed April 20, 2010).
- \_\_\_\_\_. “Petition for Trade Adjustment Assistance (TAA),” April 2009. <http://www.doleta.gov/tradeact/docs/RevisedPetition.pdf>.
- \_\_\_\_\_. “Search for Trade Adjustment Assistance Cases,” March 31, 2010. [http://www.doleta.gov/tradeact/taa/taa\\_search\\_form.cfm](http://www.doleta.gov/tradeact/taa/taa_search_form.cfm).
- \_\_\_\_\_. “State Reporting Requirements,” January 7, 2010. <http://www.doleta.gov/tradeact/taa/StateReportReq.cfm>.
- \_\_\_\_\_. “Trade Act Program: TAA for Workers: What’s New,” March 26, 2010. <http://www.doleta.gov/tradeact/>.
- \_\_\_\_\_. “Trade Adjustment Assistance Application Process,” December 31, 2009. <http://www.doleta.gov/tradeact/petitions.cfm>.
- \_\_\_\_\_. “What’s New: Notice to Petitioners.” July 2, 2009. <http://doleta.gov/tradeact/>.
- U.S. Department of State (USDOS). “NAFTA Investor-State Arbitrations: Cases Filed against the Government of Canada.” <http://www.state.gov/s/l/c3740.htm> (accessed February 25, 2010).
- \_\_\_\_\_. “NAFTA Investor-State Arbitrations: Cases Filed against the United Mexican States.” <http://www.state.gov/s/l/c3742.htm> (accessed February 25, 2010).
- \_\_\_\_\_. “NAFTA Investor-State Arbitrations: Cases Filed against the United States of America.” <http://www.state.gov/s/l/c3741.htm> (accessed February 25, 2010).
- \_\_\_\_\_. “October 23 Informal Meeting of TNC (Geneva 000909),” October 23, 2009.
- \_\_\_\_\_. “OECD Ministerial Council Meeting (MCM) 2009 (Paris 000951),” July 15, 2009.
- \_\_\_\_\_. “Report on the WTO Informal TNC Meeting at the Level of Head of Delegation; Friday, 24 July 2009; JOB(09)/84; Chairman’s Remarks (Geneva 000620),” July 27, 2009.
- \_\_\_\_\_. “Secretary of Commerce Gary Locke Meets with Chinese Leaders on Bilateral Trade Issues (Beijing 003170),” November 25, 2009.
- \_\_\_\_\_. “Transatlantic Economic Council.” Foreign Press Center briefing, October 27, 2009. <http://fpc.state.gov/131350.htm>.
- \_\_\_\_\_. “WTO General Council Meeting on Reappointment of DG, April 29–30, 2009 (Geneva 000339),” May 1, 2009.
- \_\_\_\_\_. “WTO General Council Meeting, December 17–18, 2009 (Geneva 001177),” December 18, 2009.
- \_\_\_\_\_. “WTO General Council Meeting, February 3, 2009 (Geneva 000103),” February 5, 2009.
- \_\_\_\_\_. “WTO General Council Meeting, July 28, 2009 (Geneva 000646),” July 3, 2009.
- \_\_\_\_\_. “WTO General Council Meeting, November 17, 2009 (Geneva 001041),” November 19, 2009.
- \_\_\_\_\_. “WTO General Council Meeting, October 20, 2009 (Geneva 000907),” October 23, 2009.
- \_\_\_\_\_. “WTO Ministerial Conference (State 123787),” December 3, 2009.
- USDOS. Bureau of European and Eurasian Affairs. “Trans Atlantic Economic Framework, Annex I, B.3(e): Chemicals and Nanomaterials.” <http://www.state.gov/p/eur/rt/eu/tec/131906.htm> (accessed March 11, 2010).
- \_\_\_\_\_. “Trans Atlantic Economic Framework, Annex I, A: Horizontal Cooperation,” 2009. <http://www.state.gov/p/eur/rt/eu/tec/131815.htm>.

- \_\_\_\_\_. *United States-Japan Investment Initiative 2009 Report*. July 6, 2009.  
<http://www.state.gov/p/eap/rls/reports/2009/125605.htm>.
- USDOS. Bureau of Western Hemisphere Affairs. "Background Note: Canada," February 2010.  
<http://www.state.gov/r/pa/ei/bgn/2089.htm>.
- USDOS. Secretary of State, Washington, DC. "Information Regarding U.S. Announcement of Intent to Participate in Trans-Pacific Partnership (TPP) Agreement (Washington DC 066292)," November 14, 2009.
- USDOS. U.S. Embassy in China. "U.S.-China Joint Commission on Commerce and Trade Fact Sheet," October 29, 2009. <http://beijing.usembassy-china.org.cn/102909jcct.html>.
- USDOS. U.S. Embassy in Japan. "Statement on AUSTR Wendy Cutler's Meeting with Cabinet Office Senior Vice Minister Kouhei Ohstuka." Press release, February 24, 2010.
- USDOS. U.S. Embassy in Vietnam. "TPP Country Representatives Looking to Melbourne for Answers (Hanoi 001406)," December 9, 2009.
- U.S. Department of Transportation. "U.S. Transportation Secretary LaHood Announces U.S.-Japan Agreement on Open Skies." Press release, December 11, 2009.
- U.S. Department of Treasury. "Joint Press Release on the First Round of the U.S.-China Strategic and Economic Dialogue." Press release, July 28, 2009.
- U.S.-EU Financial Markets Regulatory Dialogue (FMRD). *Joint Report on U.S.-EU Financial Markets Regulatory Dialogue*. Washington: TEC, October 27, 2009.  
[http://ec.europa.eu/enterprise/policies/international/files/joint\\_report\\_on\\_fmrd\\_en.pdf](http://ec.europa.eu/enterprise/policies/international/files/joint_report_on_fmrd_en.pdf).
- U.S.-EU High-Level Regulatory Cooperation Forum (HLRCF). "Report on the Sixth Meeting of the EC-U.S. HLRCF," July 24, 2009.  
[http://ec.europa.eu/enterprise/policies/international/files/summary\\_report\\_24\\_july\\_en.pdf](http://ec.europa.eu/enterprise/policies/international/files/summary_report_24_july_en.pdf).
- U.S. House of Representatives. Committee on Ways and Means. "'How To' Manual on Trade Adjustment Assistance in the American Recovery and Reinvestment Act," February 24, 2009.  
<http://waysandmeans.house.gov/media/pdf/111/taa.pdf>.
- U.S. International Trade Commission (USITC). *Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution 2007*. USITC Publication 4037. Washington, DC: USITC, 2008.
- \_\_\_\_\_. *Certain Passenger Vehicle and Light Truck Tires From China*. USITC Publication 4085. Washington, DC: USITC, July 2009.
- \_\_\_\_\_. *Global Beef Trade: Effects of Animal Health, Sanitary, Food Safety, and Other Measures on U.S. Beef Exports*. USITC Publication 4033. Washington, DC: USITC, 2008.
- \_\_\_\_\_. *Harmonized Tariff Schedule of the United States 2009 (Revision 1)*. Washington, DC: Government Printing Office, February 1, 2009.  
<http://www.usitc.gov/publications/docs/tata/hts/bychapter/0901gn.pdf#page=166>.
- \_\_\_\_\_. *Harmonized Tariff Schedule of the United States 2009: Supplement (Rev. 1)*. Washington, DC: Government Printing Office, September 3, 2009.  
<http://www.usitc.gov/publications/docs/tata/hts/bychapter/0911C98.pdf>.
- \_\_\_\_\_. *India: Effects of Tariffs and Nontariff Measures on U.S. Agricultural Exports*. USITC Publication 4107. Washington, DC: USITC, 2009.

- \_\_\_\_\_. *Modifications to the Harmonized Tariff Schedule of the United States to Adjust Rules of Origin Under the North American Free Trade Agreement*. USITC Publication 4095. Washington, DC: August 2009.
- \_\_\_\_\_. *Textiles and Apparel: Effects of Special Rules for Haiti and Trade Markets and Industries*. USITC Publication 4016. Washington, DC: USITC, 2008.
- \_\_\_\_\_. USITC to Investigate the Probable Economic Effect of Duty-Free Imports of a U.S.-Trans-Pacific Partnership Free Trade Agreement; Seeks Input From Trade Associations, Industry Officials, and Other Interested Parties. News release, January 11, 2010.
- \_\_\_\_\_. *U.S.-Korea Free Trade Agreement: Potential Economy-wide and Selected Sectoral Effects*. USITC Publication 3949. Washington, DC: USITC, 2007.
- \_\_\_\_\_. *Wind Turbines*. USITC Publication ITS-02. Washington, DC: USITC, June 2009.
- \_\_\_\_\_. *The Year in Trade 2001: Operation of the Trade Agreements Program; 53<sup>rd</sup> Report*. USITC Publication 3510. Washington, DC: USITC, May 2002.
- \_\_\_\_\_. *The Year in Trade 2007: Operation of the Trade Agreements Program; 59<sup>th</sup> Report*. USITC Publication 4026. Washington, DC: USITC, July 2008.
- \_\_\_\_\_. *The Year in Trade 2008: Operation of the Trade Agreements Program; 60<sup>th</sup> Report*. USITC Publication 4091. Washington, DC: USITC, July 2009.
- U.S. National Institute of Science and Technology (NIST). *Report on the Use of Voluntary Standards in Support of Regulation in the United States*. Washington, DC: NIST, October, 2009.  
<http://ts.nist.gov/Standards/upload/Use-of-Voluntary-Standards-in-Support-of-US-Regulation.pdf>.
- U.S. Office of Management and Budget (OMB). “Memorandum for Regulatory Policy Officers at Executive Departments and Agencies and Managing and Executive Directors of Certain Agencies and Commissions,” July 7, 2008.
- U.S. Office of Management and Budget (OMB) and Secretariat General of the European Commission. *Review of the Application of EU and U.S. Regulatory Impact Assessment Guidelines on the Analysis of Impacts on International Trade and Investment*. Washington: OMB, 2008.  
[http://www.whitehouse.gov/omb/assets/regulatory\\_matters\\_pdf/sg-omb\\_final.pdf](http://www.whitehouse.gov/omb/assets/regulatory_matters_pdf/sg-omb_final.pdf).
- U.S. Senate Finance Committee. “Baucus Letter Regarding the Taiwan Government’s Failure to Implement the Beef Import Protocol.” Press report, December 31, 2009.
- U.S. Trade Representative (USTR). *2001 National Trade Estimate Report on Foreign Trade Barriers*. Washington, DC: USTR, 2001.
- \_\_\_\_\_. *2008 Comprehensive Report on U.S. Trade and Investment Policy toward Sub-Saharan Africa and Implementation of the African Growth and Opportunity Act*. Washington, DC: USTR, 2008.
- \_\_\_\_\_. *2009 National Trade Estimate Report on Foreign Trade Barriers*. Washington, DC: USTR, 2009.
- \_\_\_\_\_. *2009 Report to Congress on China’s WTO Compliance*. Washington, DC: USTR, December 2009.
- \_\_\_\_\_. *2009 Special 301 Report*. Washington, DC: USTR, 2009.
- \_\_\_\_\_. *2009 Trade Policy Agenda and 2008 Annual Report*. Washington, DC: USTR, 2009.
- \_\_\_\_\_. *2010 National Trade Estimate Report on Foreign Trade Barriers*. Washington, DC: USTR, 2010.
- \_\_\_\_\_. *2010 Report on Sanitary and Phytosanitary Measures*. Washington, DC: USTR, March 31, 2010.
- \_\_\_\_\_. *2010 Trade Policy Agenda and 2009 Annual Report*. Washington DC: USTR, March 2010.
- \_\_\_\_\_. “Ambassador Kirk Meets Japanese Minister Hirotaka Akamatsu.” Press release, October 8, 2009.

- \_\_\_\_\_. "Ambassador Ron Kirk Concludes Visit to Brazil." Press release, September 18, 2009.
- \_\_\_\_\_. "India," March 17, 2010. <http://www.ustr.gov/countries-regions/south-central-asia/india>.
- \_\_\_\_\_. "Kirk Comments on Release of List of U.S. Autos Models that Qualify for Japan's Cash for Clunkers Program." Press release, February 3, 2010.
- \_\_\_\_\_. "Letter to U.S. Senator Ron Wyden from Ambassador Ronald Kirk," January 28, 2010.
- \_\_\_\_\_. "Remarks by Ambassador Ron Kirk at the American Chamber of Commerce." Press release, September 16, 2009.
- \_\_\_\_\_. *Report to the Leaders on the U.S.-Japan Regulatory Reform and Competition Policy Initiative*. Washington, DC: USTR, July 6, 2009. [http://www.ustr.gov/webfm\\_send/1185](http://www.ustr.gov/webfm_send/1185).
- \_\_\_\_\_. "Statement by U.S. Trade Representative Susan C. Schwab regarding entry into force of the Peru FTA." Press release, January 16, 2009.
- \_\_\_\_\_. "Statement from USTR Schwab on the Issuing of the Korea Beef Protocol." Press release, June 25, 2008.
- \_\_\_\_\_. "The Anti-Counterfeiting Trade Agreement: Summary of Key Elements under Discussion." Press release, November 6, 2009.
- \_\_\_\_\_. "The Office of the U.S. Trade Representative Releases Statement of ACTA Negotiating Partners on Recent ACTA Negotiations". Press release, April 16, 2010.
- \_\_\_\_\_. "Trans-Pacific Partnership Agreement," December 14, 2009. <http://www.ustr.gov/tpp>.
- \_\_\_\_\_. "Trans-Pacific Partnership Announcement." Press release, December 14, 2009.
- \_\_\_\_\_. "Tribunal Finds Canada Failed to Cure Breach of the Softwood Lumber Agreement." Press release, September 28, 2009.
- \_\_\_\_\_. "Tribunal Orders Canada to Cure Breach of the Softwood Lumber Agreement." Press release, February 26, 2009.
- \_\_\_\_\_. "U.S. and China Agree on Reopening Chinese Pork Market to U.S." Press release, March 18, 2010.
- \_\_\_\_\_. "U.S. Files WTO Case Challenging EU Restrictions on U.S. Poultry Exports." Press release, June 22, 2009.
- \_\_\_\_\_. "U.S. Responds to Canadian Failure to Cure Breach of the Softwood Lumber Agreement." Press release, April 3, 2009.
- \_\_\_\_\_. "U.S., Brazil Agree upon Path toward Negotiated Solution of Cotton Disputes." Press release, April 6, 2010.
- \_\_\_\_\_. "U.S.-Colombia Free Trade Agreement: How Trade Promotion Authority Works." Fact sheet, April 8, 2008.
- \_\_\_\_\_. "USDA, USTR Applaud Agreement by Congressional Appropriators on Poultry Imports from China." Press release, September 25, 2009.
- \_\_\_\_\_. "United States and India Meet during Trade Policy Forum." Press release, November 9, 2009.
- \_\_\_\_\_. "United States and Korea Conclude Historic Trade Agreement." Press release, April 2, 2007.
- \_\_\_\_\_. "United States Files WTO Case against China over Export Restraints on Raw Materials." Press release, June 23, 2009.

- \_\_\_\_\_. “United States Files WTO Case against China over Illegal Support for Chinese ‘Famous Brands.’” Press release, April 26, 2009.
- \_\_\_\_\_. “United States Imposes Tariffs on Softwood Lumber from Four Canadian Provinces Due to Canada’s Failure to Comply with the Softwood Lumber Agreement.” Press release, April 7, 2009.
- \_\_\_\_\_. “United States Requests WTO Panel against China over Export Restraints on Raw Materials.” Press release, November 4, 2009.
- \_\_\_\_\_. “United States Requests WTO Panel in Challenge of EU Restrictions on U.S. Poultry Exports.” Press release, October 8, 2009.
- \_\_\_\_\_. “United States Wins End to China’s ‘Famous Brand’ Subsidies after Challenge at WTO; Agreement Levels Playing Field for American Workers in Every Manufacturing Sector.” Press release, December 18, 2009.
- \_\_\_\_\_. “United States Wins WTO Dispute over Deficiencies in China’s Intellectual Property Rights Laws.” Press release, June 22, 2009.
- \_\_\_\_\_. “USDA, USTR Applaud Agreement by Congressional Appropriators on Poultry Imports from China.” Press release, September 25, 2009.
- \_\_\_\_\_. “USTR and Israel Hold FTA Joint Committee Meeting.” Press release, December 15, 2009.
- \_\_\_\_\_. “USTR Announces Agreement With European Union in Beef Hormones Dispute.” Press release, July 13, 2009.
- \_\_\_\_\_. “USTR Announces Delay of Trade Action in Beef Hormones Dispute.” Press release, March 12, 2009.
- \_\_\_\_\_. “USTR Announces Regulatory Reform Initiative Results with Japan.” Press release, July 29, 2009.
- \_\_\_\_\_. “USTR Announces Revised Trade Action in Beef Hormones Dispute.” Press release, January 15, 2009.
- \_\_\_\_\_. “USTR Confirms Korea’s Announcement.” Press release, June 21, 2008.
- \_\_\_\_\_. “USTR Negotiators Report Successful First Round of Trans-Pacific Partnership Talks.” Press release, March 19, 2010.
- \_\_\_\_\_. “USTR Ron Kirk Remarks on Trans-Pacific Partnership Negotiations.” Press release, December 15, 2009.
- \_\_\_\_\_. “USTR Staff Meet with Trans-Pacific Partnership Counterparts, Prepare for Congressional Consultations.” Press release, November 16, 2009.
- \_\_\_\_\_. “USTR Statement on Awards in Brazil Cotton Dispute.” Press release, August 31, 2009.
- \_\_\_\_\_. “Vilsack, Kirk Comment on Canadian Panel Request Regarding Country-of-Origin Labeling.” Press release, October 7, 2009.
- \_\_\_\_\_. “World Trade Organization Report Upholds U.S. Trade Claims against China.” Press release, August 12, 2009.
- \_\_\_\_\_. “WTO Appellate Body Confirms Finding against China’s Treatment of Certain Copyright-Intensive Products.” Press release, December 21, 2009.
- Washington Trade Daily*. “US, Canada Sign ‘Organic’ Agreement,” June 18, 2009.
- \_\_\_\_\_. “US, Canada Sign Procurement Pact,” February 15, 2010.
- White House. *Economic Report of the President*. Washington, DC, 2009. <http://www.gpoaccess.gov/eop/>.

- \_\_\_\_\_. *Economic Report of the President*. February 2010.  
<http://www.imf.org/external/pubs/ft/weo/2010/update/01/index.htm>.
- \_\_\_\_\_. Office of the Press Secretary. “Statement from the Press Secretary on the Remedy to Address Market Disruption From Imports of Certain Passenger Vehicle and Light Truck Tires.” Press release, September 11, 2009.
- World Organization for Animal Health (OIE). Resolution XXIV: Recognition of the Bovine Spongiform Encephalopathy Status of Member Countries. 75 GS/FR. Paris, OIE: May 22, 2007.  
[http://www.oie.int/download/SG/2007/A\\_RESO\\_2007.pdf](http://www.oie.int/download/SG/2007/A_RESO_2007.pdf).
- World Trade Organization (WTO). “Dispute Settlement: The Disputes; Chronological List of Disputes Cases.” [http://www.wto.org/english/tratop\\_e/dispu\\_e/dispu\\_status\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/dispu_status_e.htm) (accessed various dates).
- \_\_\_\_\_. “Informal TNC Meeting at the Level of Head of Delegation: 27 November 2009; Chairman’s Remarks.” JOB(09)/178, November 27, 2009.
- \_\_\_\_\_. “Informal TNC Meeting at the Level of Head of Delegation: Friday, 23 October 2009; Chairman’s Remarks.” JOB(09)/149, October 23, 2009.
- \_\_\_\_\_. “Informal TNC Meeting at the Level of Head of Delegation: Friday, 24 July 2009; Chairman’s Remarks.” JOB(09)/84, July 24, 2009.
- \_\_\_\_\_. “Informal TNC Meeting at the Level of Head of Delegation: Monday, 23 November 2009; Chairman’s Remarks.” JOB(09)/175, November 23, 2009.
- \_\_\_\_\_. “Informal TNC Meeting at the Level of Head of Delegation: Tuesday, 22 September 2009; Chairman’s Remarks.” JOB(09)/101, September 22, 2009.
- \_\_\_\_\_. “Seventh Session: Geneva, 30 November–2 December 2009; Seventh Ministerial Conference; ‘Chairman’s Summary.’” WT/MIN(09)/18, December 2, 2009.
- \_\_\_\_\_. Dispute Settlement Body (DSB). “Dispute Settlement: DS291: European Communities—Measure Affecting the Approval and Marketing of Biotech Products.” Online summary prepared by the WTO Secretariat. [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds291\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds291_e.htm) (accessed April 20, 2010).
- \_\_\_\_\_. “Dispute Settlement: DS294: United States—Laws, Regulations and Methodology for Calculating Dumping Margins (Zeroing).” Online summary prepared by the WTO Secretariat. [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds294\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds294_e.htm) (accessed April 20, 2010).
- \_\_\_\_\_. “Dispute Settlement: DS316, European Communities—Measures Affecting Trade in Large Civil Aircraft.” Online summary prepared by the WTO Secretariat. [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds316\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds316_e.htm) (accessed April 20, 2010).
- \_\_\_\_\_. “Dispute Settlement: DS350: United States—Continued Existence and Application of Zeroing Methodology.” Online summary prepared by the WTO Secretariat. [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds350\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds350_e.htm) (accessed April 20, 2010).
- \_\_\_\_\_. “Dispute Settlement: DS353: United States—Measures Affecting Trade in Large Civil Aircraft—Second Complaint.” Online summary prepared by the WTO Secretariat. [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds353\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds353_e.htm) (accessed April 20, 2010).
- \_\_\_\_\_. “Dispute Settlement: DS362: China—Measures Affecting the Protection and Enforcement of Intellectual Property Rights.” Online summary prepared by the WTO Secretariat. [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds362\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds362_e.htm) (accessed April 20, 2010).
- \_\_\_\_\_. “Dispute Settlement: DS363: China—Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products.” Online summary

- prepared by the WTO Secretariat.  
[http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds363\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds363_e.htm) (accessed April 20, 2010).
- \_\_\_\_\_. “Dispute Settlement: DS379: United States—Definitive Anti-Dumping and Countervailing Duties on Certain Products from China.” Online summary prepared by the WTO Secretariat.  
[http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds379\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds379_e.htm) (accessed April 20, 2010).
- \_\_\_\_\_. “Dispute Settlement: DS381: United States—Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products.” Online summary prepared by the WTO Secretariat.  
[http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds381\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds381_e.htm) (accessed April 20, 2010).
- \_\_\_\_\_. “Dispute Settlement: DS382: United States—Anti-Dumping Administrative Reviews and Other Measures Related to Imports of Certain Orange Juice from Brazil.” Online summary prepared by the WTO Secretariat. [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds382\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds382_e.htm) (accessed April 20, 2010).
- \_\_\_\_\_. “Dispute Settlement: DS383: United States—Anti-Dumping Measures on Polyethylene Retail Carrier Bags from Thailand.” Online summary prepared by the WTO Secretariat.  
[http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds383\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds383_e.htm) (accessed April 20, 2010).
- \_\_\_\_\_. “Dispute Settlement: DS384: United States—Certain Country of Origin Labeling (COOL) Requirements.” Online summary prepared by the WTO Secretariat.  
[http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds384\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds384_e.htm) (accessed April 20, 2010).
- \_\_\_\_\_. “Dispute Settlement: DS386: United States—Certain Country of Origin Labeling Requirements.” Online summary prepared by the WTO Secretariat.  
[http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds386\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds386_e.htm) (accessed April 20, 2010).
- \_\_\_\_\_. “Dispute Settlement: DS389: European Communities—Certain Measures Affecting Poultry Meat and Poultry Meat Products from the United States.” Online summary prepared by the WTO Secretariat. [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds389\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds389_e.htm) (accessed April 20, 2010).
- \_\_\_\_\_. “Dispute Settlement: DS392: United States—Certain Measures Affecting Imports of Poultry from China.” Online summary prepared by the WTO Secretariat.  
[http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds392\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds392_e.htm) (accessed April 20, 2010).
- \_\_\_\_\_. “Dispute Settlement: DS394: China—Measures Related to the Exportation of Various Raw Materials.” Online summary prepared by the WTO Secretariat.  
[http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds394\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds394_e.htm) (accessed April 20, 2010).
- WTO. Committee on Trade and Development. Special Session. “Special Session of the Committee on Trade and Development: Report by the Chairman, Ambassador Thawatchai Sophastienphong (Thailand), to the General Council.” TN/CTD/24, December 14, 2009.
- WTO. General Council. “17–18 December 2009: Geneva Agreement on Trade in Bananas; Communication from Brazil, Colombia, Costa Rica, Ecuador, European Union, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and the Bolivarian Republic of Venezuela.” WT/L/784, December 15, 2009.
- \_\_\_\_\_. “Annual Report (2009): Addendum.” WT/GC/121/ADD.1, February 18, 2010.
- \_\_\_\_\_. “Minutes of Meeting: Held in the Centre William Rappard on 17 November 2009.” WT/GC/M/123, March 2, 2010.
- \_\_\_\_\_. “Minutes of Meeting: Held in the Centre William Rappard on 20 October 2009.” WT/GC/M/122, February 26, 2010.

- \_\_\_\_\_. “Minutes of Meeting: Held in the Centre William Rappard on 26–27 May 2009.” WT/GC/M/120, August 21, 2009.
- \_\_\_\_\_. “Minutes of Meeting: Held in the Centre William Rappard on 28 July 2009.” WT/GC/M/121, October 7, 2009.
- \_\_\_\_\_. “Minutes of Meeting: Held in the Centre William Rappard on 29–30 April 2009.” WT/GC/M/119, June 23, 2009.
- \_\_\_\_\_. “Minutes of Meeting: Held in the Centre William Rappard on 3 February 2009.” WT/GC/M/118, March 30, 2009.
- \_\_\_\_\_. “Thursday, 17 December 2009: Agenda Item 2; Report by the Chairman of the Trade Negotiations Committee.” JOB(09)/186, December 17, 2009.
- \_\_\_\_\_. “Tuesday, 17 November 2009: Agenda Item 1; Report by the Chairman of the Trade Negotiations Committee.” JOB(09)/173, November 17, 2009.
- \_\_\_\_\_. General Council. “Tuesday, 20 October 2009: Agenda Item 1; Report by the Chairman of the Trade Negotiations Committee.” JOB(09)/143, October 20, 2009.
- \_\_\_\_\_. General Council. “Tuesday, 26 May 2009: Agenda Item 1; Report by the Chairman of the Trade Negotiations Committee.” JOB(09)/47, May 26, 2009.
- \_\_\_\_\_. General Council. “Tuesday, 28 July 2009: Agenda Item 1; Report by the Chairman of the Trade Negotiations Committee.” JOB(09)/86, July 28, 2009.
- \_\_\_\_\_. General Council. “Tuesday, 3 February 2009: Agenda Item 1; Report by the Chairman of the Trade Negotiations Committee.” JOB(09)/5, February 3, 2009.
- \_\_\_\_\_. General Council. “Wednesday, 29 April 2009: Appointment of the Director-General; Statement by the Director-General; ‘Looking Ahead.’” JOB(09)/39, April 29, 2009.

# **APPENDIX TABLES**

---



**TABLE A.1** U.S. merchandise trade with the world, by SITC codes (revision 3), 2007–09

SITC Code No.	Description	2007	2008	2009	% change, 2008–09
Millions of \$					
Exports:					
0	Food and live animals	65,966	83,272	69,132	-17.0
1	Beverages and tobacco	5,113	5,168	4,710	-8.9
2	Crude materials, inedible, except fuels	61,342	75,517	61,050	-19.2
3	Mineral fuels, lubricants, and related materials	41,456	75,841	54,358	-28.3
4	Animal and vegetable oils, fats, and waxes	2,887	4,317	3,192	-26.1
5	Chemicals and related products, n.e.s.	154,184	174,111	153,242	-12.0
6	Manufactured goods classified chiefly by material	98,289	107,717	80,401	-25.4
7	Machinery and transport equipment	462,700	477,111	367,271	-23.0
8	Miscellaneous manufactured articles	107,227	111,102	98,789	-11.1
9	Commodities and transactions not classified elsewhere in the SITC	47,193	55,666	44,601	-19.9
	Total	1,046,358	1,169,821	936,745	-19.9
Imports:					
0	Food and live animals	60,775	66,053	61,880	-6.3
1	Beverages and tobacco	16,754	16,651	15,310	-8.1
2	Crude materials, inedible, except fuels	33,068	36,937	22,350	-39.5
3	Mineral fuels, lubricants, and related materials	340,462	468,444	257,315	-45.1
4	Animal and vegetable oils, fats, and waxes	3,440	5,301	3,746	-29.3
5	Chemicals and related products, n.e.s.	162,850	187,713	156,279	-16.7
6	Manufactured goods classified chiefly by material	226,704	230,697	151,450	-34.4
7	Machinery and transport equipment	739,143	718,344	567,502	-21.0
8	Miscellaneous manufactured articles	292,897	288,917	246,933	-14.5
9	Commodities and transactions not classified elsewhere in the SITC	66,770	71,425	66,397	-7.0
	Total	1,942,863	2,090,483	1,549,163	-25.9

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s." stands for "not elsewhere specified."

**TABLE A.2** U.S. private services exports to the world, by category, 2007–09

Service industry	2007	2008	2009	% change, 2008–09
	Millions of \$			
Travel	97,050	110,090	94,194	-14.4
Royalties and license fees	83,824	91,599	84,418	-7.8
Business, professional, and technical services	101,837	113,525	114,552	0.9
Financial services	61,393	60,190	55,728	-7.4
Port services	31,720	36,515	27,001	-26.1
Passenger fares	25,636	31,623	26,878	-15.0
Freight	19,830	22,430	17,933	-20.0
Education	15,956	17,796	19,008	6.8
Insurance services	10,184	10,756	11,969	11.3
Telecommunications	8,043	9,163	8,906	-2.8
Other	22,663	22,099	21,173	-4.2
Total	478,136	525,786	481,760	-8.4

Source: USDOC, BEA, U.S. International Transactions Accounts Data, table 3a, March 18, 2010.

Note: Data for 2009 are preliminary.

**TABLE A.3** U.S. private services imports from the world, by category, 2007–09

Service industry	2007	2008	2009	% change,
				2008–09
Millions of \$				
Travel	76,354	79,743	73,077	–8.4
Royalties and license fees	24,656	26,616	23,858	–10.4
Business, professional, and technical services	66,266	76,284	74,365	–2.5
Financial services	19,750	19,143	15,113	–21.1
Port services	21,524	26,895	20,158	–25.0
Passenger fares	28,437	32,597	25,996	–20.3
Freight	45,576	45,248	34,530	–23.7
Education	4,760	5,204	5,658	8.7
Insurance services	41,666	42,939	47,993	11.8
Telecommunications	7,045	7,193	6,962	–3.2
Other	2,177	2,504	2,482	–0.9
Total	338,211	364,366	330,192	–9.4

Source: USDOC, BEA, U.S. International Transactions Accounts Data, table 3a, March 18, 2010.

Note: Data for 2009 are preliminary.

**TABLE A.4** Antidumping cases active in 2009, 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-1140	Uncovered innerspring units	China	12/31/07	A	A	A	A	02/11/09
731-TA-1143	Small diameter graphite electrodes	China	01/17/08	A	A	A	A	02/19/09
731-TA-1144	Welded stainless steel pressure pipe	China	01/30/08	A	A	A	A	03/11/09
731-TA-1145	Steel threaded rod	China	03/05/08	A	A	A	A	04/06/09
731-TA-1146	HEDP	China	03/19/08	A	A	A	A	04/17/09
731-TA-1147	HEDP	India	03/19/08	A	A	A	A	04/17/09
731-TA-1148	Frontseating service valves	China	03/19/08	A	A	A	A	04/21/09
731-TA-1149	Circular welded carbon quality steel line pipe	China	04/03/08	A	A	A	A	05/06/09
731-TA-1151	Citric acid and certain citrate salts	Canada	04/14/08	A	A	A	A	05/22/09
731-TA-1152	Citric acid and certain citrate salts	China	04/14/08	A	A	A	A	05/22/09
731-TA-1153	Tow-behind lawn groomers	China	06/24/08	A	A	A	A	07/27/09
731-TA-1154	Kitchen appliance shelving and racks	China	07/31/08	A	A	A	A	09/02/09
731-TA-1155	Commodity matchbooks	India	10/29/08	A	A	A	A	12/04/09
731-TA-1156	Polyethylene retail carrier bags	Indonesia	03/31/09	A	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1157	Polyethylene retail carrier bags	Taiwan	03/31/09	A	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1158	Polyethylene retail carrier bags	Vietnam	03/31/09	A	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1159	Oil country tubular goods	China	04/08/09	A	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1160	Prestressed concrete steel wire strand	China	05/27/09	A	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1161	Steel grating	China	05/29/09	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1162	Wire decking	China	06/05/09	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1163	Woven electric blankets	China	06/30/09	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1164	Narrow woven ribbons	China	07/09/09	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1165	Narrow woven ribbons	Taiwan	07/09/09	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1166	Magnesia carbon bricks	China	07/29/09	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1167	Magnesia carbon bricks	Mexico	07/29/09	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1168	Seamless carbon and alloy steel standard, line, and pressure pipe	China	09/16/09	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1169	Coated paper	China	09/23/09	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1170	Coated paper	Indonesia	09/23/09	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1171	Standard steel fasteners	China	09/23/09	N	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	11/09/09
731-TA-1172	Standard steel fasteners	Taiwan	09/23/09	N	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	11/09/09
731-TA-1173	Phosphate salts	China	09/24/09	( <sup>e</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>e</sup> )
731-TA-1174	Seamless refined copper pipe and tube	China	09/30/09	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1175	Seamless refined copper pipe and tube	Mexico	09/30/09	A	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )
731-TA-1176	Drill pipe	China	12/31/09	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )	( <sup>c</sup> )

Source: U.S. International Trade Commission.

<sup>a</sup> International Trade Administration (ITA), 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 Commerce is shown.

<sup>c</sup> Pending as of December 31, 2009.

<sup>d</sup> Not applicable.

<sup>e</sup> Affirmative with respect to monopotassium phosphate, dipotassium phosphate, and tetrapotassium pyrophosphate. Negative with respect to sodium tripolyphosphate. The date of final action concerning the USITC negative preliminary was November 9, 2009. The date of final action concerning the USITC affirmative preliminary was pending as of December 31, 2009.

**TABLE A.5** Antidumping duty orders and suspension agreements in effect as of December 31, 2009

Country	Commodity	Effective date of original action
Argentina	Lemon juice (suspended)	Sept. 10, 2007
	Honey	Dec. 10, 2001
Australia	Electrolytic manganese dioxide	Oct. 7, 2008
Belarus	Steel concrete reinforcing bar	Sept. 7, 2001
Belgium	Stainless steel plate in coils	May 21, 1999
Brazil	Polyethylene terephthalate film, sheet, and strip	Nov. 10, 2008
	Certain orange juice –	Mar. 9, 2006
	Frozen or canned warm water shrimp and prawns	Feb. 1, 2005
	Prestressed concrete steel wire strand	Jan. 28, 2004
	Carbon and certain alloy steel wire rod	Oct. 29, 2002
	Hot-rolled carbon steel flat products	July 6, 1999
	Stainless steel bar	Feb. 21, 1995
	Silicomanganese	Dec. 22, 1994
	Circular welded non-alloy steel pipe	Nov. 2, 1992
	Carbon steel butt-weld pipe fittings	Dec. 17, 1986
Iron construction castings	May 9, 1986	
Canada	Citric acid and certain citric salts	May 29, 2009
	Iron construction castings	Mar. 5, 1986
Chile	Preserved mushrooms	Dec. 2, 1998
China	Kitchen appliance shelving and racks	Sept. 14, 2009
	Tow-behind lawn groomer	Aug. 3, 2009
	Citric acid and certain citric salts	May 29, 2009
	Circular welded carbon-quality steel line pipe	May 13, 2009
	Frontseating service valves	April 28, 2009
	HEDP	April 28, 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
	Magnesium	April 15, 2005
	Tissue paper	Mar. 30, 2005
	Frozen or canned warmwater shrimp and prawns	Feb. 1, 2005
Crepe paper	Jan. 25, 2005	

**TABLE A.5** Antidumping duty orders and suspension agreements in effect as of December 31, 2009—*Continued*

Country	Commodity	Effective date of original action
China— <i>Continued</i>	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
	Color television receivers	June 3, 2004
	Malleable iron pipe fittings	Dec. 12, 2003
	Refined brown aluminum oxide	Nov. 19, 2003
	Barium carbonate	Oct. 1, 2003
	Polyvinyl alcohol	Oct. 1, 2003
	Saccharin	July 9, 2003
	Non-malleable cast iron pipe fittings	Apr. 7, 2003
	Ferrovandium	Jan. 28, 2003
	Folding metal tables and chairs	June 27, 2002
	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
	Non-frozen apple juice concentrate	June 5, 2000
	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
	Sparklers	June 18, 1991
	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	
Natural bristle paint brushes	Feb. 14, 1986	
Barium chloride	Oct. 17, 1984	
Chloropicrin	Mar. 22, 1984	
Potassium permanganate	Jan. 31, 1984	
Greige polyester cotton printcloth	Sept. 16, 1983	
Finland	Carboxymethylcellulose	July 11, 2005

**TABLE A.5** Antidumping duty orders and suspension agreements in effect as of December 31, 2009—*Continued*

Country	Commodity	Effective date of original action
France	Low-enriched uranium	Feb. 13, 2002
	Ball bearings	May 15, 1989
	Brass sheet and strip	Mar. 6, 1987
	Sorbitol	Apr. 9, 1982
Germany	Lightweight thermal paper	Nov. 24, 2008
	Sodium nitrite	Aug. 27, 2008
	Stainless steel sheet and strip	July 27, 1999
	Seamless pipe	Aug. 3, 1995
	Corrosion-resistant carbon steel flat products	Aug. 19, 1993
	Ball bearings	May 15, 1989
	Brass sheet and strip	Mar. 6, 1987
India	Commodity matchbooks	Dec. 11, 2009
	HEDP	Apr. 28, 2009
	Certain lined paper school supplies	Sept. 28, 2006
	Frozen or canned warm-water shrimp and prawns	Feb. 1, 2005
	Carbazole violet pigment 23	Dec. 29, 2004
	Prestressed concrete steel wire strand	Jan. 28, 2004
	Polyethylene terephthalate (PET) film	July 1, 2002
	Silicomanganese	May 23, 2002
	Hot-rolled carbon steel flat products	Dec. 3, 2001
	Carbon steel plate	Feb. 10, 2000
	Preserved mushrooms	Feb. 19, 1999
	Stainless steel bar	Feb. 21, 1995
	Forged stainless steel flanges	Feb. 9, 1994
	Stainless steel wire rod	Dec. 1, 1993
Sulfanilic acid	Mar. 2, 1993	
Welded carbon steel pipe	May 12, 1986	
Indonesia	Certain lined paper school supplies	Sept. 28, 2006
	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
	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
	Pasta	July 24, 1996
	Ball bearings	May 15, 1989
	Granular polytetrafluoroethylene resin	Aug. 30, 1988
	Brass sheet and strip	Mar. 6, 1987
Pressure-sensitive plastic tape	Oct. 21, 1977	
Japan	Superalloy degassed chromium	Dec. 22, 2005
	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

**TABLE A.5** Antidumping duty orders and suspension agreements in effect as of December 31, 2009–*Continued*

Country	Commodity	Effective date of original action
Japan – <i>Continued</i>	Carbon steel plate	Feb. 10, 2000
	Stainless steel sheet and strip	July 27, 1999
	Hot-rolled carbon steel flat products	June 29, 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
	Ball bearings	May 15, 1989
	Granular polytetrafluoroethylene resin	Aug. 24, 1988
	Brass sheet and strip	Aug. 12, 1988
	Stainless steel butt-weld pipe fittings	Mar. 25, 1988
	Carbon steel butt-weld pipe fittings	Feb. 10, 1987
	Prestressed concrete steel wire strand	Dec. 8, 1978
Polychloroprene rubber	Dec. 6, 1973	
Kazakhstan	Silicomanganese	May 23, 2002
Korea	Light-walled rectangular pipe and tube	Aug. 5, 2008
	Prestressed concrete steel wire strand	Jan. 28, 2004
	Polyvinyl alcohol	Oct. 1, 2003
	Polyester staple fiber	May 25, 2000
	Carbon steel plate	Feb. 10, 2000
	Stainless steel sheet and strip	July 27, 1999
	Stainless steel plate in coils	May 21, 1999
	Stainless steel wire rod	Sept. 15, 1998
	Corrosion-resistant carbon steel flat products	Aug. 19, 1993
	Stainless steel butt-weld pipe fittings	Feb. 23, 1993
	Welded ASTM A-312 stainless steel pipe	Dec. 30, 1992
	Circular welded non-alloy steel pipe	Nov. 2, 1992
	Polyethylene terephthalate (PET) film	June 5, 1991
Top-of-the-stove stainless steel cooking ware	Jan. 20, 1987	
Latvia	Steel concrete reinforcing bars	Sept. 7, 2001
Malaysia	Polyethylene retail carrier bags	Aug. 9, 2004
	Stainless steel butt-weld pipe fittings	Feb. 23, 2001
Mexico	Light-walled rectangular pipe and tube	Aug. 5, 2008
	Lemon juice (suspended)	Sept. 10, 2007
	Carboxymethylcellulose	July 11, 2005
	Prestressed concrete steel wire strand	Jan. 28, 2004
	Carbon and certain alloy steel wire rod	Oct. 29, 2002
	Stainless steel sheet and strip	July 27, 1999
	Fresh tomatoes (suspended)	Nov. 1, 1996
	Circular welded non-alloy steel pipe	Nov. 2, 1992
Gray portland cement and clinker	Aug. 30, 1990	
Moldova	Carbon and certain alloy steel wire rod	Oct. 29, 2002
	Steel concrete reinforcing bars	Sept. 7, 2001
Netherlands	Carboxymethylcellulose	July 11, 2005
Norway	Fresh and chilled Atlantic salmon	Apr. 12, 1991

**TABLE A.5** Antidumping duty orders and suspension agreements in effect as of December 31, 2009–*Continued*

Country	Commodity	Effective date of original action
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	Magnesium	April 15, 2005
	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
	Ferrovandium and nitrated vanadium	July 10, 1995
	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	Carboxymethylcellulose	July 11, 2005
Taiwan	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
	Forged stainless steel flanges	Feb. 9, 1994
	Helical spring lockwashers	June 28, 1993
	Stainless steel butt-weld pipe fittings	June 16, 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
	Porcelain-on-steel cooking ware	Dec. 2, 1986
	Small-diameter carbon steel pipe	May 7, 1984
Thailand	Frozen or canned warm-water 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	Light-walled rectangular pipe and tube	May 30, 2008
	Pasta	July 24, 1996
	Welded carbon steel pipe	May 15, 1986

**TABLE A.5** Antidumping duty orders and suspension agreements in effect as of December 31, 2009—*Continued*

Country	Commodity	Effective date of original action
Ukraine	Carbon and certain alloy steel wire rod	Oct. 29, 2002
	Hot-rolled carbon steel flat products	Nov. 29, 2001
	Ammonium nitrate	Sept. 12, 2001
	Steel concrete reinforcing bars	Sept. 7, 2001
	Carbon steel plate (suspended)	Oct. 24, 1997
	Silicomanganese	Oct. 31, 1994
	Solid urea	July 14, 1987
United Arab Emirates	Polyethylene terephthalate film, sheet, and strip	Nov. 10, 2008
United Kingdom	Ball bearings	May 15, 1989
Venezuela	Silicomanganese	May 23, 2002
Vietnam	Uncovered innerspring units	Dec. 11, 2008
	Frozen or canned warm-water shrimp and prawns	Feb. 1, 2005
	Frozen fish fillets	Aug. 12, 2003

Source: U.S. International Trade Commission.

**TABLE A.6** Countervailing duty cases active in 2009, by USITC investigation number

USITC investigation number	Product	Country of origin	Date of institution	USITC prelim	ITA <sup>a</sup> prelim	ITA final	USITC final	Date of final action <sup>b</sup>
Affirmative = A; Negative = N								
701-TA-454	Welded stainless steel pressure pipe	China	01/30/08	A	A	A	A	03/11/09
701-TA-455	Circular welded carbon quality steel line pipe	China	04/03/08	A	A	A	A	01/07/09
701-TA-456	Citric acid and certain citrate salts	China	04/14/08	A	A	A	A	05/22/09
701-TA-457	Tow-behind lawn groomers	China	06/24/08	A	A	A	A	07/27/09
701-TA-458	Kitchen appliance shelving and racks	China	07/31/08	A	A	A	A	09/02/09
701-TA-459	Commodity matchbooks	India	10/29/08	A	A	A	A	12/04/09
701-TA-460	Ni-resist piston inserts	Argentina	01/26/09	A	A	A	N	10/29/09
701-TA-461	Ni-resist piston inserts	Korea	01/26/09	A	N	N	( <sup>c</sup> )	09/21/09
701-TA-462	Polyethylene retail carrier bags	Vietnam	03/31/09	A	A	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )
701-TA-463	Oil country tubular goods	China	04/08/09	A	A	A	( <sup>d</sup> )	( <sup>d</sup> )
701-TA-464	Prestressed concrete steel wire strand	China	05/27/09	A	A	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )
701-TA-465	Steel grating	China	05/29/09	A	A	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )
701-TA-466	Wire decking	China	06/05/09	A	A	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )
701-TA-467	Narrow woven ribbons	China	07/09/09	A	A	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )
701-TA-468	Magnesia carbon bricks	China	07/29/09	A	N	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )
701-TA-469	Seamless carbon and alloy steel standard, line, and pressure pipe	China	09/16/09	A	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )
701-TA-470	Coated paper	China	09/23/09	A	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )
701-TA-471	Coated paper	Indonesia	09/23/09	A	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )
701-TA-472	Standard steel fasteners	China	09/23/09	N	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )	11/09/09
701-TA-473	Phosphate salts	China	09/24/09	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )	( <sup>e</sup> )
701-TA-474	Drill pipe	China	12/31/09	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )

Source: U.S. International Trade Commission.

<sup>a</sup> International Trade Administration, 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 Commerce is shown.

<sup>c</sup> Not applicable.

<sup>d</sup> Pending as of December 31, 2009.

<sup>e</sup> Affirmative with respect to monopotassium phosphate, dipotassium phosphate, and tetrapotassium pyrophosphate. Negative with respect to sodium tripolyphosphate. The date of final action concerning the USITC negative preliminary was November 9, 2009. The date of final action concerning the USITC affirmative preliminary was pending as of December 31, 2009.

**TABLE A.7** Countervailing duty orders in effect as of December 31, 2009

Country	Commodity	Effective date of original action
Argentina	Honey	Dec. 10, 2001
Belgium	Stainless steel plate in coils	May 11, 1999
Brazil	Carbon and certain alloy steel wire rod	Oct. 22, 2002
	Hot-rolled carbon steel flat products	July 6, 1999
	Heavy iron construction castings	May 15, 1986
China	Citric acid and certain citric salts	May 29, 2009
	Kitchen appliance shelving and racks	Sept. 14, 2009
	Tow-behind lawn groomers	Aug. 3, 2009
	Welded stainless steel pressure pipe	Mar. 19, 2009
	Circular welded carbon-quality steel line pipe	Jan. 23, 2009
	Lightweight thermal paper	Nov. 24, 2008
	Raw flexible magnets	Sept. 17, 2008
	Off-the-road tires	Sept. 4, 2008
	Sodium nitrite	Aug. 27, 2008
	Laminated woven sacks	Aug. 7, 2008
	Light-walled rectangular pipe and tube	Aug. 5, 2008
	Circular welded carbon-quality steel pipe	July 22, 2008
India	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
	Sulfanilic acid	Mar. 2, 1993
Indonesia	Certain lined paper school supplies	Sept. 28, 2006
	Hot-rolled carbon steel flat products	Dec. 3, 2001
	Carbon steel plate	Feb. 10, 2000
Iran	Roasted in-shell pistachios	Oct. 7, 1986
	Raw in-shell pistachios	Mar. 11, 1986
Italy	Carbon steel plate	Feb. 10, 2000
	Pasta	July 24, 1996
Korea	Carbon steel plate	Feb. 10, 2000
	Stainless steel sheet and strip	Aug. 6, 1999
	Corrosion-resistant carbon steel flat products	Aug. 17, 1993
	Top-of-the-stove stainless steel cooking ware	Jan. 20, 1987
Norway	Fresh and chilled Atlantic salmon	Apr. 12, 1991
South Africa	Stainless steel plate in coils	May 11, 1999
Thailand	Hot-rolled carbon steel flat products	Dec. 3, 2001
Turkey	Pasta	July 24, 1996
	Welded carbon steel pipe	Mar. 7, 1986

Source: U.S. International Trade Commission.

**TABLE A.8** Reviews of existing antidumping and countervailing duty orders and suspension agreements completed in 2009, by date of completion

USITC investigation number	Product	Country of origin	Completion date <sup>a</sup>	Action
731-TA-1020	Barium carbonate	China	01/30/09	Continued
731-TA-1022	Refined brown aluminum oxide	China	03/02/09	Continued
731-TA-1014	Polyvinyl alcohol	China	03/27/09	Continued
731-TA-1016	Polyvinyl alcohol	Japan	03/27/09	Continued
731-TA-1017	Polyvinyl alcohol	Korea	03/27/09	Continued
731-TA-1021	Malleable iron pipe fittings	China	04/01/09	Continued
731-TA-1013	Saccharin	China	05/21/09	Continued
731-TA-1012	Frozen fish fillets	Vietnam	06/26/09	Continued
731-TA-753	Cut-to-length carbon steel plate	China	10/26/09	Continued
731-TA-754	Cut-to-length carbon steel plate (suspended)	Russia	10/26/09	Continued
731-TA-756	Cut-to-length carbon steel plate (suspended)	Ukraine	10/26/09	Continued
AA1921-188	Prestressed concrete steel wire strand	Japan	11/25/09	Continued
701-TA-432	Prestressed concrete steel wire strand	India	11/25/09	Continued
731-TA-1024	Prestressed concrete steel wire strand	Brazil	11/25/09	Continued
731-TA-1025	Prestressed concrete steel wire strand	India	11/25/09	Continued
731-TA-1026	Prestressed concrete steel wire strand	Korea	11/25/09	Continued
731-TA-1027	Prestressed concrete steel wire strand	Mexico	11/25/09	Continued
731-TA-1028	Prestressed concrete steel wire strand	Thailand	11/25/09	Continued
731-TA-1046	Tetrahydrofurfuryl alcohol	China	11/30/09	Continued

Source: U.S. International Trade Commission.

<sup>a</sup> The completion date shown is the date of the USITC notification of Commerce.

**TABLE A.9** Section 337 investigations and related proceedings completed by the U.S. International Trade Commission during 2009 and those pending on December 31, 2009

Status of Investigation	Article	Country <sup>a</sup>	Commission final determination
<b>Completed:</b>			
337-TA-533	Certain Rubber Antidegradants, Components Thereof, and Products Containing Same	China, Korea	One remand proceeding; terminated based on a finding of no violation.
337-TA-543	Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets	China, Korea	One related (ancillary) enforcement and one remand proceeding; terminated based on a settlement agreement.
337-TA-545	Certain Laminated Floor Panels	Canada, China, Malaysia, Netherlands	One related (ancillary) consolidated enforcement and advisory opinion proceeding; terminated based on a settlement agreement.
337-TA-556	Certain High-Brightness Light Emitting Diodes and Products Containing Same	Taiwan	One remand proceeding; terminated based on withdrawal of the complaint.
337-TA-565	Certain Ink Cartridges and Components Thereof	China, Germany, Hong Kong, Korea	One related (ancillary) enforcement proceeding; terminated based on a finding of violation of the remedial orders and the imposition of civil penalties.
337-TA-582	Certain Hydraulic Excavators and Components Thereof	Canada, Japan	Issued a general exclusion order and cease and desist orders.
337-TA-601	Certain 3G Wideband Code Division Multiple Access (WCDMA) Handsets and Components Thereof	Korea	Terminated based on a settlement agreement.
337-TA-602	Certain GPS Devices and Products Containing Same	Taiwan, China, Germany, Singapore	Issued a limited exclusion order and cease and desist orders.
337-TA-604	Certain Sucralose, Sweeteners Containing Sucralose, and Related Intermediate Compounds Thereof	China	Issued a limited exclusion order.
337-TA-605	Certain Semiconductor Chips with Minimized Chip Package Size and Products Containing Same	Canada, China, Switzerland	Issued a limited exclusion order and cease and desist orders.
337-TA-613	Certain 3G Mobile Handsets and Components Thereof	Finland	Terminated based on a finding of no violation.

**TABLE A.9** Section 337 investigations and related proceedings completed by the U.S. International Trade Commission during 2009 and those pending on December 31, 2009—Continued

Status of Investigation	Article	Country <sup>a</sup>	Commission final determination
<b>Completed—Continued</b>			
337-TA-615	Certain Ground Fault Circuit Interrupters and Products Containing the Same	China	Issued a limited exclusion order and cease and desist orders.
337-TA-617	Certain Digital Televisions and Certain Products Containing Same and Methods of Using Same	Taiwan, Hong Kong, China	Issued a limited exclusion order and cease and desist orders.
337-TA-619	Certain Flash Memory Controllers, Drives, Memory Cards, and Media Players and Products Containing Same	Taiwan, Hong Kong, China, Japan, British Virgin Islands, France, Ireland, Korea	Terminated based on a finding of no violation.
337-TA-621	Certain Probe Card Assemblies, Components Thereof and Certain Tested DRAM and NAND Flash Memory Devices and Products Containing Same	Japan, Korea	Terminated based on a finding of no violation.
337-TA-623 <sup>b</sup>	Certain R-134a Coolant (Otherwise Known as 1,1,1,2-Tetrafluoroethane)	China	Terminated based on a finding of no violation of Section 337; one related (ancillary) enforcement proceeding, terminated based on a finding of no violation of consent order.
337-TA-624	Certain Systems for Detecting and Removing Viruses or Worms, Components Thereof, and Products Containing Same	Spain	Terminated based on a settlement agreement.
337-TA-625	Certain Self-Cleaning Litter Boxes and Components Thereof	No foreign respondents	Issued a limited exclusion order and cease and desist orders.
337-TA-626	Certain Noise Cancelling Headphones	New Zealand	Terminated based on settlement agreements.
337-TA-627	Certain Short Wavelength Semiconductor Lasers and Products Containing Same	Japan	Terminated based on a settlement agreement.
337-TA-628	Certain Computer Products, Computer Components and Products Containing Same	Taiwan	Terminated based on a finding of no violation.

**TABLE A.9** Section 337 investigations and related proceedings completed by the U.S. International Trade Commission during 2009 and those pending on December 31, 2009—*Continued*

Status of Investigation	Article	Country <sup>a</sup>	Commission final determination
<b>Completed—Continued:</b>			
337-TA-629	Certain Silicon Microphone Packages and Products Containing the Same	Malaysia	Issued a limited exclusion order.
337-TA-630	Certain Semiconductor Chips with Minimized Chip Package Size and Products Containing the Same (III)	Taiwan, Japan, China	Terminated based on a finding of no violation.
337-TA-631	Certain Liquid Crystal Display Devices and Products Containing the Same	Japan	Issued a limited exclusion order and cease and desist orders.
337-TA-634	Certain Liquid Crystal Display Modules, Products Containing Same, and Methods for Using the Same	Korea	Issued a limited exclusion order and cease and desist orders.
337-TA-636	Certain Laser Imageable Lithographic Printing Plates	Israel, Canada	Issued a limited exclusion order.
337-TA-637	Certain Hair Irons and Packaging Thereof	Singapore, China, Hong Kong	Issued a general exclusion order.
337-TA-640 <sup>c</sup>	Certain Short-Wavelength Light Emitting Diodes, Laser Diodes and Products Containing Same	Singapore, Taiwan, Malaysia, China, Japan, Korea, Finland, Sweden	Terminated based on a settlement agreement.
337-TA-643	Certain Cigarettes and Packaging Thereof	Moldova, Belize, Singapore, Ukraine, Kyrgyzstan, Gibraltar, United Kingdom, Switzerland	Issued a general exclusion order.
337-TA-644 <sup>d</sup>	Certain Composite Wear Components and Products Containing the Same	India, Italy	Issued limited exclusion order and a cease and desist order.
337-TA-645	Certain Vein Harvesting Surgical Systems and Components Thereof	Japan	Terminated based on a settlement agreement.
337-TA-646	Certain Power Supplies	Taiwan, United Kingdom	Terminated based on withdrawal of the complaint.

**TABLE A.9** Section 337 investigations and related proceedings completed by the U.S. International Trade Commission during 2009 and those pending on December 31, 2009—*Continued*

Status of Investigation	Article	Country <sup>a</sup>	Commission final determination
<b>Completed—Continued:</b>			
337-TA-649	Certain Semiconductor Chips with Minimized Chip Package Size and Products Containing the Same (IV)	British Virgin Islands, Singapore, Taiwan	Terminated based on withdrawal of the complaint.
337-TA-651	Certain Automotive Parts	Taiwan	Terminated based on a settlement agreement and a consent order.
337-TA-653	Certain Base Stations and Wireless Microphones	Korea, China	Terminated based on a settlement agreement.
337-TA-654	Certain Peripheral Devices and Components Thereof and Products Containing the Same	Taiwan	Terminated based on a settlement agreement.
337-TA-658	Certain Video Game Machines and Related Three-Dimensional Pointing Devices	Japan	Terminated based on a settlement agreement.
337-TA-659	Certain Prepregs, Laminates, and Finished Circuit Boards	China, Hong Kong, Taiwan	Terminated based on withdrawal of the complaint.
337-TA-660	Certain Active Comfort Footwear	Korea	Terminated based on a settlement agreement and withdrawal of the complaint.
337-TA-662	Certain Tunable Laser Chips, Assemblies and Products Containing the Same	Sweden, Germany, Canada	Terminated based on a settlement agreement.
337-TA-674 <sup>c</sup>	Certain Light Emitting Diode Chips, Laser Diode Chips and Products Containing the Same	Taiwan, China	Terminated based on a settlement agreement.
337-TA-675	Certain Wireless Communications Devices and Components Thereof	Mexico, Japan	Terminated based on withdrawal of the complaint.
337-TA-676	Certain Lighting Control Devices Including Dimmer Switches and Parts Thereof	No foreign respondents	Terminated based on a consent order.

**TABLE A.9** Section 337 investigations and related proceedings completed by the U.S. International Trade Commission during 2009 and those pending on December 31, 2009—*Continued*

Status of Investigation	Article	Country <sup>a</sup>	Commission final determination
<b>Completed—Continued:</b>			
337-TA-681	Certain Lighting Control Devices Including Dimmer Switches and Parts Thereof	No foreign respondents	Terminated based on a consent order.
337-TA-682	Certain Collaborative System Products and Components Thereof	No foreign respondents	Terminated based on a settlement agreement.
<b>Pending:</b>			
337-TA-501	Certain Encapsulated Integrated Circuit Devices and Products Containing the Same	Malaysia	Pending before the Commission.
337-TA-564	Certain Voltage Regulators, Components Thereof and Products Containing the Same	No foreign respondents	One related (ancillary) enforcement proceeding; pending before the ALJ.
337-TA-568	Certain Products and Pharmaceutical Compositions Containing Recombinant Human Erythropoietin	Switzerland, Germany	One remand proceeding; pending before the Commission.
337-TA-587	Certain Connecting Devices For Use With Modular Compressed Air Conditioning Units, Including Filters, Regulators, and Lubricators ("FRLs") That Are Part of Larger Pneumatic Systems and The FRL Units They Connect	Japan, China	One remand proceeding; pending before the ALJ.
337-TA-605	Certain Semiconductor Chips with Minimized Chip Package Size and Products Containing the Same	Canada, Switzerland	One related (ancillary) bond forfeiture proceeding; pending before the ALJ.
337-TA-617	Certain Digital Televisions and Certain Products Containing Same and Methods of Using the Same	Taiwan, Hong Kong, China	One related (ancillary) enforcement proceeding; pending before the ALJ.

**TABLE A.9** Section 337 investigations and related proceedings completed by the U.S. International Trade Commission during 2009 and those pending on December 31, 2009—*Continued*

Status of Investigation	Article	Country <sup>a</sup>	Commission final determination
<b>Pending—Continued:</b>			
337-TA-631	Certain Liquid Crystal Display Devices and Products Containing the Same	Japan	One related (ancillary) enforcement proceeding; pending before the ALJ.
337-TA-632	Certain Refrigerators and Components Thereof	Korea, Mexico	Pending before the Commission.
337-TA-641	Certain Variable Speed Wind Turbines and Components Thereof	Japan	Pending before the Commission.
337-TA-644 <sup>d</sup>	Certain Composite Wear Components and Products Containing the Same	India, Italy	One related (ancillary) sanctions proceeding; pending before the Commission.
337-TA-648	Certain Semiconductor Integrated Circuits Using Tungsten Metallization and Products Containing the Same	Taiwan, Japan, Switzerland, China, Netherlands	Pending before the Commission.
337-TA-650	Certain Coaxial Cable Connectors and Components Thereof and Products Containing the Same	Taiwan, China	Pending before the Commission.
337-TA-655	Certain Cast Steel Railway Wheels, Certain Processes for Manufacturing or Relating to Same and Certain Products Containing the Same	China	Pending before the Commission.
337-TA-657	Certain Automotive Multimedia Display and Navigation Systems, Components Thereof, and Products Containing the Same	Japan	Pending before the Commission.
337-TA-661	Certain Semiconductor Chips Having Synchronous Dynamic Random Access Memory Controllers and Products Containing the Same	Taiwan, Hong Kong	Pending before the Commission.
337-TA-663	Certain Mobile Telephones and Wireless Communication Devices Featuring Digital Cameras, and Components Thereof	Korea	Pending before the Commission

**TABLE A.9** Section 337 investigations and related proceedings completed by the U.S. International Trade Commission during 2009 and those pending on December 31, 2009—*Continued*

Status of Investigation	Article	Country <sup>a</sup>	Commission final determination
<b>Pending—Continued:</b>			
337-TA-664	Certain Flash Memory Chips and Products Containing the Same	Korea, Taiwan, China, Malaysia, Hong Kong, Canada, Japan, Sweden	Pending before the ALJ.
337-TA-665	Certain Semiconductor Integrated Circuits and Products Containing the Same	Cayman Islands, Singapore	Pending before the Commission.
337-TA-666	Certain Cold Cathode Fluorescent Lamp ("CCFL") Inverter Circuits and Products Containing the Same	Taiwan, Korea	Pending before the ALJ.
337-TA-667 <sup>e</sup>	Certain Electronic Devices, Including Handheld Wireless Communications Devices	Finland, Canada, Taiwan, Japan	Pending before the ALJ.
337-TA-668	Certain Non-Shellfish Derived Glucosamine and Products Containing the Same	China, Canada	Pending before the Commission.
337-TA-669	Certain Optoelectronic Devices, Components Thereof, and Products Containing the Same	No foreign respondents	Pending before the ALJ.
337-TA-670	Certain Adjustable Keyboard Support Systems and Components Thereof	Canada	Pending before the ALJ.
337-TA-671	Certain Digital Cameras	No foreign respondents	Pending before the ALJ.
337-TA-672	Certain Electronic Devices Having Image Capture or Display Functionality and Components Thereof	No foreign respondents	Pending before the ALJ.
337-TA-673 <sup>e</sup>	Certain Electronic Devices Including Handheld Wireless Communications Devices	Korea, Finland, Taiwan, Japan, Canada	Pending before the ALJ.

**TABLE A.9** Section 337 investigations and related proceedings completed by the U.S. International Trade Commission during 2009 and those pending on December 31, 2009—*Continued*

Status of Investigation	Article	Country <sup>a</sup>	Commission final determination
<b>Pending—Continued:</b>			
337-TA-677	Certain Course Management System Software Products	Canada	Pending before the Commission.
337-TA-678	Certain Energy Drink Products	United Kingdom, United Arab Emirates	Pending before the ALJ.
337-TA-679	Certain Products Advertised As Containing Creatine Ethyl Ester	No foreign respondents	Pending before the Commission.
337-TA-680	Certain Machine Vision Software, Machine Vision Systems, and Products Containing the Same	Germany, Japan	Pending before the ALJ.
337-TA-683	Certain MLC Flash Memory Devices and Products Containing the Same	Korea, Hong Kong, Taiwan, Canada	Pending before the ALJ.
337-TA-684	Certain Articulated Coordinate Measuring Arms and Components Thereof	Belgium, Japan	Pending before the ALJ.
337-TA-685	Certain Flash Memory and Products Containing the Same	Japan, Taiwan, China	Pending before the ALJ.
337-TA-686	Certain Bulk Welding Wire Containers and Components Thereof and Welding Wire	China, Sweden, Korea, Italy	Pending before the ALJ.
337-TA-687	Certain Video Displays, Components Thereof, and Products Containing the Same	Japan	Pending before the ALJ.
337-TA-688	Certain Hybrid Electric Vehicles and Components Thereof	Japan	Pending before the ALJ.
337-TA-689	Certain Dual Access Locks and Products Containing the Same	China, Taiwan, Japan, Hong Kong, England, Germany	Pending before the ALJ.

**TABLE A.9** Section 337 investigations and related proceedings completed by the U.S. International Trade Commission during 2009 and those pending on December 31, 2009—*Continued*

Status of Investigation	Article	Country <sup>a</sup>	Commission final determination
<b>Pending—Continued:</b>			
337-TA-690	Certain Printing and Imaging Devices and Components Thereof	Japan	Pending before the ALJ.
337-TA-691	Certain Inkjet Ink Supplies and Components Thereof	China, Hong Kong	Pending before the ALJ.
337-TA-692	Certain Ceramic Capacitors and Products Containing the Same	Korea	Pending before the ALJ.
337-TA-693	Certain Foldable Stools	China	Pending before the ALJ.
337-TA-694	Certain Multimedia Display and Navigation Devices and Systems, Components Thereof, and Products Containing the Same	Taiwan	Pending before the ALJ.
337-TA-695	Certain Silicon Microphone Packages and Products Containing the Same	No foreign respondents	Pending before the ALJ.
337-TA-696	Certain Restraining Systems for Transport Containers, Components Thereof, and Methods of Using the Same	China	Pending before the ALJ.

Source: U.S. International Trade Commission.

<sup>a</sup> This column lists the countries of the foreign respondents named in the investigation. “Hong Kong” refers to “Hong Kong, China.”

<sup>b</sup> Inv. no. 337-TA-623 had an underlying investigation and an enforcement proceeding; both were terminated during the year.

<sup>c</sup> Inv. no. 337-TA-640 was consolidated with Inv. No. 337-TA-674.

<sup>d</sup> The underlying investigation in Inv. No. 337-TA-644 was terminated on November 24, 2009; a sanctions motion in this matter is pending and the case is counted as active.

<sup>e</sup> Inv. no. 337-TA-667 was consolidated with Inv. No. 337-TA-673.

**TABLE A.10** Outstanding Section 337 exclusion orders as of December 31, 2009

Investigation No.	Article	Country <sup>a</sup>	Date patent expires <sup>b</sup>
337-TA-55	Certain Novelty Glasses	Hong Kong	Nonpatent
337-TA-69	Certain Airtight Cast-Iron Stoves	Taiwan, Korea	Nonpatent
337-TA-87	Certain Coin-Operated Audio-Visual Games and Components Thereof	Japan, Taiwan	Nonpatent
337-TA-105	Certain Coin-Operated Audio-Visual Games and Components Thereof	Japan, Taiwan	Nonpatent
337-TA-112	Certain Cube Puzzles	Taiwan, Japan, Canada	Nonpatent
337-TA-114	Certain Miniature Plug-In Blade Fuses	Taiwan	Nonpatent
337-TA-118	Certain Sneakers With Fabric Uppers and Rubber Soles	Korea	Nonpatent
337-TA-137	Certain Heavy-Duty Staple Gun Tackers	Taiwan, Hong Kong, 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 Thereof	No foreign respondents	Nonpatent
337-TA-266	Certain Reclosable Plastic Bags and Tubing	Singapore, Taiwan, Korea, Thailand, Hong Kong	Nonpatent
337-TA-279	Certain Plastic Light Duty Screw Anchors	Taiwan	Nonpatent
337-TA-285	Certain Chemiluminescent Compositions and Components Thereof and Methods of Using, and Products Incorporating, the Same	France	Nonpatent
337-TA-287	Certain Strip Lights	Taiwan	Nonpatent
337-TA-295	Certain Novelty Teleidoscopes	Hong Kong, Taiwan	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-376	Certain Variable Speed Wind Turbines and Components Thereof	Germany	Feb. 1, 2011 <sup>c</sup>
337-TA-378	Certain Asian-Style Kamaboko Fish Cakes	Japan	Nonpatent

**TABLE A.10** Outstanding Section 337 exclusion orders as of December 31, 2009—*Continued*

Investigation No.	Article	Country <sup>a</sup>	Date patent expires <sup>b</sup>
337-TA-380	Certain Agricultural Tractors Under 50 Power Take-Off Horsepower	Japan	Nonpatent
337-TA-406	Certain Lens-Fitted Film Packages	China, Hong Kong, Korea	Aug. 10, 2010 Aug. 13, 2010 Nov. 1, 2011 Jan. 10, 2012 Apr. 18, 2012 July 25, 2012
337-TA-413	Certain Rare-Earth Magnets and Magnetic Material and Articles Containing Same	China, Taiwan	June 7, 2015
337-TA-416	Certain Compact Multipurpose Tools	China, Taiwan	July 1, 2011 Oct. 21, 2011 Oct. 21, 2011 Oct. 21, 2011
337-TA-424	Certain Cigarettes and Packaging Thereof	No foreign respondents	Nonpatent
337-TA-440	Certain 4-Androstenediol	China	July 13, 2018
337-TA-446	Certain Ink Jet Cartridges and Components Thereof	Taiwan	Apr. 25, 2012
337-TA-448	Certain Oscillating Sprinklers, Sprinkler Components, and Nozzles	Taiwan, Israel, Germany	July 8, 2014 July 8, 2014
337-TA-473	Certain Video Game Systems, Accessories, and Components Thereof	No foreign respondents	Dec. 18, 2015 Dec. 25, 2015
337-TA-474	Certain Recordable Compact Discs and Rewritable Compact Discs	Hong Kong, Taiwan	May 23, 2012
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-482	Certain Compact Disc and DVD Holders	Denmark, Hong Kong, Taiwan	May 1, 2015
337-TA-486	Certain Agricultural Tractors, Lawn Tractors, Riding Lawnmowers, and Components Thereof	China	Nonpatent
337-TA-487	Certain Agricultural Vehicles and Components Thereof	China, Netherlands, France, Germany, and Canada	Nonpatent
337-TA-489	Certain Sildenafil or Any Pharmaceutically Acceptable Salt Thereof, Such as Sildenafil Citrate, and Products Containing Same	Belize, Israel, Nicaragua, Syria, United Kingdom, India, China	June 18, 2011
337-TA-492	Certain Plastic Grocery and Retail Bags	Thailand, China, Singapore, Hong Kong	Dec. 6, 2010
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

**TABLE A.10** Outstanding Section 337 exclusion orders as of December 31, 2009—*Continued*

Investigation No.	Article	Country <sup>a</sup>	Date patent expires <sup>b</sup>
337-TA-505	Certain Gun Barrels Used in Firearms	Switzerland, Netherlands	Sept. 25, 2015 Aug. 25, 2017
337-TA-511	Certain Pet Food Treats	China	Sept. 23, 2011
337-TA-512	Certain Light-Emitting Diodes and Products Containing Same	Malaysia	Jan. 18, 2015 July 27, 2018 July 27, 2018 July 27, 2018
337-TA-514	Certain Plastic Food Containers	China	Oct. 19, 2013 Dec. 23, 2017 Dec. 23, 2017
337-TA-518	Certain Ear Protection Devices	China, Taiwan	June 2, 2015
337-TA-522	Certain Ink Markers and Packaging Thereof	China, India, Korea	Nonpatent
337-TA-528	Certain Foam Masking Tape	Spain, Netherlands, Portugal, Canada, France, Germany	May 10, 2011
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	Netherlands, Canada, China, Malaysia	June 10, 2017 June 10, 2017 June 10, 2017
337-TA-549	Certain Ink Sticks for Solid Ink Printers	Korea	Apr. 29, 2022 Apr. 29, 2022 Apr. 29, 2022
337-TA-557	Certain Automotive Parts	Taiwan	June 22, 2018 July 27, 2018 Sept. 28, 2018 Oct. 5, 2018 Oct. 26, 2018 Mar. 1, 2019 Mar. 22, 2019
337-TA-563	Certain Portable Power Stations and Packaging Therefor	China	Feb. 4, 2017 Nonpatent Nonpatent
337-TA-564	Certain Voltage Regulators Components Thereof and Products Containing Same	Korea, Taiwan, Malaysia, China	Mar. 23, 2013
337-TA-565	Certain Ink Cartridges and Components Thereof	Hong Kong, China, Germany, Korea	Jan. 30, 2013 Oct. 1, 2013 Apr. 1, 2014 May 18, 2019 May 18, 2019 Apr. 3, 2022 Aug. 26, 2023 Aug. 17, 2023
337-TA-575	Certain Lighters	Hong Kong, China	Nonpatent

**TABLE A.10** Outstanding Section 337 exclusion orders as of December 31, 2009—*Continued*

Investigation No.	Article	Country <sup>a</sup>	Date patent expires <sup>b</sup>
337-TA-582	Certain Hydraulic Excavators and Components Thereof	Canada, Japan	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, and Components Thereof	Taiwan, Germany, China	Aug. 5, 2024
337-TA-602	Certain GPS Devices and Products Containing Same	Taiwan, China, Germany, Singapore	Jul. 13, 2020 Nov. 17, 2020 May 18, 2021 Jul. 25, 2021 Jun. 13, 2023 Sept. 29, 2023
337-TA-603	Certain DVD Players and Recorders and Certain Products Containing Same	China, Hong Kong	Dec. 23, 2014 Jan. 18, 2015 Jun. 30, 2016
337-TA-604	Certain Sucralose, Sweeteners Containing Sucralose, and Related Intermediate Compounds Thereof	China	Nov. 28, 2012 Oct. 17, 2017 Apr. 18, 2023
337-TA-605	Certain Semiconductor Chips with Minimized Chip Package Size and Products Containing Same	Canada, Switzerland, China	Sept. 24, 2010 Sept. 24, 2010
337-TA-611	Certain Magnifying Loupe Products and Components Thereof	China	Jul. 19, 2013 Dec. 3, 2013 May 20, 2022
337-TA-615	Certain Ground Fault Circuit Interrupters and Products Containing the Same	China	Oct. 24, 2014 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-625	Certain Self-Cleaning Litter Boxes and Components Thereof	No foreign respondents	Jan. 12, 2015
337-TA-629	Certain Silicon Microphone Packages and Products Containing the Same	Malaysia	Jun. 21, 2021 Sept. 16, 2022
337-TA-631	Certain Liquid Crystal Display Devices and Products Containing the Same	Japan	May 29, 2018
337-TA-634	Certain Liquid Crystal Display Modules, Products Containing Same, and Methods for Using the Same	Korea	Jun. 12, 2018 Sept. 16, 2019 Nov. 5, 2019 Mar. 23, 2029
337-TA-636	Certain Laser Imageable Lithographic Printing Plates	Israel, Canada	Jan. 30, 2012 Jul. 20, 2012
337-TA-637	Certain Hair Irons and Packaging Thereof	Singapore, China, Hong Kong	Nonpatent
337-TA-638	Certain Intermediate Bulk Containers	China	Mar. 16, 2012 Mar. 21, 2015

**TABLE A.10** Outstanding Section 337 exclusion orders as of December 31, 2009—*Continued*

Investigation No.	Article	Country <sup>a</sup>	Date patent expires <sup>b</sup>
337-TA-643	Certain Cigarettes and Packages	Moldova, Belize, Singapore, Ukraine, Kyrgyzstan, Gibraltar, United Kingdom, Switzerland	Nonpatent
337-TA-644	Certain Composite Wear Components and Products Containing the Same	India, Italy	Aug. 27, 2017

Source: U.S. International Trade Commission.

<sup>a</sup> This column lists the countries of the foreign respondents named in the investigation. “Hong Kong” refers to “Hong Kong, China”

<sup>b</sup> Multiple dates indicate the expiration dates of separate patents within the investigation.

<sup>c</sup> Patent term extended pursuant to 35 U.S.C. 154(c).

**TABLE A.11** U.S. imports for consumption and U.S. imports were either GSP eligible or GSP duty free, by HTS provision, 2009, millions of dollars

HTS No.	Description	Total Imports	GSP eligible	GSP duty free
2709.00.20	Petroleum oils and oils from bituminous minerals, crude, testing 25 degrees A.P.I. or more	78,766	10,257	5,876
2709.00.10	Petroleum oils and oils from bituminous minerals, crude, testing under 25 degrees A.P.I.	63,630	2,129	606
3824.90.40	Fatty substances of animal or vegetable origin and mixtures thereof	1,376	690	499
7202.41.00	Ferrochromium containing more than 3 percent of carbon	4,393	633	367
7113.11.50	Articles of jewelry and parts thereof, of silver, n.e.s.o.i., valued over \$18 per dozen pieces or parts	1,096	237	188
7202.30.00	Ferrosilicon manganese	1,189	174	166
7113.19.29	Gold necklaces and neck chains, other than rope or mixed link	2,350	185	145
4011.10.10	New pneumatic radial tires, of rubber, of a kind used on motor cars, including station wagons and racing cars	316	155	140
7606.12.30	Aluminum alloy plates, sheets, and strip, of a thickness exceeding 0.2 mm, rectangular (including square), not clad	708	207	138
7113.19.50	Articles of jewelry and parts thereof, of precious metal except silver, except necklaces and clasps	1,293	129	129
2905.11.20	Methanol (methyl alcohol), n.e.s.o.i.	201	123	121
3907.60.00	Polyethylene terephthalate in primary forms	453	149	118
2710.19.05	Distillate and residual fuel oil (including blends) derived from petroleum or oils from bituminous minerals, testing under 25 degrees A.P.I.	976	136	118
4011.20.10	New pneumatic radial tires, of rubber, of a kind used on buses or trucks	747	111	105
8544.30.00	Ignition wiring sets, other wiring sets of a kind used in vehicles, aircraft or ships	565	164	105
2106.90.99	Edible food preparations, n.e.s.o.i.	139	98	98
8708.99.81	Parts and accessories of the motor vehicles, n.e.s.o.i.	119	96	96
6802.99.00	Monumental or building stone and articles thereof, n.e.s.o.i., of natural stone, n.e.s.o.i.	3,702	113	96
7323.93.00	Stainless steel table, kitchen or other household articles and parts thereof	127	93	88
4015.19.10	Gloves, mittens and mitts, seamless, of vulcanized rubber other than hard rubber, other than surgical or medical	322	90	88
	Top 20 items	162,467	15,968	9,285
	All other	1,377,546	19,197	10,554
	Total	1,540,013	35,165	19,839

Source: Compiled from official statistics of the USDOC.

Note: Figures do not include U.S. Virgin Island imports. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

**TABLE A.12** U.S. imports for consumption and U.S. imports eligible for GSP treatment or duty free, by HTS import categories, 2009, millions of dollars

HTS				
Section	Description	Total imports	GSP eligible	GSP duty free
I	Live animals; animal products	18,241	58	51
II	Vegetable products	24,824	835	311
III	Animal and vegetable fats, oils, and waxes	3,818	180	180
IV	Prepared foodstuffs; beverages, spirits; tobacco	39,270	1,762	1,359
V	Mineral products	254,658	12,913	6,507
VI	Chemical products	144,169	2,901	1,317
VII	Plastics and rubber	43,543	2,468	1,753
VIII	Raw hides and skins, leather, furskins; saddlery; handbags	8,783	325	290
IX	Wood; charcoal; cork; straw and other plaiting materials	10,361	624	469
X	Wood pulp; paper and paperboard	21,136	0	0
XI	Textiles and textile articles	83,105	401	238
XII	Footwear, headgear, umbrellas; artificial flowers	20,668	24	19
XIII	Stone, plaster, cement, asbestos, ceramic and glass articles	12,014	1,098	505
XIV	Pearls, precious or semi-precious stones; imitation jewelry	38,467	2,125	1,097
XV	Base metals and articles of base metal	71,642	2,626	1,866
XVI	Machinery and appliances; electrical equipment	414,169	4,369	2,272
XVII	Vehicles, aircraft, vessels, transport equipment	152,952	1,135	796
XVIII	Optical, photographic, medical, and musical instruments; clocks	53,632	879	467
XIX	Arms and ammunition; parts and accessories thereof	2,798	74	70
XX	Miscellaneous manufactured articles	60,789	366	274
XXI	Works of art, collectors' pieces and antiques	5,036	0	0
XXII	Special classification provisions	55,939	0	0
Total		1,540,013	35,165	19,839

Source: Compiled from official statistics of the USDOC.

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

**TABLE A.13** U.S. imports for consumption under AGOA, by source, 2007–09

Source	2007	2008	2009	% change, 2008–09
	Thousands of \$			
Nigeria	30,137,133	35,366,204	17,228,232	-51.3
Angola	4,767,934	9,794,965	4,225,139	-56.9
Republic of South Africa	1,076,985	2,427,690	1,642,893	-32.3
Republic of Congo	1,604,868	2,639,141	1,471,657	-44.2
Gabon	1,673,605	2,143,355	1,210,007	-43.5
Chad	1,487,552	2,309,230	1,190,403	-48.5
Lesotho	379,592	338,797	277,046	-18.2
Madagascar	281,443	277,051	210,004	-24.2
Kenya	250,352	252,243	204,982	-18.7
Mauritius	112,347	97,291	98,747	1.5
Cameroon	169,173	441,316	96,750	-78.1
Swaziland	135,838	125,387	94,718	-24.5
Malawi	27,568	26,680	39,734	48.9
Democratic Republic of Congo	39,478	65,234	35,652	-45.3
Botswana	31,331	15,803	12,362	-21.8
Ethiopia	4,741	9,392	6,723	-28.4
Ghana	56,151	31,494	2,303	-92.7
Senegal	14	10,229	1,585	-84.5
Tanzania	2,815	1,527	1,006	-34.1
Uganda	1,189	473	222	-53.1
Rwanda	0	5	63	1,098.8
Mali	9	4	62	1,494.2
Djibouti	0	0	17	<sup>(a)</sup>
Zambia	73	5	7	41.4
Niger	27	1	3	312.1
Guinea	27	1	1	70.8
Mozambique	825	129	0	-100.0
Namibia	28,579	6	0	-100.0
The Gambia	<sup>(b)</sup>	0	0	<sup>(a)</sup>
Benin	0	0	0	<sup>(a)</sup>
Burkina Faso	0	0	0	<sup>(a)</sup>
Burundi	0	0	0	<sup>(a)</sup>
Cape Verde	0	0	0	<sup>(a)</sup>
Comoros	<sup>(c)</sup>	0	0	<sup>(a)</sup>
Guinea-Bissau	0	0	0	<sup>(a)</sup>
Liberia	0	0	0	<sup>(a)</sup>
Mauritania	0	0	<sup>(b)</sup>	<sup>(a)</sup>
São Tomé and Príncipe	0	0	0	<sup>(a)</sup>
Seychelles	0	0	0	<sup>(a)</sup>
Sierra Leone	0	0	0	<sup>(a)</sup>
Togo	<sup>(c)</sup>	0	0	<sup>(a)</sup>
<b>Total</b>	<b>42,269,649</b>	<b>56,373,651</b>	<b>28,050,318</b>	<b>-50.2</b>

Source: Compiled from official statistics of the USDOC.

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

<sup>a</sup> Not applicable.

<sup>b</sup> U.S. value less than \$500.

<sup>c</sup> Not AGOA eligible.

**TABLE A.14** U.S. imports for consumption of leading imports under AGOA, by HTS provision, 2007–09

HTS No.	Description	2007	2008	2009	% change, 2008–09
		Millions of \$			
2709.00.20	Petroleum oils and oils from bituminous minerals, crude, testing 25 degrees A.P.I. or more	37,117	48,518	23,395	-51.8
2709.00.10	Petroleum oils and oils from bituminous minerals, crude, testing under 25 degrees A.P.I.	1,772	2,732	1,550	-43.3
8703.23.00	Passenger motor vehicles with spark-ignition internal combustion reciprocating piston engine, cylinder capacity 1,500-3000 cc	438	1,553	1,310	-15.7
2710.11.25	Naphthas, not motor fuel/blending stock, from petroleum oils/oils from bituminous minerals, minimum 70 percent by weight of such products	493	659	261	-60.4
6204.62.40	Women's or girls' trousers, breeches, and shorts, not knitted or crocheted, of cotton, n.e.s.o.i.	254	257	191	-25.5
2710.19.05	Distillate and residual fuel oil (including blends) derived from petroleum or oils from bituminous minerals, testing under 25 degrees A.P.I.	665	751	165	-78.0
6203.42.40	Men's or boys' trousers, breeches, and shorts, not knitted or crocheted, of cotton, not containing 15 percent or more down	201	153	118	-22.8
6110.20.20	Sweaters, pullovers, sweatshirts, waistcoats, and similar articles, knitted or crocheted, of cotton, n.e.s.o.i.	225	162	111	-31.0
7202.11.50	Ferromanganese containing by weight more than 4 percent carbon	150	367	87	-76.2
2710.11.45	Mixtures of hydrocarbons n.e.s.o.i., none comprising over half of product, 70% or more by weight from petroleum oils and bituminous minerals	20	50	87	72.1
6205.20.20	Men's or boys' shirts, not knitted or crocheted, of cotton, not certified hand-loomed and folklore product	80	81	70	-13.8
6110.30.30	Sweaters, pullovers, sweatshirts, waistcoats, and similar articles, knitted or crocheted, of man-made fibers, n.e.s.o.i.	66	76	69	-8.3
6104.62.20	Women's or girls' trousers, breeches, and shorts, knitted or crocheted, of cotton	71	74	67	-9.9
8703.24.00	Other passenger motor vehicles, with spark-ignition internal combustion reciprocating piston engine, cylinder capacity over	( <sup>a</sup> )	251	53	-78.9
3823.70.60	Industrial fatty alcohols, other than derived from fatty substances of animal or vegetable origin	48	74	38	-48.4
6105.10.00	Men's or boys' shirts, knitted or crocheted, of cotton	66	46	38	-17.9
0805.10.00	Oranges, fresh or dried	38	34	31	-8.6
6103.43.15	Men's or boys' trousers, breeches and shorts, knitted or crocheted, of synthetic fibers, n.e.s.o.i.	21	24	30	24.6
6204.63.35	Women's or girls' trousers, breeches, and shorts, not knitted or crocheted, of synthetic fibers, n.e.s.o.i.	24	25	26	2.6
2401.20.85	Tobacco, partly or wholly stemmed/stripped, threshed or similarly processed, not from cigar leaf	4	6	25	291.6
2204.21.50	Non-sparkling wine of fresh grapes, other than Tokay, not over 14 percent alcohol, in containers not over 2 liters	28	25	23	-8.7
6109.10.00	T-shirts, singlets, tank tops, and similar garments, knitted or crocheted, of cotton	50	33	19	-42.3
6105.20.20	Men's or boys' shirts, knitted or crocheted, of manmade fibers, containing less than 23 percent by weight of wool or fine animal hair	11	16	18	10.8
6104.63.20	Women's or girls' trousers, breeches and shorts, knitted or crocheted, of synthetic fibers, n.e.s.o.i.	23	26	18	-33.4
2207.10.60	Undenatured ethyl alcohol for nonbeverage purposes	26	23	17	-26.0
	Total of items shown	41,893	56,017	27,817	-50.3
	All other	377	356	233	-34.6
	Total of all commodities	42,270	56,374	28,050	-50.2

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

<sup>a</sup> U.S. value is less than \$500,000.

**TABLE A.15** U.S. imports for consumption under ATPA, by source, 2007–09

Source	2007	2008	2009	% change 2008–09
	Millions of \$			
Colombia	4,528	7,339	5,589	-23.8
Ecuador	4,614	6,595	2,748	-58.3
Peru	3,017	3,169	1,376	-56.6
Bolivia	148	140	0	-100.0
Total	12,307	17,243	9,714	-43.7

Source: Compiled from official statistics of the USDOC.

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

**TABLE A.16** U.S. imports for consumption of leading imports under ATPA, by HTS provision, 2007–09

HTS No.	Description	2007	2008	2009 <sup>a</sup>	% change,
					2008–09
		Millions of \$			
2709.00.10	Petroleum oils and oils from bituminous minerals, crude, testing under 25 degrees A.P.I.	5,840.30	10,128.10	6,036.1	-40.4
2709.00.20	Petroleum oils and oils from bituminous minerals, crude, testing 25 degrees A.P.I. or more	1,644.90	2,078.50	920.6	-55.7
0603.11.00	Roses, fresh	327.2	310.3	304.9	-1.7
2710.19.05	Distillate and residual fuel oil (including blends) derived from petroleum or oils from bituminous minerals, testing under 25 degrees A.P.I.	408.7	628.7	244.7	-61.1
7403.11.00	Refined copper cathodes and sections of cathodes	989.1	844.4	218.4	-74.1
0603.19.00	Anthuriums, alstroemeria, gypsophilia, lilies, snapdragons and other flowers n.e.s.o.i., fresh	187.8	192.5	187.8	-2.5
6110.20.20	Sweaters, pullovers, sweatshirts, waistcoats, and similar articles, knitted or crocheted, of cotton, n.e.s.o.i.	297.4	239.9	126.7	-47.2
2710.11.25	Naphthas, not motor fuel/blending stock, from petroleum oils/oils from bituminous minerals, minimum 70 percent by weight of such products	294.1	377.1	126.6	-66.4
6109.10.00	T-shirts, singlets, tank tops, and similar garments, knitted or crocheted, of cotton	155.5	162.5	95.3	-41.4
6105.10.00	Men's or boys' shirts, knitted or crocheted, of cotton	165.4	176.2	85.4	-51.5
0603.14.00	Chrysanthemums, fresh	65.5	66.9	75.3	12.5
6203.42.40	Men's or boys' trousers, breeches, and shorts, not knitted or crocheted, of cotton, not containing 15 percent or more down	98.6	85.8	48.7	-43.2
0709.20.90	Asparagus, fresh or chilled, n.e.s.o.i.	159.3	145.2	45.7	-68.5
1604.14.30	Tunas and skipjack, not in oil, in airtight containers, n.e.s.o.i.	67.9	70.1	43.4	-38.1
0603.12.70	Carnations, other than miniature, fresh	42.2	37.8	33.9	-10.3
2710.11.45	Mixtures of hydrocarbons n.e.s.o.i., none comprising over half of product, 70% or more by weight from petroleum oils and bituminous minerals	( <sup>b</sup> )	36.1	31.5	-12.6
0804.50.40	Guavas, mangoes, and mangosteens, fresh, if entered during the period September 1 through May 31 of the following year, inclusive	30.0	32.6	31.4	-3.8
2005.99.80	Artichokes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen	39.1	46.5	30.8	-33.6
0806.10.60	Grapes, fresh, if entered during the periods January 1 through February 14 or July 1 through December 31, inclusive	17.9	24.4	27.4	12.5
0710.80.97	Vegetables n.e.s.o.i., uncooked or cooked by steaming or boiling in water, frozen, reduced in size	34.8	36.0	27.3	-24.1
6110.30.30	Sweaters, pullovers, sweatshirts, waistcoats, and similar articles, knitted or crocheted, of man-made fibers, n.e.s.o.i.	26.9	26.3	24.2	-7.7
6908.90.00	Glazed ceramic flags and paving, hearth or wall tiles; glazed ceramic mosaic cubes and the like, n.e.s.o.i.	21.3	27.4	23.7	-13.7
6106.10.00	Women's or girls' blouses and shirts, knitted or crocheted, of cotton	52.4	60.6	23.4	-61.3
6204.62.40	Women's or girls' trousers, breeches, and shorts, not knitted or crocheted, of cotton, n.e.s.o.i.	22.7	21.3	22.0	2.9
0603.12.30	Miniature (spray) carnations, fresh	27.7	24.2	21.5	-11.0
	Total of items shown	11,016.3	15,879.1	8,856.8	-44.2
	All other	1,290.5	1,363.6	857.4	-37.1
	Total of all commodities	12,306.80	17,242.70	9,714.2	-43.7

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

<sup>a</sup> Does not include data for Bolivia in 2009.

<sup>b</sup> U.S. value is less than \$50,000.

**TABLE A.17** U.S. imports for consumption under CBERA, by source, 2007–09

Source	2007	2008	2009	% change, 2008–09
	Thousands of \$			
Trinidad and Tobago	2,832,296	2,365,386	1,533,773	-35.2
Haiti	430,389	405,118	388,854	-4.0
Jamaica	235,947	319,600	212,365	-33.6
Bahamas	137,351	141,038	96,545	-31.5
Belize	54,460	129,517	66,019	-49.0
Panama	31,191	46,466	20,607	-55.7
Guyana	10,099	20,613	14,418	-30.1
St. Lucia	8,594	11,081	10,937	-1.3
St. Kitts–Nevis	16,189	14,071	8,919	-36.6
Barbados	7,100	6,913	4,603	-33.4
Netherlands Antilles	3,598	11,933	868	-92.7
Antigua	132	94	231	145.7
Aruba	295	229	153	-33.2
St. Vincent and Grenadines	216	171	117	-31.6
Dominica	45	200	115	-42.5
Grenada	25	126	78	-38.0
British Virgin Islands	65	437	26	-94.1
Costa Rica	1,417,864	1,252,756	0	-100.0
Dominican Republic	310,104	0	0	( <sup>a</sup> )
<b>Total</b>	<b>5,495,960</b>	<b>4,725,747</b>	<b>2,358,628</b>	<b>-50.1</b>

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. Two CAFTA–DR countries were only eligible for CBERA benefits before CAFTA–DR entered into force (implementation date): Dominican Republic (March 1, 2007) and Costa Rica (January 1, 2009).

<sup>a</sup> Not applicable.

**TABLE A.18** U.S. imports for consumption of leading imports under CBERA, by HTS provision, 2007–09

HTS No.	Description	2007	2008	2009	% change, 2008–09
		Millions of \$			
2709.00.20	Petroleum oils and oils from bituminous minerals, crude, testing 25 degrees A.P.I. or more	1,309.5	904.0	800.2	-11.5
2905.11.20	Methanol (methyl alcohol), n.e.s.o.i.	1,004.2	1,175.2	567.7	-51.7
2207.10.60	Undenatured ethyl alcohol for nonbeverage purposes	263.4	483.1	202.9	-58.0
6109.10.00	T-shirts, singlets, tank tops, and similar garments, knitted or crocheted, of cotton	195.7	168.9	194.4	15.1
6110.20.20	Sweaters, pullovers, sweatshirts, waistcoats, and similar articles, knitted or crocheted, of cotton, n.e.s.o.i.	139.8	145.8	152.1	4.3
3903.11.00	Polystyrene, expandable, in primary forms	133.2	135.5	93.9	-30.7
2710.11.25	Naphthas, not motor fuel/blending stock, from petroleum oils/oils from bituminous minerals, minimum 70 percent by weight of such products	227.2	143.6	59.5	-58.6
2710.19.05	Distillate and residual fuel oil (including blends) derived from petroleum or oils from bituminous minerals, testing under 25 degrees A.P.I.	76.6	19.6	28.5	45.8
2207.20.00	Ethyl alcohol and other spirits, denatured, of any strength	65.0	20.0	26.7	33.7
2009.11.00	Frozen concentrated orange juice	100.3	64.7	16.8	-74.1
6109.90.10	T-shirts, singlets, tank tops, and similar garments, knitted or crocheted, of man-made fibers	64.6	22.1	16.0	-27.8
0714.90.20	Fresh or chilled yams, whether or not sliced or in the form of pellets	23.3	29.9	15.9	-46.7
1604.14.40	Tuna and skipjack, not in airtight containers	14.1	12.9	12.9	0.2
0807.20.00	Papayas (papaws), fresh	15.5	14.0	11.4	-18.6
1701.11.10	Raw sugar not containing added flavoring or coloring	31.0	22.3	11.3	-49.4
2710.11.45	Mixtures of hydrocarbons n.e.s.o.i., none comprising over half of product, 70% or more by weight from petroleum oils and bituminous minerals	80.4	15.1	10.4	-30.9
8529.10.20	Television antennas and antenna reflectors, and parts suitable for use therewith	5.6	7.7	9.3	22.1
7108.12.50	Gold, nonmonetary, unwrought, other than gold bullion and ore	0.7	26.9	8.7	-67.7
2207.10.30	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 percent volume or higher, for beverage purposes	7.6	8.7	6.2	-28.8
0804.30.40	Pineapples, fresh or dried, not reduced in size, in crates or other packages	377.9	393.1	6.0	-98.5
0804.50.40	Guavas, mangoes, and mangosteens, fresh, if entered during the period September 1 through May 31 of the following year, inclusive	5.3	5.2	5.4	4.6
2202.90.90	Nonalcoholic beverages, n.e.s.o.i.	3.1	4.2	4.7	10.5
2008.99.90	Fruit and other edible parts of plants n.e.s.o.i., other than pulp, otherwise prepared or preserved, n.e.s.o.i.	4.5	5.5	4.1	-24.4
2103.90.80	Mixed condiments and mixed seasonings, excluding articles containing over 10 percent sugars and cake decorations or similar products	3.8	3.4	3.9	12.4
0804.50.60	Guavas, mangoes, and mangosteens, fresh, if entered during the period June 1 through August 31, inclusive	1.5	2.7	3.7	36.0
	Total of items shown	4,153.9	3,834.1	2,272.8	-40.7
	All other	1,342.1	891.6	85.8	-90.4
	Total of all commodities	5,496.0	4,725.7	2,358.6	-50.1

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.” The following CAFTA-DR countries were only eligible for CBERA benefits before CAFTA-DR entered into force (implementation date): Dominican Republic (March 1, 2007) and Costa Rica (January 1, 2009).

**TABLE A.19** WTO dispute-settlement cases to which the United States was a party, developments in 2009

Case No.	Title	Complainant	Action (month/day/year)
DS26	European Communities - Measures Concerning Meat and Meat Products (Hormones)	United States	EC requests consultations under Article 21.5 (12/22/08). EC and U.S. sign memorandum of understanding on a temporary solution to the dispute (05/13/09).
DS27	European Communities – Regime for the Importation, Sale and Distribution of Bananas	Ecuador, Guatemala, Honduras, Mexico, United States	Ecuador requests consultations under Article 21.5 (11/16/06). Ecuador submits revised request for consultations (11/28/06). Colombia (11/29/2006), Belize, Côte d'Ivoire, Dominica, the Dominican Republic, St. Lucia, St. Vincent and the Grenadines, and Suriname (11/30/06), Cameroon (12/04/06), Jamaica (12/06/06), and Panama and the U.S. (12/11/06) request to join the consultations. EC accepts their requests. Ecuador requests establishment of an Article 21.5 panel (02/23/07). Second Recourse to Article 21.5 panel report circulated (04/07/08). Second Recourse to Article 21.5 Appellate Body report circulated (11/26/08). Parties announce comprehensive agreement (12/15/09).
DS217	United States - Continued Dumping and Subsidy Offset Act of 2000	Australia, Brazil, Chile, European Communities, India, Indonesia, Japan, Korea, Thailand	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 (2006-08). Japan and EC request that the dispute remain under examination at the DSB (04/20/09).
DS267	United States – Subsidies on Upland Cotton	Brazil	DSB adopts Appellate Body report and panel report as modified (03/21/05). After the reasonable period of time for implementation expires (09/21/05), Brazil seeks authorization to suspend concessions, and the U.S. seeks arbitration. The parties subsequently seek suspension of arbitration proceedings (11/21/05). Brazil requests the establishment of a panel (08/18/06). DSB agrees, if possible, to refer the matter raised by Brazil to the original panel (09/28/06). Panel is established (10/25/06). Article 21.5 panel report circulated (12/18/07). Article 21.5 Appellate Body report circulated (06/02/08). Article 21.5 Appellate Body report adopted (06/20/08). Recourse to Article 22.6 Arbitration Report circulated (08/31/09).

**TABLE A.19** WTO dispute-settlement cases to which the United States was a party, developments in 2009–*Continued*

Case No.	Title	Complainant	Action (month/day/year)
DS291	European Communities – Measures Affecting the Approval and Marketing of Biotech Products	United States	<p>Panel reports circulated (09/29/06).  DSB adopts the panel reports (11/21/06).  The EC announces its intention to implement recommendations and rulings and announces intent to discuss appropriate timeframe pursuant to DSU Article 21.3(b) with Argentina, Canada, and U.S. (12/19/06).  U.S. and EC agree on a reasonable period of time for implementation (06/21/07).  U.S. and EC inform DSB they have reached agreement on procedures under Articles 21 and 22 (01/14/08).  U.S. asks for authorization to suspend concessions (01/17/08).  DSB refers matter to arbitration (02/08/08).  EC and U.S. ask arbitrator to suspend work (02/15/08).  US reiterated its concerns, at DSB meeting, that individual EU member states continued to ban certain biotech products even after having received EU-wide approval (12/21/09).</p>
DS294	United States – Laws, Regulations and Methodology for Calculating Dumping Margins (Zeroing)	European Communities	<p>Panel report circulated (10/31/05).  Appellate Body report circulated (04/18/06).  Appellate Body report adopted (05/09/06).  U.S. announces that it intends to implement the DSB recommendations and rulings (05/30/06).  U.S. and EC agree, pursuant to DSU Article 21.3(b), to the reasonable period of time for implementation (07/28/06).  U.S. and EC reach an Understanding on Article 21 and 22 procedures (05/04/07).  EC requests Article 21.5 consultations (07/09/07).  Brazil and Korea request to join the consultations (07/20/07).  EC requests establishment of Article 21.5 panel (09/13/07).  Article 21.5 panel report is circulated (12/17/08).  Article 21.5 Appellate Body report circulated (05/14/09).  Article 21.5 Appellate Body report adopted (06/11/09).</p>
DS316	European Communities – Measures Affecting Trade in Large Civil Aircraft	United States	<p>U.S. requests consultations with EC (10/06/04).  U.S. requests establishment of a panel (05/31/05).  Panel established (07/20/05).  Chairman of the panel informs the DSB that it now expects to complete its work before the end of April 2010 (12/03/09).</p>
DS322	United States – Measures Relating to Zeroing and Sunset Reviews	Japan	<p>Panel report circulated (09/20/06).  Appellate Body report circulated (01/9/07).  Agreement reached on the reasonable period of time for implementation (05/04/07).  Article 21.3(c) Arbitration Report circulated (05/11/07).  Japan seeks authorization to suspend concessions (01/10/08).  Japan asks for establishment of Article 21.5 panel (04/07/08).  Article 21.5 panel report circulated (04/24/09).  U.S. notifies DSB of intent to appeal (05/20/09).  Article 21.5 Appellate Body report circulated (08/18/09).  Article 21.5 Appellate Body report adopted (08/31/09).</p>

**TABLE A.19** WTO dispute-settlement cases to which the United States was a party, developments in 2009–*Continued*

Case No.	Title	Complainant	Action (month/day/year)
DS340	China – Measures Affecting Imports of Automobile Parts	United States	U.S. requests consultations with China (03/30/06). U.S. requests establishment of a panel (09/15/06). DSB establishes a single panel pursuant to DSU Article 9.1 to consider similar complaints against China made by EC (DS339), U.S. (DS340), and Canada (DS342) (10/26/06). Panel report circulated (07/18/08). China notifies DSB of decision to appeal (09/15/08). Appellate Body report circulated (12/15/08). Appellate Body report adopted (01/12/09).
DS343	United States – Measures Relating to Shrimp from Thailand	Thailand	Thailand requests consultations (04/24/06). Panel established (10/26/06). Panel report circulated (02/29/08). Thailand (04/17/08) and U.S. (04/29/08) notify DSB of decision to appeal. Appellate Body report circulated (07/16/08). Appellate Body report adopted (08/01/08). U.S. reports on status of implementation to the DSB (04/20/09).
DS344	United States – Final Antidumping Measures on Stainless Steel from Mexico	Mexico	Mexico requests consultations (05/26/06). Japan requests to join the consultations (06/09/06). Mexico requests establishment of a panel (10/12/06). Panel established (10/26/06). Panel report circulated (12/20/07). Mexico notifies DSB of decision to appeal (01/31/08). Appellate Body report circulated (04/30/08). Appellate Body report adopted (05/20/08). Mexico requests that the reasonable period of time be determined through binding arbitration pursuant to Article 21.3(c) (08/11/08). Article 21.3 arbitration report circulated (10/31/08). U.S. informs DSB that U.S. and Mexico concluded a sequencing agreement (05/20/09).
DS345	United States – Customs Bond Directive for Merchandise Subject to Anti-Dumping/Countervailing Duties	India	India requests consultations (06/06/06). Brazil, China, and Thailand request to join the consultations (06/21/06). India requests establishment of a panel (10/13/06). Panel established (11/21/06). Chairman of panel informs the DSB that panel will not be able to complete its work within the standard 6-month time frame (07/27/07). Panel report circulated (02/29/08). India (04/17/08) and U.S. (04/29/08) notify DSB of decision to appeal. Appellate Body report circulated (07/16/08). U.S. and India notify DSB of agreement on reasonable time for U.S. to implement DSB recommendations (10/31/08). U.S. reports on status of implementation to the DSB (04/20/09).

**TABLE A.19** WTO dispute-settlement cases to which the United States was a party, developments in 2009–*Continued*

Case No.	Title	Complainant	Action (month/day/year)
DS350	United States – Continued Existence and Application of Zeroing Methodology	European Communities	EC requests consultations (10/02/06). EC expands its request for consultations (10/09/06). Japan (10/10/06), Thailand (10/12/06), Brazil, and India (10/13/06) request to join consultations. U.S. accepts their requests. EC requests establishment of a panel (05/10/07). Panel established (06/04/07). Panel report circulated (10/01/08). EC (11/06/08) and U.S. (11/18/08) notify DSB of decision to appeal. Appellate Body report circulated (02/04/09). Appellate Body report adopted (02/19/09).
DS362	China – Measures Affecting the Protection and Enforcement of Intellectual Property Rights	United States	U.S. requests consultations with China (04/10/07). Japan (04/20/07), EC, Canada (04/25/07), and Mexico (04/26/07) request to join consultations. China accepts their requests. U.S. requests establishment of panel (08/13/07). Panel established (09/25/07). Panel Chair informs DSB that the panel expects to issue its report in November 2008 (07/16/08). Panel report circulated (01/26/09). Panel report adopted (03/20/09). China and U.S. inform the DSB that they had agreed that the reasonable period of time for China to implement the DSB recommendations and rulings shall be 12 months from the adoption of the report (06/29/09).
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). EC requests to join the consultation (04/25/07). China accepts the request. U.S. requests establishment of a panel (10/10/07). Panel established (11/27/07). Panel Chair informs DSB that the panel expects to issue its report in February 2009 (09/22/08). Panel report circulated (08/12/09). China (09/22/09) and U.S. (10/05/09) notify their decisions to appeal. Appellate Body report circulated (12/21/09). Appellate Body report adopted (01/19/10).
DS379	United States – Definitive Anti-Dumping and Countervailing Duties on Certain Products from China	China	China requests consultations with U.S. (09/19/08). China requests establishment of a panel (12/09/08). Panel established (01/20/09). China requests the Director-General to determine the composition of the panel (12/23/09). Director-General composes the panel (03/04/09). The Chairman of the panel informed the DSB that it would not be possible to complete its work within 6 months (11/17/09).
DS381	United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products	Mexico	Mexico requests consultations with U.S. (10/24/08). EC (11/06/08) and Australia (11/07/08) request to join consultations. Mexico requests establishment of a panel (03/09/09). Panel established (04/20/09). Mexico requests the Director-General to determine the composition of the panel (12/02/09). Director-General composes the panel (12/14/09).

**TABLE A.19** WTO dispute-settlement cases to which the United States was a party, developments in 2009—*Continued*

Case No.	Title	Complainant	Action (month/day/year)
DS382	United States – Anti-Dumping Administrative Reviews and Other Measures Related to Imports of Certain Orange Juice from Brazil	Brazil	Brazil requests consultations with U.S. (11/27/08). Japan requests to join consultations (12/10/08). Brazil requests establishment of a panel (09/25/09). Panel established (09/25/09).
DS383	United States – Anti-Dumping Measures on Polyethylene Retail Carrier Bags from Thailand	Thailand	Thailand requests consultations with U.S. (11/26/08). Thailand requests establishment of a panel (03/09/09). Panel established (03/20/09). Panel report circulated (01/22/10).
DS384	United States – Certain Country of Origin Labelling (Cool) Requirements	Canada	Canada requests consultations with U.S. (12/01/08). Mexico and Nicaragua request to join consultations (12/12/08); U.S. accepts requests. Canada requests further consultations (05/07/09); Mexico (05/15/09) and Peru (05/22/09) request to join the further consultations; U.S. accepts requests. Canada requests establishment of a panel (10/07/09). Single panel established pursuant to Article 9.1 of the DSU to examine this dispute and DS386 (11/19/09).
DS386	United States – Certain Country of Origin Labelling Requirements	Mexico	Mexico requests consultations with U.S. (12/17/08). Canada (12/30/08) and Peru (05/22/09) request to join consultations; U.S. accepts requests. Mexico requests establishment of a panel (10/09/09). Single panel established pursuant to Article 9.1 of the DSU to examine this dispute and DS384 (11/19/09).
DS387	China - Grants, Loans and other Incentives	United States	U.S. requests consultations with China (12/19/08). Canada, EC, Mexico, Turkey (01/15/09); Australia, Colombia (01/16/09); and Ecuador, Guatemala, New Zealand (01/19/09) request to join consultations. U.S. and China announced agreement (12/18/09).
DS389	European Communities - Certain Measures Affecting Poultry Meat and Poultry Meat Products from the United States	United States	U.S. requests consultations with EC (01/16/09). Panel established (11/19/09).
DS392	United States - Certain Measures Affecting Imports of Poultry from China	China	China requests consultations with U.S. (04/17/09). China requests establishment of a panel (06/23/09). Panel established (07/31/09). China requests the Director-General to compose the panel (09/16/09). Director-General composes the panel (09/23/09).
DS394	China - Measures Related to the Exportation of Various Raw Materials	United States	U.S. requests consultations with China (06/23/09). EC (07/02/09), Canada, Mexico and Turkey (07/06/09) request to join the consultations; China accepts requests. U.S. requests establishment of a panel (11/04/09). DSB establishes panel (12/21/09).

**TABLE A.19** WTO dispute-settlement cases to which the United States was a party, developments in 2009—*Continued*

Case No.	Title	Complainant	Action (month/day/year)
DS399	United States - Measures Affecting Imports of Certain Passenger Vehicle and Light Truck Tyres from China	China	China requests consultations with U.S. (09/14/09). China requests establishment of a panel (12/09/09). Panel established (01/19/10).
DS402	United States - Use of Zeroing in Anti-Dumping Measures Involving Products from Korea	Korea	Korea requests consultations with U.S. (11/24/09). Japan requests to join consultations (12/03/09).

*Source:* WTO, "Chronological List of Disputes Cases," [http://www.wto.org/english/tratop\\_e/dispu\\_e/dispu\\_status\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/dispu_status_e.htm).

*Note:* With a few exceptions, this list includes cases in which formal action occurred in 2009; where appropriate, pre-2009 and post-2009 actions are noted to place the 2008 actions in context.

**TABLE A.20** NAFTA Chapter 19 substantive challenges to original and five-year review determinations of USITC and Commerce, developments in 2009

File No.	Dispute	Action (month/day/year)
USA-MEX-2007-1904-01	Stainless Steel Sheet and Strip in Coils (Commerce Final Affirmative Antidumping Determination).	Request for panel review (01/22/07). Oral argument (09/10/09).
USA-CDA-2009-1904-01	Carbon and Alloy Steel Wire Rod (Commerce Final Affirmative Antidumping Determination).	Request for panel review (01/16/09).
USA-MEX-2009-1904-02	Stainless Steel Sheet and Strip in Coils (Commerce Final Affirmative Antidumping Determination).	Request for panel review (03/11/09).

---

*Source:* NAFTA Secretariat, "Status Report NAFTA & FTA Dispute Settlement Proceedings," <http://www.nafta-secretaria.org/en/StatusReport.aspx>.

*Note:* This list includes only cases in which formal action occurred in 2009; pending cases in which little or no formal action occurred are omitted.

**TABLE A.21** U.S. merchandise trade with the European Union,<sup>a</sup> by SITC codes (revision 3), 2007–09

SITC Code No.	Description	2007	2008	2009	% change, 2008–09
		Millions of \$			
Exports:					
0	Food and live animals	6,153	6,756	5,204	-23.0
1	Beverages and tobacco	1,571	1,541	1,314	-14.7
2	Crude materials, inedible, except fuels	10,813	12,100	6,918	-42.8
3	Mineral fuels, lubricants and related materials	5,950	14,269	11,041	-22.6
4	Animal and vegetable oils, fats and waxes	265	320	215	-32.9
5	Chemicals and related products, n.e.s.	47,832	53,888	50,045	-7.1
6	Manufactured goods classified chiefly by material	15,105	15,909	10,773	-32.3
7	Machinery and transport equipment	97,462	101,086	75,341	-25.5
8	Miscellaneous manufactured articles	29,188	31,671	27,384	-13.5
9	Commodities and transactions not classified elsewhere in the SITC	11,912	13,657	14,158	3.7
	Total	226,252	251,196	202,392	-19.4
Imports:					
0	Food and live animals	5,141	5,274	4,874	-7.6
1	Beverages and tobacco	10,087	9,746	8,597	-11.8
2	Crude materials, inedible, except fuels	3,031	3,133	2,020	-35.5
3	Mineral fuels, lubricants and related materials	24,655	30,404	15,900	-47.7
4	Animal and vegetable oils, fats and waxes	897	1,001	826	-17.5
5	Chemicals and related products, n.e.s.	78,065	84,498	77,821	-7.9
6	Manufactured goods classified chiefly by material	38,271	37,219	23,667	-36.4
7	Machinery and transport equipment	132,475	132,024	92,638	-29.8
8	Miscellaneous manufactured articles	42,020	41,564	33,160	-20.2
9	Commodities and transactions not classified elsewhere in the SITC	17,546	18,803	18,600	-1.1
	Total	352,189	363,667	278,104	-23.5

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s." stands for "not elsewhere specified."

<sup>a</sup> Includes 27 EU countries.

**TABLE A.22** Leading U.S. exports to the European Union,<sup>a</sup> by Schedule B subheading, 2007–09

Schedule B subheading	Description	2007	2008	2009	% change, 2008–09
		Millions of \$			
8800.00 <sup>b</sup>	Aircraft, spacecraft, and parts thereof	0	0	25,199	( <sup>c</sup> )
3004.90	Certain medicaments put up in measured doses or in forms or packings for retail sale, n.e.s.o.i.	7,893	9,630	10,789	12.0
3002.10	Antisera and other blood fractions, and modified immunological products	4,937	6,497	7,580	16.7
2710.19	Oils and preparations from petroleum oils and oils from bituminous minerals, minimum 70 percent by weight of such products, not light	2,809	9,195	7,148	-22.3
7108.12	Nonmonetary gold (including gold plated with platinum), unwrought, excluding powder	4,235	5,218	6,866	31.6
9018.90	Medical, surgical, dental or veterinary sciences instruments, appliances, and parts, n.e.s.o.i.	2,888	3,131	2,989	-4.5
2701.12	Bituminous coal, whether or not pulverized, but not agglomerated	1,897	3,525	2,789	-20.9
8703.33	Passenger motor vehicles with compression-ignition internal combustion piston engine (diesel), cylinder capacity over 2,500 cc	2,370	4,781	2,699	-43.6
8703.23	Passenger motor vehicles with spark-ignition internal-combustion reciprocating piston engine, cylinder capacity over 1,500 but not over 3,000 cc	5,957	5,449	2,216	-59.3
3822.00	Composite diagnostic or laboratory reagents, except pharmaceuticals	2,124	2,255	2,081	-7.7
3002.20	Vaccines for human medicine	1,082	1,213	2,035	67.8
9018.39	Medical etc. needles n.e.s.o.i., catheters, cannulae and the like; parts and accessories thereof	1,362	1,720	1,996	16.1
9701.10	Paintings, drawings and pastels, executed entirely by hand, framed or not framed	1,818	2,549	1,729	-32.2
8517.62	Machines for the reception, conversion, transmission or regeneration of voice, images or other data, including switching/routing apparatus	2,597	2,535	1,680	-33.7
8411.99	Gas turbines parts, n.e.s.o.i.	1,624	2,013	1,583	-21.4
9018.19	Electro-diagnostic apparatus n.e.s.o.i., and parts	1,258	1,438	1,481	3.0
9021.90	Appliances n.e.s.o.i., worn, carried, or implanted in the body, to compensate for a defect or disability; parts and accessories thereof	1,340	1,209	1,248	3.3
2933.39	Heterocyclic compounds containing an unfused pyridine ring, whether or not hydrogenated, in the structure, n.e.s.o.i.	1,433	943	1,167	23.7
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	6,573	6,745	1,159	-82.8
8471.50	Digital processing units other than those of 8471.41 and 8471.49	944	1,300	1,158	-10.9
8802.30	Airplanes and aircraft, of an unladen weight over 2,000 kg but not over 15,000 kg	3,152	2,899	1,145	-60.5
8473.30	Parts and accessories for automated data processing machines and units	2,137	1,884	1,045	-44.5
8541.40	Photosensitive semiconductor devices, including photovoltaic cells; light-emitting diodes	724	967	1,026	6.2
9021.39	Artificial parts of the body and parts and accessories thereof, n.e.s.o.i.	642	962	1,000	4.0
8703.24	Passenger motor vehicles with spark-ignition internal-combustion reciprocating piston engine, cylinder capacity over 3,000 cc	772	1,211	958	-20.9
	Total of items shown	62,567	79,267	90,768	14.5
	All other	163,684	171,929	111,625	-35.1
	Total of all commodities	226,252	251,196	202,392	-19.4

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

<sup>a</sup> Includes 27 EU countries.

<sup>b</sup> Beginning in January 2009, the Census Bureau suppressed certain 10-digit Schedule B commodity classifications related to the aircraft industry and reported these data in aggregate under HTS Schedule B code 8800.00.0000, "Civilian aircraft, engines, and parts."

<sup>c</sup> Not applicable.

**TABLE A.23** Leading U.S. imports from the European Union,<sup>a</sup> by HTS subheading, 2007–09

HTS subheading	Description	2007	2008	2009	% change, 2008–09
Millions of \$					
3004.90	Certain medicaments put up in measured doses or in forms or packings for retail sale, n.e.s.o.i.	20,600	21,765	21,779	0.1
2710.11	Light oils and preparations from petroleum oils and oils from bituminous minerals, minimum 70 percent by weight of such products	16,215	19,686	10,153	-48.4
8703.24	Passenger motor vehicles with spark-ignition internal-combustion reciprocating piston engine, cylinder capacity over 3,000 cc	18,320	16,012	8,709	-45.6
8703.23	Passenger motor vehicles with spark-ignition internal-combustion reciprocating piston engine, cylinder capacity over 1,500 but not over 3,000 cc	14,437	13,193	7,900	-40.1
2934.99	Nucleic acids and their salts, whether or not chemically defined; other heterocyclic compounds, n.e.s.o.i.	7,912	9,635	7,109	-26.2
2933.99	Heterocyclic compounds with nitrogen hetero-atom(s) only, n.e.s.o.i.	5,102	4,981	6,450	29.5
8411.91	Parts for turbojets or turbopropellers	5,643	6,129	5,535	-9.7
2710.19	Oils and preparations from petroleum oils and oils from bituminous minerals, minimum 70 percent by weight of such products, not light	5,688	7,349	3,432	-53.3
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	3,101	3,560	3,293	-7.5
8802.40	Airplanes and other aircraft, of an unladen weight exceeding 15,000 kg	3,597	2,950	3,199	8.4
2844.20	Uranium and its compounds enriched in U-235; plutonium and its compounds	3,129	3,336	2,851	-14.5
9701.10	Paintings, drawings and pastels, executed entirely by hand, framed or not framed	4,883	4,000	2,714	-32.2
7102.39	Nonindustrial diamonds, n.e.s.o.i.	3,133	3,364	2,326	-30.8
3002.10	Antisera and other blood fractions, and modified immunological products	1,448	2,034	2,316	13.9
8411.12	Turbojets of a thrust exceeding 25 kN	2,278	2,366	2,157	-8.8
3004.39	Medicaments, in measured doses, containing hormones or derivatives/steroids used primarily as hormones, but not containing antibiotics, n.e.s.o.i.	2,160	2,300	2,123	-7.7
2204.21	Wine n.e.s.o.i. of fresh grapes or fortified wine, in containers not over 2 liters	2,473	2,545	2,074	-18.5
3004.31	Medicaments, in measured doses, containing insulin but not containing antibiotics	1,184	1,343	1,826	36.0
9021.39	Artificial parts of the body and parts and accessories thereof, n.e.s.o.i.	1,361	2,310	1,802	-22.0
3302.10	Mixtures of odoriferous substances and mixtures with a basis of these substances, used in the food or drink industries	1,964	2,038	1,788	-12.3
9018.90	Medical, surgical, dental or veterinary sciences instruments, appliances, and parts, n.e.s.o.i.	1,786	2,153	1,731	-19.6
2933.59	Heterocyclic compounds containing a pyrimidine (hydrogenated or not) or piperazine ring in the structure, n.e.s.o.i.	912	923	1,723	86.8
2203.00	Beer made from malt	1,631	1,680	1,516	-9.8
3004.40	Medicaments, in measured doses, containing alkaloids or derivatives thereof but not containing hormones and similar steroids or antibiotics	861	1,243	1,485	19.5
8502.31	Electric generating sets, wind-powered	1,732	1,929	1,428	-26.0
	Total of items shown	131,548	138,825	107,419	-22.6
	All other	220,641	224,841	170,685	-24.1
	Total of all commodities	352,189	363,667	278,104	-23.5

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

<sup>a</sup> Includes 27 EU countries.

**TABLE A.24** U.S. merchandise trade with Canada, by SITC codes (revision 3), 2007–09

SITC Code No.	Description	2007	2008	2009	% change, 2008–09
		Millions of \$			
Exports:					
0	Food and live animals	12,567	14,386	13,979	-2.8
1	Beverages and tobacco	786	970	1,051	8.4
2	Crude materials, inedible, except fuels	6,772	7,760	4,866	-37.3
3	Mineral fuels, lubricants and related materials	9,933	15,830	9,299	-41.3
4	Animal and vegetable oils, fats and waxes	424	549	516	-6.0
5	Chemicals and related products, n.e.s.	23,579	25,111	21,661	-13.7
6	Manufactured goods classified chiefly by material	30,630	32,597	24,934	-23.5
7	Machinery and transport equipment	99,532	95,191	70,175	-26.3
8	Miscellaneous manufactured articles	19,980	21,086	18,187	-13.7
9	Commodities and transactions not classified elsewhere in the SITC	8,916	8,945	7,027	-21.4
	Total	213,119	222,424	171,695	-22.8
Imports:					
0	Food and live animals	15,151	16,803	14,283	-15.0
1	Beverages and tobacco	812	815	679	-16.7
2	Crude materials, inedible, except fuels	12,612	12,432	7,703	-38.0
3	Mineral fuels, lubricants and related materials	78,179	111,266	63,640	-42.8
4	Animal and vegetable oils, fats and waxes	785	1,545	1,031	-33.3
5	Chemicals and related products, n.e.s.	24,320	27,149	20,462	-24.6
6	Manufactured goods classified chiefly by material	47,905	46,585	30,697	-34.1
7	Machinery and transport equipment	99,697	85,135	60,267	-29.2
8	Miscellaneous manufactured articles	15,881	14,657	11,431	-22.0
9	Commodities and transactions not classified elsewhere in the SITC	17,164	18,452	14,392	-22.0
	Total	312,505	334,840	224,584	-32.9

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s." stands for "not elsewhere specified."

**TABLE A.25** Leading U.S. exports to Canada, by Schedule B subheading, 2007–09

Schedule B subheading	Description	2007	2008	2009	% change, 2008–09
		Millions of \$			
8800.00 <sup>a</sup>	Aircraft, spacecraft, and parts thereof	0	0	4,682	<sup>(b)</sup>
8704.31	Motor vehicles for transporting goods, with spark-ignition internal-combustion piston engine, gross vehicle weight not exceeding 5 mt	5,695	4,517	4,665	3.3
8703.23	Passenger motor vehicles with spark-ignition internal-combustion reciprocating piston engine, cylinder capacity over 1,500 but not over 3,000 cc	6,820	6,687	4,024	-39.8
8703.24	Passenger motor vehicles with spark-ignition internal-combustion reciprocating piston engine, cylinder capacity over 3,000 cc	7,024	6,120	3,628	-40.7
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	5,091	4,365	3,064	-29.8
2711.21	Natural gas, gaseous state	2,628	3,842	2,466	-35.8
2710.19	Oils and preparations from petroleum oils and oils from bituminous minerals, minimum 70 percent by weight of such products, not light	2,480	4,019	2,225	-44.6
8407.34	Reciprocating spark-ignition piston engines, of a cylinder capacity over 1,000 cc	4,731	3,950	2,138	-45.9
3004.90	Certain medicaments put up in measure doses or in forms or packings for retail sale, n.e.s.o.i.	1,551	1,347	1,740	29.2
2709.00	Petroleum oils and oils obtained from bituminous minerals, crude	993	2,296	1,620	-29.5
8708.40	Gear boxes for motor vehicles	2,997	2,627	1,580	-39.9
7112.91	Gold waste and scrap, including metal clad with gold but excluding sweepings containing other precious metals	1,245	1,778	1,507	-15.3
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	2,552	1,913	1,348	-29.5
8523.40	Optical media	1,025	1,366	1,197	-12.3
8409.91	Parts for spark-ignition internal-combustion piston engines	1,550	1,220	1,079	-11.6
4901.99	Printed books, brochures, leaflets and similar printed matter, other than in single sheets	959	998	947	-5.1
8481.80	Taps, cocks, valves and similar appliances, n.e.s.o.i.	969	993	943	-5.0
4902.90	Newspapers, etc. appearing less than 4 times per week	1,000	994	858	-13.7
4011.10	New pneumatic tires, of rubber, of a kind used on motor cars, including station wagons and racing cars	724	752	838	11.4
2106.90	Food preparations, other than protein concentrates and textured protein substances, n.e.s.o.i.	685	831	802	-3.5
8708.30	Brakes and servo-brakes for motor vehicles, and parts thereof	1,134	884	795	-10.0
7606.12	Rectangular plates, sheets and strip, over 0.2 mm thick, of aluminum alloy	1,299	1,307	767	-41.3
2710.11	Light oils and preparations from petroleum oils and oils from bituminous minerals, minimum 70 percent by weight of such products	739	1,682	741	-55.9
3402.20	Washing or cleaning preparations, other than soap, containing aromatic or modified aromatic surface-active agent, for retail sale	604	728	712	-2.1
8471.50	Digital processing units other than those of 8471.41 and 8471.49	1,101	1,185	704	-40.6
	Total of items shown	55,597	56,401	45,070	-20.1
	All other	157,522	166,024	126,626	-23.7
	Total of all commodities	213,119	222,424	171,695	-22.8

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

<sup>a</sup> Beginning in January 2009, the Census Bureau suppressed certain 10-digit Schedule B commodity classifications related to the aircraft industry and reported these data in aggregate under HTS Schedule B code 8800.00.0000, "Civilian aircraft, engines, and parts."

<sup>b</sup> Not applicable.

**TABLE A.26** Leading U.S. imports from Canada, by HTS subheading, 2007–09

HTS subheading	Description	2007	2008	2009	% change, 2008–09
		Millions of \$			
2709.00	Petroleum oils and oils obtained from bituminous minerals, crude	37,929	62,485	36,972	-40.8
8703.24	Passenger motor vehicles with spark-ignition internal-combustion reciprocating piston engine, cylinder capacity over 3,000 cc	30,312	25,184	16,594	-34.1
2711.21	Natural gas, gaseous state	22,370	26,703	12,391	-53.6
8703.23	Passenger motor vehicles with spark-ignition internal-combustion reciprocating piston engine, cylinder capacity over 1,500 but not over 3,000 cc	6,429	6,173	6,164	-0.1
2710.19	Oils and preparations from petroleum oils and oils from bituminous minerals, minimum 70 percent by weight of such products, not light	6,265	7,695	5,166	-32.9
2710.11	Light oils and preparations from petroleum oils and oils from bituminous minerals, minimum 70 percent by weight of such products	4,831	5,496	3,726	-32.2
3004.90	Certain medicaments put up in measure doses or in forms or packings for retail sale, n.e.s.o.i.	3,651	3,600	3,547	-1.5
7601.10	Aluminum, not alloyed, unwrought	2,686	3,161	2,282	-27.8
8802.40	Airplanes and other aircraft, of an unladen weight exceeding 15,000 kg	2,334	2,068	2,181	5.4
4802.61	Uncoated paper/paperboard for writing/printing/other graphic purposes n.e.s.o.i., over 10 percent fiber by mechanical process, in rolls	2,393	2,506	2,093	-16.5
7108.12	Nonmonetary gold (including gold plated with platinum), unwrought, excluding powder	2,074	2,641	2,073	-21.5
2716.00	Electrical energy	2,713	3,641	2,071	-43.1
4407.10	Coniferous wood sawn or chipped lengthwise, sliced or peeled, of thickness exceeding 6mm	4,860	3,216	1,987	-38.2
3104.20	Medicaments, for therapeutic or prophylactic uses, in measured doses, containing antibiotics other than penicillins	1,542	3,084	1,964	-36.3
8407.34	Reciprocating spark-ignition piston engines, of a cylinder capacity over 1,000 cc	2,905	2,203	1,743	-20.9
2711.12	Propane, liquefied	1,916	2,387	1,424	-40.3
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	3,346	2,505	1,422	-43.2
4801.00	Newsprint, in rolls or sheets	2,345	2,331	1,395	-40.2
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	3,197	2,296	1,316	-42.7
7601.20	Unwrought aluminum alloys	2,717	2,366	1,235	-47.8
4703.21	Chemical woodpulp, soda or sulfate, other than dissolving grades, semibleached or bleached, coniferous wood	1,925	1,931	1,224	-36.6
3901.90	Polymers of ethylene n.e.s.o.i., in primary forms	1,325	1,528	1,067	-30.2
8517.12	Telephones for cellular networks or for other wireless networks	366	1,049	1,032	-1.6
0102.90	Bovine animals, live, n.e.s.o.i.	1,419	1,464	940	-35.8
7403.11	Refined copper, cathodes and sections of cathodes	1,681	1,826	915	-49.9
	Total of items shown	153,529	179,540	112,922	-37.1
	All other	158,975	155,300	111,662	-28.1
	Total of all commodities	312,505	334,840	224,584	-32.9

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

**TABLE A.27** U.S. merchandise trade with China, by SITC codes (revision 3), 2007–09

SITC Code No.	Description	2007	2008	2009	% change, 2008–09
Millions of \$					
Exports:					
0	Food and live animals	1,934	2,313	2,446	5.8
1	Beverages and tobacco	91	142	158	11.5
2	Crude materials, inedible, except fuels	16,419	20,008	20,917	4.5
3	Mineral fuels, lubricants and related materials	291	401	524	30.9
4	Animal and vegetable oils, fats and waxes	168	164	70	-57.2
5	Chemicals and related products, n.e.s.	8,303	9,136	9,908	8.4
6	Manufactured goods classified chiefly by material	3,959	4,833	3,981	-17.6
7	Machinery and transport equipment	25,574	25,298	22,162	-12.4
8	Miscellaneous manufactured articles	3,718	4,200	4,368	4.0
9	Commodities and transactions not classified elsewhere in the SITC	555	671	590	-12.0
	Total	61,013	67,166	65,124	-3.0
Imports:					
0	Food and live animals	4,196	4,796	4,143	-13.6
1	Beverages and tobacco	43	40	33	-16.4
2	Crude materials, inedible, except fuels	1,578	1,760	1,224	-30.4
3	Mineral fuels, lubricants and related materials	641	2,023	303	-85.0
4	Animal and vegetable oils, fats and waxes	34	47	48	2.7
5	Chemicals and related products, n.e.s.	7,245	10,734	8,519	-20.6
6	Manufactured goods classified chiefly by material	40,196	43,644	31,967	-26.8
7	Machinery and transport equipment	148,085	151,524	139,029	-8.2
8	Miscellaneous manufactured articles	117,102	118,770	106,528	-10.3
9	Commodities and transactions not classified elsewhere in the SITC	3,966	4,166	3,751	-10.0
	Total	323,085	337,504	295,545	-12.4

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s." stands for "not elsewhere specified."

**TABLE A.28** Leading U.S. exports to China, by Schedule B subheading, 2007–09

Schedule B subheading	Description	2007	2008	2009	% change, 2008–09
Millions of \$					
1201.00	Soybeans, whether or not broken	4,117	7,301	9,211	26.2
8800.00 <sup>a</sup>	Aircraft, spacecraft, and parts thereof	0	0	5,304	( <sup>b</sup> )
8542.31	Electronic integrated circuits, processors or controllers	2,294	3,477	2,865	-17.6
7204.49	Ferrous waste and scrap, n.e.s.o.i.	469	762	1,521	99.6
7404.00	Copper waste and scrap	1,786	1,763	1,310	-25.7
7602.00	Aluminum waste and scrap	1,590	1,728	1,256	-27.3
5201.00	Cotton, not carded or combed	1,454	1,631	824	-49.5
0207.14	Chicken cuts and edible offal, including livers, frozen	549	675	648	-4.0
7204.29	Waste and scrap, of non–stainless alloy steel	785	697	618	-11.4
3901.20	Polyethylene having a specific gravity of 0.94 or more, in primary forms	121	250	570	127.9
4707.90	Recovered waste and scrap paper or paperboard, n.e.s.o.i., including unsorted such waste and scrap	600	604	543	-10.1
4707.10	Waste and scrap of unbleached kraft paper or paperboard or of corrugated paper or paperboard	410	515	541	5.0
8473.30	Parts and accessories for automated data processing machines and units	699	634	492	-22.5
2804.61	Silicon, containing by weight not less than 99.99 percent of silicon	345	466	490	5.1
8703.24	Passenger motor vehicles with spark–ignition internal–combustion reciprocating piston engine, cylinder capacity over 3,000 cc	159	332	445	34.1
4101.50	Whole raw bovine or equine hides and skins, weight exceeding 16 kilograms, fresh, pickled or preserved but not tanned or further prepared	632	620	445	-28.3
8542.32	Electronic integrated circuits, memories	1,086	780	444	-43.1
4703.21	Chemical woodpulp, soda or sulfate, other than dissolving grades, semibleached or bleached, coniferous wood	316	334	415	24.4
3902.10	Polypropylene, in primary forms	339	212	414	95.6
8703.23	Passenger motor vehicles with spark–ignition internal–combustion reciprocating piston engine, cylinder capacity over 1,500 but not over 3,000 cc	353	393	357	-9.2
8431.43	Parts for boring or sinking machinery, n.e.s.o.i.	254	490	351	-28.4
5502.00	Artificial filament tow	208	271	326	20.1
8517.62	Machines for the reception, conversion, transmission or regeneration of voice, images or other data, including switching/routing apparatus	366	416	312	-24.9
8481.80	Taps, cocks, valves and similar appliances, n.e.s.o.i.	209	296	310	5.0
2603.00	Copper ores and concentrates	424	490	297	-39.4
	Total of items shown	19,568	25,136	30,308	20.6
	All other	41,446	42,029	34,816	-17.2
	Total of all commodities	61,013	67,166	65,124	-3.0

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation “n.e.s.o.i.” stands for “not elsewhere specified or included.”

<sup>a</sup> Beginning in January 2009, the Census Bureau suppressed certain 10–digit Schedule B commodity classifications related to the aircraft industry and reported these data in aggregate under HTS Schedule B code 8800.00.0000, “Civilian aircraft, engines, and parts.”

<sup>b</sup> Not applicable.

**TABLE A.29** Leading U.S. imports from China, by HTS subheading, 2007–09

HTS subheading	Description	2007	2008	2009	% change, 2008–09
Millions of \$					
8471.30	Portable digital automated data processing machines not exceeding 10 kg, with at least a CPU, keyboard and display	17,002	19,235	22,909	19.1
8517.12	Telephones for cellular networks or for other wireless networks	14,029	12,368	13,055	5.6
9503.00	Tricycles, scooters, similar wheeled toys; dolls, doll's carriages, and other toys; puzzles; reduced scale models	9,239	8,965	8,141	-9.2
8473.30	Parts and accessories for automated data processing machines and units	9,713	8,743	7,679	-12.2
9504.10	Video games used with television receiver and parts and accessories	7,318	8,246	7,032	-14.7
8517.62	Machines for the reception, conversion, transmission or regeneration of voice, images or other data, including switching/routing apparatus	4,386	6,811	5,480	-19.5
8528.72	Reception apparatus for television, incorporating a screen or video display device, color	3,897	4,858	5,057	4.1
6403.99	Footwear not covering the ankles, with outer soles of rubber or plastics or composition leather and uppers of leather	5,540	5,148	4,284	-16.8
8528.51	Monitors, other than cathode-ray tube, designed for use with automatic data processing machines	5,239	5,354	3,470	-35.2
8525.80	Television cameras, digital cameras, and video camera recorders	3,975	3,831	3,390	-11.5
6402.99	Footwear with outer soles and uppers of rubber or plastics n.e.s.o.i.	2,973	3,388	3,235	-4.5
8528.59	Monitors, other than cathode-ray tube, not designed for use with automatic data processing machines	2,947	3,609	3,177	-12.0
8471.50	Digital processing units other than those of 8471.41 and 8471.49	3,226	2,831	2,932	3.5
8443.31	Machines that perform two or more of the functions of printing, copying, facsimile transmission, able to connect to a computer or network	2,510	2,837	2,883	1.6
9504.90	Game machines except coin-operated; board games; mah-jongg; dominoes; dice	2,530	3,072	2,816	-8.3
6110.20	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of cotton	1,758	1,992	2,780	39.6
8504.40	Static converters	2,663	2,934	2,616	-10.8
8443.99	Parts and accessories of printers, copying and facsimile machines, n.e.s.o.i.	2,697	2,968	2,539	-14.4
8471.70	Automatic data processing storage units	3,571	3,199	2,365	-26.1
8521.90	Video recording or reproducing apparatus, whether or not including a video tuner, other than magnetic tape-type	2,526	1,350	2,098	55.4
4202.92	Trunks, cases, bags and similar containers, with outer surface of plastic sheeting or of textile materials	2,252	2,414	2,040	-15.5
9403.60	Wooden furniture, other than of a kind used in the bedroom	2,790	2,532	1,981	-21.8
6204.62	Women's or girls' trousers, etc., of cotton, not knitted or crocheted	1,160	1,269	1,934	52.4
6403.91	Footwear covering the ankles, with outer soles and uppers of rubber or plastics, excluding waterproof footwear	1,555	1,837	1,899	3.4
8528.71	Reception apparatus for television, not designed to incorporate a screen or video display device	1,362	2,255	1,873	-16.9
	Total of items shown	116,858	122,048	117,665	-3.6
	All other	206,227	215,456	177,880	-17.4
	Total of all commodities	323,085	337,504	295,545	-12.4

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

**TABLE A.30** U.S. merchandise trade with Mexico, by SITC codes (revision 3), 2007–09

SITC Code No.	Description	2007	2008	2009	% change, 2008–09
		Millions of \$			
Exports:					
0	Food and live animals	9,169	11,285	9,240	-18.1
1	Beverages and tobacco	191	237	281	18.5
2	Crude materials, inedible, except fuels	4,771	6,721	4,491	-33.2
3	Mineral fuels, lubricants and related materials	6,753	11,082	7,668	-30.8
4	Animal and vegetable oils, fats and waxes	598	868	639	-26.4
5	Chemicals and related products, n.e.s.	16,705	18,464	16,546	-10.4
6	Manufactured goods classified chiefly by material	18,767	19,640	15,637	-20.4
7	Machinery and transport equipment	46,959	47,709	37,863	-20.6
8	Miscellaneous manufactured articles	10,562	10,271	9,310	-9.4
9	Commodities and transactions not classified elsewhere in the SITC	4,906	5,229	4,042	-22.7
	Total	119,381	131,507	105,718	-19.6
Imports:					
0	Food and live animals	8,518	9,240	9,800	6.1
1	Beverages and tobacco	2,530	2,464	2,357	-4.4
2	Crude materials, inedible, except fuels	1,293	1,589	967	-39.2
3	Mineral fuels, lubricants and related materials	33,530	42,646	24,196	-43.3
4	Animal and vegetable oils, fats and waxes	68	87	50	-42.8
5	Chemicals and related products, n.e.s.	3,801	3,937	3,397	-13.7
6	Manufactured goods classified chiefly by material	15,948	15,909	11,509	-27.7
7	Machinery and transport equipment	113,988	110,794	95,220	-14.1
8	Miscellaneous manufactured articles	22,071	20,711	18,275	-11.8
9	Commodities and transactions not classified elsewhere in the SITC	8,413	8,952	10,539	17.7
	Total	210,159	216,328	176,309	-18.5

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s." stands for "not elsewhere specified."

**TABLE A.31** Leading U.S. exports to Mexico, by Schedule B subheading, 2007–09

Schedule B subheading	Description	2007	2008	2009	% change, 2008–09
Millions of \$					
2710.11	Light oils and preparations from petroleum oils and oils from bituminous minerals, minimum 70 percent by weight of such products	2,879	4,668	3,996	-14.4
2710.19	Light oils and preparations from petroleum oils and oils from bituminous minerals, minimum 70 percent by weight of such products	2,427	4,409	2,324	-47.3
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	1,744	1,711	2,155	25.9
1005.90	Corn (maize), other than seed	1,507	2,305	1,385	-39.9
1201.00	Soybeans, whether or not broken	1,170	1,786	1,350	-24.4
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	2,759	2,714	1,296	-52.2
8473.30	Parts and accessories for automated data processing machines and units	1,778	1,910	1,215	-36.4
8800.00 <sup>a</sup>	Aircraft, spacecraft, and parts thereof	0	0	1,151	( <sup>b</sup> )
3926.90	Articles of plastics and articles of other materials of headings 3901 to 3914, n.e.s.o.i.	1,521	1,341	1,109	-17.3
8703.23	Passenger motor vehicles with spark-ignition internal-combustion reciprocating piston engine, cylinder capacity over 1,500 but not over 3,000 cc	1,507	1,916	1,027	-46.4
8538.90	Parts for electrical apparatus for electrical circuits; for electrical control n.e.s.o.i.	1,439	1,232	910	-26.2
2902.43	Para-xylene	726	738	903	22.5
8708.40	Gear boxes for motor vehicles	725	763	848	11.1
7326.90	Articles of iron or steel n.e.s.o.i.	1,043	972	787	-19.0
8408.20	Compression-ignition internal-combustion piston engines	1,726	1,117	712	-36.3
8529.90	Parts, except antennas, for transmission, radar, radio, television, etc., n.e.s.o.i.	1,054	745	707	-5.0
8536.90	Electrical apparatus for switching or protecting electrical circuits, n.e.s.o.i.	988	906	705	-22.2
8517.62	Machines for the reception, conversion, transmission or regeneration of voice, images or other data, including switching/routing apparatus	276	462	699	51.4
9018.90	Medical, surgical, dental or veterinary sciences instruments, appliances, and parts, n.e.s.o.i.	552	706	669	-5.2
3901.20	Polyethylene having a specific gravity of 0.94 or more, in primary forms	612	762	648	-15.0
8703.24	Passenger motor vehicles with spark-ignition internal-combustion reciprocating piston engine, cylinder capacity over 3,000 cc	1,605	1,378	646	-53.1
0201.30	Meat of bovine animals, boneless, fresh or chilled	683	778	624	-19.8
7606.12	Rectangular plates, sheets and strip, over 0.2 mm thick, of aluminum alloy	632	710	609	-14.2
8544.49	Insulated electric conductors, for a voltage not exceeding 80 volts, not fitted with connectors, n.e.s.o.i.	957	895	608	-32.1
4819.10	Cartons, boxes and cases corrugated paper and paperboard	614	622	588	-5.4
	Total of items shown	30,925	35,547	27,670	-22.2
	All other	88,456	95,960	78,047	-18.7
	Total of all commodities	119,381	131,507	105,718	-19.6

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

<sup>a</sup> Beginning in January 2009, the Census Bureau suppressed certain 10-digit Schedule B commodity classifications related to the aircraft industry and reported these data in aggregate under HTS Schedule B code 8800.00.0000, "Civilian aircraft, engines, and parts."

<sup>b</sup> Not applicable.

**TABLE A.32** Leading U.S. imports from Mexico, by HTS subheading, 2007–09

HTS subheading	Description	2007	2008	2009	% change, 2008–09
		Millions of \$			
2709.00	Petroleum oils and oils obtained from bituminous minerals, crude	29,848	37,629	20,962	-44.3
8528.72	Reception apparatus for television, incorporating a screen or video display device, color	14,149	14,306	12,940	-9.5
8703.23	Passenger motor vehicles with spark-ignition internal-combustion reciprocating piston engine, cylinder capacity over 1,500 but not over 3,000 cc	10,110	10,425	7,974	-23.5
8517.12	Telephones for cellular networks or for other wireless networks	2,611	4,883	6,822	39.7
8471.50	Digital processing units other than those of 8471.41 and 8471.49	3,881	3,762	5,536	47.2
8704.31	Motor vehicles for transporting goods, with spark-ignition internal-combustion piston engine, gross vehicle weight not exceeding 5 mt	5,059	5,115	4,939	-3.4
7108.12	Nonmonetary gold (including gold plated with platinum), unwrought, excluding powder	561	1,067	2,881	169.9
8517.62	Machines for the reception, conversion, transmission or regeneration of voice, images or other data, including switching/routing apparatus	2,573	2,793	2,763	-1.1
8544.30	Insulated ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships	4,475	3,587	2,461	-31.4
9018.90	Medical, surgical, dental or veterinary sciences instruments, appliances, and parts, n.e.s.o.i.	1,834	2,027	2,099	3.5
2710.19	Oils and preparations from petroleum oils and oils from bituminous minerals, minimum 70 percent by weight of such products, not light	1,445	2,469	2,049	-17.0
8701.20	Road tractors for semi-trailers	352	824	2,043	147.8
9401.90	Parts of seats (except medical, barbers, dentist, etc.)	3,341	2,810	1,966	-30.0
8517.70	Parts of telecommunications apparatus	2,121	2,167	1,690	-22.0
8528.71	Reception apparatus for television, not designed to incorporate a screen or video display device	3,574	3,341	1,676	-49.8
8418.10	Combined refrigerator-freezers, fitted with separate external doors	1,904	1,693	1,646	-2.7
8537.10	Boards, panels, consoles, other components incorporating apparatus for control or distribution of electricity, for voltage not exceeding 1,000 volts	1,976	1,937	1,550	-20.0
2203.00	Beer made from malt	1,593	1,567	1,520	-3.0
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	2,462	1,915	1,484	-22.5
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	2,120	1,696	1,322	-22.0
8703.24	Passenger motor vehicles with spark-ignition internal-combustion reciprocating piston engine, cylinder capacity over 3,000 cc	3,283	3,061	1,276	-58.3
0702.00	Tomatoes, fresh or chilled	960	1,143	1,126	-1.5
8409.91	Parts for spark-ignition internal-combustion piston engines	1,720	1,587	1,092	-31.1
7106.91	Silver, other than powder, unwrought	1,184	1,351	1,090	-19.3
6203.42	Men's or boys' trousers, bib and brace overalls, breeches and shorts not knitted or crocheted, of cotton	1,213	1,177	1,067	-9.3
	Total of items shown	104,348	114,332	91,971	-19.6
	All other	105,811	101,997	84,337	-17.3
	Total of all commodities	210,159	216,328	176,309	-18.5

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

**TABLE A.33** U.S. merchandise trade with Japan, by SITC codes (revision 3), 2007–09

SITC Code No.	Description	2007	2008	2009	% change 2008–09
		Millions of \$			
Exports:					
0	Food and live animals	9,063	11,905	10,123	-15.0
1	Beverages and tobacco	1,045	847	606	-28.5
2	Crude materials, inedible, except fuels	4,234	4,820	2,962	-38.6
3	Mineral fuels, lubricants and related materials	534	1,319	876	-33.6
4	Animal and vegetable oils, fats and waxes	78	77	69	-9.5
5	Chemicals and related products, n.e.s.	9,217	10,299	8,390	-18.5
6	Manufactured goods classified chiefly by material	3,682	3,412	2,330	-31.7
7	Machinery and transport equipment	20,609	19,378	13,632	-29.7
8	Miscellaneous manufactured articles	8,338	8,010	6,847	-14.5
9	Commodities and transactions not classified elsewhere in the SITC	1,295	1,370	1,240	-9.5
	Total	58,096	61,435	47,074	-23.4
Imports:					
0	Food and live animals	483	546	558	2.1
1	Beverages and tobacco	53	65	64	-1.0
2	Crude materials, inedible, except fuels	595	626	421	-32.7
3	Mineral fuels, lubricants and related materials	1,176	575	274	-52.4
4	Animal and vegetable oils, fats and waxes	27	39	31	-20.7
5	Chemicals and related products, n.e.s.	8,368	8,532	7,739	-9.3
6	Manufactured goods classified chiefly by material	8,385	8,596	6,617	-23.0
7	Machinery and transport equipment	110,265	105,462	69,062	-34.5
8	Miscellaneous manufactured articles	11,227	10,916	8,116	-25.7
9	Commodities and transactions not classified elsewhere in the SITC	4,348	3,755	3,120	-16.9
	Total	144,928	139,112	96,002	-31.0

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s." stands for "not elsewhere specified."

**TABLE A.34** Leading U.S. exports to Japan, by Schedule B subheading, 2007–09

Schedule B subheading	Description	2007	2008	2009	% change, 2008–09
		Millions of \$			
8800.00 <sup>a</sup>	Aircraft, spacecraft, and parts thereof	0	0	4,089	<sup>(b)</sup>
1005.90	Corn (maize), other than seed	2,620	3,845	2,825	-26.5
3004.90	Certain medicaments put up in measured doses or in forms or packings for retail sale, n.e.s.o.i.	839	938	1,185	26.3
1201.00	Soybeans, whether or not broken	1,100	1,366	1,101	-19.5
1001.90	Wheat and meslin, excluding durum wheat	702	1,616	793	-50.9
0203.19	Meat of swine, n.e.s.o.i., fresh or chilled	518	723	747	3.3
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	2,056	2,096	736	-64.9
2804.61	Silicon, containing by weight not less than 99.99 percent of silicon	805	829	717	-13.5
9018.90	Medical, surgical, dental or veterinary sciences instruments, appliances, and parts, n.e.s.o.i.	682	605	668	10.5
2844.20	Uranium and its compounds enriched in U-235; plutonium and its compounds	799	583	650	11.6
0203.29	Meat of swine, n.e.s.o.i., frozen	404	608	621	2.0
3822.00	Composite diagnostic or laboratory reagents, except pharmaceuticals	497	557	542	-2.6
9018.39	Medical etc. needles n.e.s.o.i., catheters, cannulae and the like; parts and accessories thereof	442	590	536	-9.2
1214.90	Rutabagas (swedes), mangolds, fodder roots, hay, clover, kale, vetches, and other forage products, n.e.s.o.i., whether or not in pellet form	372	422	442	4.6
1006.30	Rice, semi-milled or wholly milled, whether or not polished or glazed	145	155	379	145.1
2402.20	Cigarettes containing tobacco	759	598	345	-42.2
8517.62	Machines for the reception, conversion, transmission or regeneration of voice, images or other data, including switching/routing apparatus	345	387	299	-22.8
2309.10	Dog or cat food, put up for retail sale	226	273	292	7.0
8486.20	Machines and apparatus for the manufacture of semiconductor devices or electronic integrated circuits	1,240	782	287	-63.2
4403.20	Coniferous wood in the rough, not treated	401	412	286	-30.5
9021.39	Artificial parts of the body and parts and accessories thereof, n.e.s.o.i.	246	254	273	7.4
2004.10	Potatoes, including french fries, prepared or preserved otherwise than by vinegar or acetic acid, frozen	215	239	269	12.6
4811.51	Bleached paper and paperboard, coated/impregnated/covered with plastics, weighing over 150 grams per square meter, in rolls or sheets	224	270	266	-1.6
2711.11	Natural gas, liquefied	94	322	257	-20.2
9306.90	Bombs, grenades, torpedoes, mines, missiles, etc., and parts	275	367	256	-30.2
	Total of items shown	16,006	18,836	18,861	0.1
	All other	42,089	42,599	28,213	-33.8
	Total of all commodities	58,096	61,435	47,074	-23.4

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

<sup>a</sup> Beginning in January 2009, the Census Bureau suppressed certain 10-digit Schedule B commodity classifications related to the aircraft industry and reported these data in aggregate under HTS Schedule B code 8800.00.0000, "Civilian aircraft, engines, and parts."

<sup>b</sup> Not applicable.

**TABLE A.35** Leading U.S. imports from Japan, by HTS subheading, 2007–09

HTS subheading	Description	2007	2008	2009	% change 2008–09
		Millions of \$			
8703.23	Passenger motor vehicles with spark-ignition internal-combustion reciprocating piston engine, cylinder capacity over 1,500 but not over 3,000 cc	17,262	17,359	12,787	-26.3
8703.24	Passenger motor vehicles with spark-ignition internal-combustion reciprocating piston engine, cylinder capacity over 3,000 cc	21,030	17,877	9,064	-49.3
8443.99	Parts and accessories of printers, copying and facsimile machines, n.e.s.o.i.	4,202	4,697	3,897	-17.0
8703.22	Passenger motor vehicles with spark-ignition internal-combustion reciprocating piston engine over 1,000 but over 1,500 cc	6,024	6,733	2,751	-59.1
8525.80	Television cameras, digital cameras, and video camera recorders	3,450	3,273	2,151	-34.3
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	1,836	1,642	1,983	20.7
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	2,035	1,808	1,703	-5.8
3004.90	Certain medicaments put up in measure doses or in forms or packings for retail sale, n.e.s.o.i.	1,118	995	1,376	38.2
8708.40	Gear boxes for motor vehicles	2,837	2,441	1,127	-53.9
8486.20	Machines and apparatus for the manufacture of semiconductor devices or electronic integrated circuits	1,450	1,213	1,113	-8.2
2933.79	Lactams, excluding 6-hexanelactam, clobazam, and methyprylon	659	631	929	47.4
8411.91	Parts for turbojets or turbopropellers	893	959	824	-14.1
4011.10	New pneumatic tires, of rubber, of a kind used on motor cars, including station wagons and racing cars	753	784	678	-13.6
8409.91	Parts for spark-ignition internal-combustion piston engines	1,171	1,111	667	-39.9
3818.00	Chemical elements doped for use in electronics, in the form of discs, wafers, similar forms; chemical compounds doped for use in electronics	1,063	1,059	645	-39.1
9504.90	Game machines except coin-operated; board games; mah-jongg; dominoes; dice	596	615	627	2.0
8502.31	Electric generating sets, wind-powered	307	378	581	53.8
9018.19	Electro-diagnostic apparatus n.e.s.o.i., and parts	642	678	579	-14.6
8701.90	Tractors, n.e.s.o.i.	890	819	576	-29.7
8523.29	Magnetic media, other than cards incorporating a magnetic stripe	836	774	560	-27.6
8471.30	Portable digital automated data processing machines not exceeding 10 kg, with at least a CPU, keyboard and display	974	790	550	-30.3
8541.40	Photosensitive semiconductor devices, including photovoltaic cells; light-emitting diodes	650	767	535	-30.2
8542.31	Electronic integrated circuits, processors or controllers	742	662	528	-20.2
8711.50	Motorcycles and cycles, with an auxiliary motor, with a reciprocating internal combustion piston engine, cylinder capacity over 800 cc	909	813	507	-37.6
9002.11	Objective lenses and parts and accessories thereof for cameras, projectors or photographic enlargers or reducers	529	674	495	-26.6
	Total of items shown	72,861	69,552	47,234	-32.1
	All other	72,067	69,560	48,768	-29.9
	Total of all commodities	144,928	139,112	96,002	-31.0

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

**TABLE A.36** U.S. merchandise trade with Korea, by SITC codes (revision 3), 2007–09

SITC Code No.	Description	2007	2008	2009	% change, 2008–09
Millions of \$					
Exports:					
0	Food and live animals	2,987	4,915	3,331	–32.2
1	Beverages and tobacco	76	61	49	–20.1
2	Crude materials, inedible, except fuels	3,002	3,518	2,929	–16.7
3	Mineral fuels, lubricants and related materials	779	1,104	1,169	5.9
4	Animal and vegetable oils, fats and waxes	101	141	98	–30.4
5	Chemicals and related products, n.e.s.	5,252	4,902	4,376	–10.7
6	Manufactured goods classified chiefly by material	1,480	1,705	1,408	–17.4
7	Machinery and transport equipment	14,692	12,600	10,463	–17.0
8	Miscellaneous manufactured articles	4,112	3,564	2,665	–25.2
9	Commodities and transactions not classified elsewhere in the SITC	532	564	586	3.8
	Total	33,012	33,074	27,074	–18.1
Imports:					
0	Food and live animals	261	279	290	3.8
1	Beverages and tobacco	69	74	76	2.9
2	Crude materials, inedible, except fuels	314	459	234	–49.0
3	Mineral fuels, lubricants and related materials	2,332	1,497	1,101	–26.4
4	Animal and vegetable oils, fats and waxes	1	1	2	35.5
5	Chemicals and related products, n.e.s.	1,919	2,239	1,583	–29.3
6	Manufactured goods classified chiefly by material	5,508	6,201	4,035	–34.9
7	Machinery and transport equipment	31,534	32,206	28,718	–10.8
8	Miscellaneous manufactured articles	2,520	2,678	1,944	–27.4
9	Commodities and transactions not classified elsewhere in the SITC	911	1,053	785	–25.4
	Total	45,368	46,687	38,770	–17.0

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation “n.e.s.” stands for “not elsewhere specified.”

**TABLE A.37** Leading U.S. exports to Korea, by Schedule B subheading, 2007–09

Schedule B subheading	Description	2007	2008	2009	% change, 2008–09
		Millions of \$			
8800.00	Aircraft, spacecraft, and parts thereof <sup>a</sup>	0	0	1,345	<sup>(b)</sup>
8541.29	Transistors, other than photosensitive, with a dissipation rate greater than or equal to 1 Watt	623	1,068	1,207	13.1
1005.90	Corn (maize), other than seed	829	2,159	1,116	-48.3
7204.49	Ferrous waste and scrap, n.e.s.o.i.	292	967	813	-15.8
8486.20	Machines and apparatus for the manufacture of semiconductor devices or electronic integrated circuits	984	654	720	10.1
8542.32	Electronic integrated circuits, memories	179	304	393	29.5
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	663	617	363	-41.2
8431.43	Parts for boring or sinking machinery, n.e.s.o.i.	143	295	351	19.1
8486.90	Parts and accessories of machines and apparatus used in the manufacture of semiconductors, flat panels, or electronic integrated circuits	319	292	336	15.0
2926.10	Acrylonitrile	500	424	314	-25.9
8542.39	Electronic integrated circuits, n.e.s.o.i.	883	338	312	-7.8
2707.99	Oils and products of the distillation of high temperature coal tar, n.e.s.o.i.; similar products with predominate aromatic constituent	191	321	305	-5.0
1201.00	Soybeans, whether or not broken	158	187	277	48.6
1001.90	Wheat and meslin, excluding durum wheat	325	526	271	-48.5
2707.30	Xylenes	229	138	257	85.9
8542.31	Electronic integrated circuits, processors or controllers	683	357	206	-42.3
8431.39	Parts for lifting, handling, loading, or unloading machinery, n.e.s.o.i.	18	120	202	68.0
3004.90	Certain medicaments put up in measure doses or in forms or packings for retail sale, n.e.s.o.i.	83	104	197	88.4
2710.19	Oils and preparations from petroleum oils and oils from bituminous minerals, minimum 70 percent by weight of such products, not light	232	284	195	-31.3
7602.00	Aluminum waste and scrap	383	382	187	-51.0
2701.12	Bituminous coal, whether or not pulverized, but not agglomerated	10	185	187	1.3
2608.00	Zinc ores and concentrates	218	85	167	96.3
8411.91	Parts for turbojets or turbopropellers	334	357	163	-54.5
2844.20	Uranium and its compounds enriched in U-235; plutonium and its compounds	201	203	161	-20.8
9001.90	Lenses, except contact and spectacle, prisms, mirrors and other optical elements, unmounted, other than of glass not optically worked	293	131	154	18.0
	Total of items shown	8,775	10,498	10,201	-2.8
	All other	24,237	22,576	16,873	-25.3
	Total of all commodities	33,012	33,074	27,074	-18.1

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

<sup>a</sup> Beginning in January 2009, the Census Bureau suppressed certain 10-digit Schedule B commodity classifications related to the aircraft industry and reported these data in aggregate under HTS Schedule B code 8800.00.0000, "Civilian aircraft, engines, and parts."

<sup>b</sup> Not applicable.

**TABLE A.38** Leading U.S. imports from Korea, by HTS subheading, 2007–09

HTS subheading	Description	2007	2008	2009	% change, 2008–09
		Millions of \$			
8517.12	Telephones for cellular networks or for other wireless networks	6,179	8,399	8,178	-2.6
8703.23	Passenger motor vehicles with spark-ignition internal-combustion reciprocating piston engine, cylinder capacity over 1,500 but not over 3,000 cc	6,363	5,745	5,212	-9.3
8473.30	Parts and accessories for automated data processing machines and units	2,074	1,501	1,420	-5.4
8703.24	Passenger motor vehicles with spark-ignition internal-combustion reciprocating piston engine, cylinder capacity over 3,000 cc	2,424	2,101	1,257	-40.2
8542.39	Electronic integrated circuits, n.e.s.o.i.	753	1,214	1,015	-16.4
8542.32	Electronic integrated circuits, memories	1,093	797	764	-4.2
2710.19	Oils and preparations from petroleum oils and oils from bituminous minerals, minimum 70 percent by weight of such products, not light	1,821	1,081	701	-35.2
8418.10	Combined refrigerator-freezers, fitted with separate external doors	444	642	589	-8.2
8450.20	Household- or laundry-type washing machines, with a dry linen capacity exceeding 10 kilograms	406	411	524	27.7
4011.10	New pneumatic tires, of rubber, of a kind used on motor cars, including station wagons and racing cars	533	571	480	-16.0
8451.29	Drying machines for textile yarns, fabrics, or made up textile articles, with a dry linen capacity exceeding 10 kilograms	297	305	422	38.5
8517.70	Parts of telecommunications apparatus	246	417	386	-7.4
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	602	523	382	-27.0
8504.23	Liquid dielectric transformers having a power handling capacity exceeding 10,000 kva	227	278	327	17.5
8542.31	Electronic integrated circuits, processors or controllers	517	462	320	-30.8
2710.11	Light oils and preparations from petroleum oils and oils from bituminous minerals, minimum 70 percent by weight of such products	427	369	320	-13.2
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	247	211	268	27.1
8517.62	Machines for the reception, conversion, transmission or regeneration of voice, images or other data, including switching/routing apparatus	219	290	249	-14.2
2902.20	Benzene	457	527	234	-55.5
8523.51	Solid state nonvolatile semiconductor storage devices	62	204	213	4.6
8517.69	Other apparatus for transmission or reception of voice, images or other data, n.e.s.o.i.	105	218	197	-9.3
8528.51	Monitors, other than cathode-ray tube, designed for use with automatic data processing machines	220	228	166	-27.2
8471.70	Automatic data processing storage units	242	278	165	-40.7
7308.20	Towers and lattice masts of iron or steel	79	213	161	-24.5
4011.20	New pneumatic tires, of rubber, of a kind used on buses or trucks	238	215	160	-25.6
	Total of items shown	26,272	27,199	24,110	-11.4
	All other	19,096	19,488	14,659	-24.8
	Total of all commodities	45,368	46,687	38,770	-17.0

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

**TABLE A.39** U.S. merchandise trade with Taiwan, by SITC codes (revision 3), 2007–09

SITC Code No.	Description	2007	2008	2009	% change, 2008–09
		Millions of \$			
Exports:					
0	Food and live animals	1,951	2,122	2,012	-5.2
1	Beverages and tobacco	49	47	46	-2.4
2	Crude materials, inedible, except fuels	2,449	3,059	2,042	-33.2
3	Mineral fuels, lubricants and related materials	96	269	113	-58.0
4	Animal and vegetable oils, fats and waxes	18	29	23	-19.4
5	Chemicals and related products, n.e.s.	3,685	3,675	2,791	-24.1
6	Manufactured goods classified chiefly by material	1,210	1,412	859	-39.2
7	Machinery and transport equipment	12,056	10,814	6,858	-36.6
8	Miscellaneous manufactured articles	2,548	1,712	1,612	-5.9
9	Commodities and transactions not classified elsewhere in the SITC	479	488	356	-27.1
	Total	24,541	23,628	16,712	-29.3
Imports:					
0	Food and live animals	259	304	272	-10.4
1	Beverages and tobacco	10	10	9	-11.8
2	Crude materials, inedible, except fuels	296	321	191	-40.7
3	Mineral fuels, lubricants and related materials	642	279	153	-45.1
4	Animal and vegetable oils, fats and waxes	7	9	10	15.2
5	Chemicals and related products, n.e.s.	1,072	1,250	954	-23.7
6	Manufactured goods classified chiefly by material	6,198	5,988	3,803	-36.5
7	Machinery and transport equipment	22,200	21,400	17,722	-17.2
8	Miscellaneous manufactured articles	5,906	5,326	4,135	-22.4
9	Commodities and transactions not classified elsewhere in the SITC	1,463	1,316	825	-37.3
	Total	38,052	36,204	28,074	-22.5

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s." stands for "not elsewhere specified."

**TABLE A.40** Leading U.S. exports to Taiwan, by Schedule B subheading, 2007–09

Schedule B subheading	Description	2007	2008	2009	% change, 2008–09
		Millions of \$			
8486.20	Machines and apparatus for the manufacture of semiconductor devices or electronic integrated circuits	2,491	973	1,160	19.2
8542.32	Electronic integrated circuits, memories	1,024	1,875	895	-52.3
8542.31	Electronic integrated circuits, processors or controllers	1,521	1,588	729	-54.1
1005.90	Corn (maize), other than seed	755	808	727	-10.0
1201.00	Soybeans, whether or not broken	714	953	719	-24.6
8800.00 <sup>a</sup>	Aircraft, spacecraft, and parts thereof	0	0	575	( <sup>b</sup> )
7204.49	Ferrous waste and scrap, n.e.s.o.i.	323	725	431	-40.5
8542.39	Electronic integrated circuits, n.e.s.o.i.	960	673	359	-46.7
9031.41	Optical instruments for inspecting semiconductor wafers or devices, or photomasks or reticles used in manufacturing these items	498	127	281	120.4
8486.90	Parts and accessories of machines and apparatus used in the manufacture of semiconductors, flat panels, or electronic integrated circuits	358	416	263	-36.9
1001.90	Wheat and meslin, excluding durum wheat	282	327	241	-26.4
7204.21	Waste and scrap, of stainless steel	282	330	226	-31.6
8475.90	Parts of machines for assembling electric/electronic lamps, tubes or flashbulbs, in glass envelopes, for manufacturing or hot working glass	77	311	223	-28.3
8803.30	Parts of airplanes or helicopters, n.e.s.o.i.	384	413	175	-57.6
9001.90	Lenses, except contact and spectacle, prisms, mirrors and other optical elements, unmounted, other than of glass not optically worked	216	96	136	42.6
8543.90	Parts for electrical machines and apparatus, having individual functions, n.e.s.o.i.	179	141	120	-15.1
3824.90	Other chemical products and preparations of the chemical and allied industries, n.e.s.o.i.	88	114	115	0.7
7106.10	Silver powder	61	97	112	15.7
2804.61	Silicon, containing by weight not less than 99.99 percent of silicon	93	109	109	-0.2
2106.90	Food preparations, other than protein concentrates and textured protein substances, n.e.s.o.i.	80	94	106	12.5
9030.82	Other instruments and apparatus for measuring or checking semiconductor wafers or devices	289	174	104	-40.2
5201.00	Cotton, not carded or combed	140	131	103	-21.5
7602.00	Aluminum waste and scrap	211	275	102	-62.8
3004.90	Certain medicaments put up in measured doses or in forms or packings for retail sale, n.e.s.o.i.	77	57	102	79.4
8486.30	Machines and apparatus for the manufacture of flat panel displays	37	168	100	-40.4
	Total of items shown	11,139	10,977	8,213	-25.2
	All other	13,402	12,651	8,499	-32.8
	Total of all commodities	24,541	23,628	16,712	-29.3

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

<sup>a</sup> Beginning in January 2009, the Census Bureau suppressed certain 10-digit Schedule B commodity classifications related to the aircraft industry and reported these data in aggregate under HTS Schedule B code 8800.00.0000, "Civilian aircraft, engines, and parts."

<sup>b</sup> Not applicable.

**TABLE A.41** Leading U.S. imports from Taiwan, by HTS subheading, 2007–09

HTS subheading	Description	2007	2008	2009	% change, 2008–09
		Millions of \$			
8517.12	Telephones for cellular networks or for other wireless networks	1,323	1,709	2,179	27.5
8526.91	Radio navigational aid apparatus	1,661	1,678	2,102	25.3
8542.39	Electronic integrated circuits, n.e.s.o.i.	2,022	2,037	1,271	-37.6
8473.30	Parts and accessories for automated data processing machines and units	1,865	1,483	1,155	-22.1
8542.31	Electronic integrated circuits, processors or controllers	888	964	796	-17.5
8542.32	Electronic integrated circuits, memories	1,119	1,026	771	-24.9
8528.71	Reception apparatus for television, not designed to incorporate a screen or video display device	689	1,032	695	-32.6
8523.40	Optical media	704	543	433	-20.2
8708.29	Parts and accessories of bodies (including cabs) for motor vehicles, n.e.s.o.i.	336	345	333	-3.6
8512.20	Electrical lighting or visual signaling equipment, for use on cycles or motor vehicles, except for use on bicycles	364	361	325	-9.9
8712.00	Bicycles and other cycles (including delivery tricycles), not motorized	242	324	304	-6.2
7318.15	Threaded screws and bolts, of iron or steel, n.e.s.o.i., whether or not with their nuts or washers	490	486	299	-38.3
8523.51	Solid state nonvolatile semiconductor storage devices	399	255	282	10.4
7318.14	Self-tapping screws of iron or steel	398	446	267	-40.3
8517.62	Machines for the reception, conversion, transmission or regeneration of voice, images or other data, including switching/routing apparatus	328	259	266	2.6
8534.00	Printed circuits	384	352	247	-29.8
8504.40	Static converters	293	336	239	-29.1
8481.80	Taps, cocks, valves and similar appliances, n.e.s.o.i.	342	328	216	-34.0
9506.91	Gymnasium, playground or other exercise articles and equipment; parts and accessories thereof	256	248	213	-14.0
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	268	267	198	-25.9
8471.80	Other units of automated data processing machines	288	243	194	-20.1
9403.20	Metal furniture, other than of a kind used in offices	220	241	191	-20.8
8541.40	Photosensitive semiconductor devices, including photovoltaic cells; light-emitting diodes	119	242	185	-23.7
8517.70	Parts of telecommunications apparatus	164	174	181	3.8
8525.80	Television cameras, digital cameras, and video camera recorders	154	135	166	23.0
	Total of items shown	15,319	15,513	13,506	-12.9
	All other	22,733	20,690	14,568	-29.6
	Total of all commodities	38,052	36,204	28,074	-22.5

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

**TABLE A.42** U.S. merchandise trade with Brazil, by SITC codes (revision 3), 2007–09

SITC Code No.	Description	2007	2008	2009	% change, 2008–09
		Millions of \$			
Exports:					
0	Food and live animals	268	533	246	-54.0
1	Beverages and tobacco	10	8	6	-24.4
2	Crude materials, inedible, except fuels	533	592	464	-21.6
3	Mineral fuels, lubricants and related materials	982	2,235	1,894	-15.3
4	Animal and vegetable oils, fats and waxes	15	19	11	-40.7
5	Chemicals and related products, n.e.s.	5,398	6,909	5,422	-21.5
6	Manufactured goods classified chiefly by material	1,106	1,758	1,181	-32.8
7	Machinery and transport equipment	11,346	14,566	10,809	-25.8
8	Miscellaneous manufactured articles	1,569	1,841	1,582	-14.0
9	Commodities and transactions not classified elsewhere in the SITC	458	567	520	-8.3
	Total	21,684	29,027	22,135	-23.7
Imports:					
0	Food and live animals	2,257	2,185	1,984	-9.2
1	Beverages and tobacco	298	318	323	1.5
2	Crude materials, inedible, except fuels	1,952	2,217	1,269	-42.8
3	Mineral fuels, lubricants and related materials	3,970	8,411	6,183	-26.5
4	Animal and vegetable oils, fats and waxes	29	32	23	-27.7
5	Chemicals and related products, n.e.s.	1,691	1,990	1,458	-26.7
6	Manufactured goods classified chiefly by material	6,503	6,395	3,268	-48.9
7	Machinery and transport equipment	6,186	6,573	3,242	-50.7
8	Miscellaneous manufactured articles	1,581	1,187	930	-21.6
9	Commodities and transactions not classified elsewhere in the SITC	551	753	934	24.0
	Total	25,018	30,061	19,612	-34.8

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s." stands for "not elsewhere specified."

**TABLE A.43** Leading U.S. exports to Brazil, by Schedule B subheading, 2007–09

Schedule B subheading	Description	2007	2008	2009	% change, 2008–09
		Millions of \$			
8800.00 <sup>a</sup>	Aircraft, spacecraft, and parts thereof	0	0	4,066	( <sup>b</sup> )
2701.12	Bituminous coal, whether or not pulverized, but not agglomerated	574	892	895	0.3
2710.19	Oils and preparations from petroleum oils and oils from bituminous minerals, minimum 70 percent by weight of such products, not light				
8431.43	Parts for boring or sinking machinery, n.e.s.o.i.	144	940	692	-26.4
3004.90	Certain medicaments put up in measure doses or in forms or packings for retail sale, n.e.s.o.i.	885	512	582	13.7
2815.12	Sodium hydroxide (caustic soda), in aqueous solution (soda lye or liquid soda)	362	443	381	-14.0
8517.62	Machines for the reception, conversion, transmission or regeneration of voice, images or other data, including switching/routing apparatus	160	239	217	-8.9
8431.39	Parts for lifting, handling, loading, or unloading machinery, n.e.s.o.i.	156	299	215	-28.0
2930.90	Organo-sulfur compounds, n.e.s.o.i.	47	120	208	73.5
8431.49	Parts and attachments for derricks, cranes, self-propelled bulldozers, graders, and other grading, scraping machinery, n.e.s.o.i.	88	144	188	30.1
3105.40	Ammonium dihydrogenorthophosphate (monoammonium phosphate), mixtures thereof with diammonium hydrogenorthophosphate (diammonium phosphate)	175	168	164	-2.8
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	0	248	158	-36.3
8473.30	Parts and accessories for automated data processing machines and units	313	272	148	-45.8
8704.10	Dumpers (dump trucks) designed for off-highway use	281	213	148	-30.6
9018.90	Medical, surgical, dental or veterinary sciences instruments, appliances, and parts, n.e.s.o.i.	49	93	140	50.3
3104.20	Medicaments, for therapeutic or prophylactic uses, in measured doses, containing antibiotics other than penicillins	105	127	135	6.1
8471.70	Automatic data processing storage units	0	64	129	101.0
8414.80	Air pumps and air or other gas compressors, n.e.s.o.i.; ventilating or recycling hoods incorporating a fan, n.e.s.o.i.	125	133	126	-4.8
3808.93	Herbicides, anti-sprouting products, and plant-growth regulators	41	48	123	154.7
4703.21	Chemical woodpulp, soda or sulfate, other than dissolving grades, semibleached or bleached, coniferous wood	101	122	121	-1.1
2902.50	Styrene (vinylbenzene; phenylethylene)	99	126	109	-13.4
3907.20	Polyethers, other than polyacetals, in primary forms	205	320	108	-66.3
3822.00	Composite diagnostic or laboratory reagents, except pharmaceuticals	108	135	107	-20.3
3002.10	Antisera and other blood fractions, and modified immunological products	108	135	106	-21.6
2713.12	Petroleum coke, calcined	36	53	105	96.7
	Total of items shown	89	138	104	-24.6
	All other	4,249	5,985	9,474	58.3
	Total of all commodities	17,435	23,043	12,661	-45.1
		21,684	29,027	22,135	-23.7

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

<sup>a</sup> Beginning in January 2009, the Census Bureau suppressed certain 10-digit Schedule B commodity classifications related to the aircraft industry and reported these data in aggregate under HTS Schedule B code 8800.00.0000, "Civilian aircraft, engines, and parts."

<sup>b</sup> Not applicable.

**TABLE A.44** Leading U.S. imports from Brazil, by HTS subheading, 2007–09

HTS subheading	Description	2007	2008	2009	% change, 2008–09
		Millions of \$			
2709.00	Petroleum oils and oils obtained from bituminous minerals, crude	2,682	6,522	4,661	-28.5
2710.19	Oils and preparations from petroleum oils and oils from bituminous minerals, minimum 70 percent by weight of such products, not light	720	913	817	-10.5
0901.11	Coffee, not roasted, not decaffeinated	609	718	727	1.2
4703.29	Chemical woodpulp, soda, or sulfate, other than dissolving grades, semibleached or bleached, nonconiferous	656	836	508	-39.2
7201.10	Nonalloy pig iron containing 0.5 percent or less phosphorus by weight, in primary forms	1,118	1,990	478	-76.0
8802.40	Airplanes and other aircraft, of an unladen weight exceeding 15,000 kg	1,357	1,969	393	-80.1
2401.20	Tobacco, partly or wholly stemmed/stripped	274	292	297	1.9
6802.93	Worked monumental or building stone n.e.s.o.i., of granite	475	409	281	-31.1
8802.30	Airplanes and aircraft, of an unladen weight over 2,000 kg but not over 15,000 kg	297	241	272	12.8
2713.11	Petroleum coke, not calcined	206	348	268	-23.0
8412.90	Parts for engines and motors, n.e.s.o.i.	53	446	263	-41.1
1602.50	Other prepared or preserved meat, meat offal, or blood, of bovine animals, n.e.s.o.i.	322	283	252	-10.9
6403.99	Footwear not covering the ankles, with outer soles of rubber or plastics or composition leather and uppers of leather	486	310	217	-30.1
4011.10	New pneumatic tires, of rubber, of a kind used on motor cars, including station wagons and racing cars	209	241	212	-12.3
8409.99	Parts for use with compression-ignition internal combustion piston engines	358	393	190	-51.7
2902.20	Benzene	300	239	173	-27.7
2207.10	Ethyl alcohol, undenatured, of an alcoholic strength by volume of 80 percent or higher	389	454	165	-63.7
2711.29	Petroleum gases and other gaseous hydrocarbons, other than natural gas, in a gaseous state	110	190	156	-17.7
8414.30	Compressors of a kind used in refrigerating equipment, including air conditioning	260	194	148	-23.6
7601.20	Unwrought aluminum alloys	221	212	142	-33.1
0801.32	Cashew nuts, fresh or dried, shelled	142	115	140	21.9
4802.56	Paper/paperboard for writing/printing/graphic purposes, weighing 40-150 grams per square meter, not over 10% fiber by mechanical process	94	139	136	-2.1
2902.43	Para-xylene	30	101	127	25.6
4409.10	Wood, including strips and friezes, continuously shaped along any of its edges or faces, coniferous	220	162	126	-21.9
9302.00	Revolvers and pistols, designed to fire live round cartridges	70	75	125	67.5
	Total of items shown	11,655	17,792	11,273	-36.6
	All other	13,362	12,269	8,339	-32.0
	Total of all commodities	25,018	30,061	19,612	-34.8

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

**TABLE A.45** U.S. merchandise trade with India, by SITC codes (revision 3), 2007–09

SITC Code No.	Description	2007	2008	2009	% change, 2008–09
<u>Millions of \$</u>					
Exports:					
0	Food and live animals	333	335	403	20.5
1	Beverages and tobacco	4	4	3	-18.3
2	Crude materials, inedible, except fuels	909	975	1,045	7.3
3	Mineral fuels, lubricants and related materials	397	881	959	8.9
4	Animal and vegetable oils, fats and waxes	15	4	123	3,288.4
5	Chemicals and related products, n.e.s.	2,233	4,790	3,182	-33.6
6	Manufactured goods classified chiefly by material	1,315	2,173	1,201	-44.7
7	Machinery and transport equipment	9,231	6,123	5,636	-8.0
8	Miscellaneous manufactured articles	1,220	1,210	1,117	-7.7
9	Commodities and transactions not classified elsewhere in the SITC	653	847	961	13.5
	<b>Total</b>	<b>16,309</b>	<b>17,340</b>	<b>14,629</b>	<b>-15.6</b>
Imports:					
0	Food and live animals	905	1,024	917	-10.5
1	Beverages and tobacco	21	33	37	12.9
2	Crude materials, inedible, except fuels	358	535	380	-28.9
3	Mineral fuels, lubricants and related materials	769	337	435	29.0
4	Animal and vegetable oils, fats and waxes	58	103	57	-44.7
5	Chemicals and related products, n.e.s.	2,755	3,892	3,647	-6.3
6	Manufactured goods classified chiefly by material	8,830	10,026	7,300	-27.2
7	Machinery and transport equipment	3,049	3,633	2,819	-22.4
8	Miscellaneous manufactured articles	6,776	5,946	5,334	-10.3
9	Commodities and transactions not classified elsewhere in the SITC	337	336	301	-10.3
	<b>Total</b>	<b>23,857</b>	<b>25,866</b>	<b>21,228</b>	<b>-17.9</b>

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s." stands for "not elsewhere specified."

**TABLE A.46** Leading U.S. exports to India, by Schedule B subheading, 2007–09

Schedule B subheading	Description	2007	2008	2009	% change, 2008–09
		Millions of \$			
8800.00 <sup>a</sup>	Aircraft, spacecraft, and parts thereof	0	0	2,139	( <sup>b</sup> )
3105.30	Diammonium hydrogenorthophosphate (diammonium phosphate)	( <sup>c</sup> )	2,664	1,034	-61.2
7108.12	Nonmonetary gold (including gold plated with platinum), unwrought, excluding powder	373	497	643	29.4
7102.39	Nonindustrial diamonds, n.e.s.o.i.	502	1,217	477	-60.8
2707.99	Oils and products of the distillation of high temperature coal tar, n.e.s.o.i.; similar products with predominate aromatic constituent	191	369	418	13.2
2701.12	Bituminous coal, whether or not pulverized, but not agglomerated	91	361	346	-4.1
7204.49	Ferrous waste and scrap, n.e.s.o.i.	145	246	259	5.3
8517.62	Machines for the reception, conversion, transmission or regeneration of voice, images or other data, including switching/routing apparatus	191	223	199	-10.6
8411.82	Gas turbines, except turbojets and turbopropellers, of a power not exceeding 5,000 kW	24	36	177	393.8
8431.43	Parts for boring or sinking machinery, n.e.s.o.i.	193	183	160	-12.2
0802.11	Almonds, fresh or dried, in shell	125	141	139	-1.4
1507.10	Soybean oil and fractions, crude, whether or not degummed	0	0	120	( <sup>b</sup> )
3815.19	Supported catalysts, n.e.s.o.i.	85	100	107	7.0
5201.00	Cotton, not carded or combed	79	103	104	1.0
8411.99	Gas turbines parts, n.e.s.o.i.	44	54	102	89.6
7225.11	Flat-rolled silicon electrical steel, 600 millimeters or more wide, grain-oriented	39	71	98	37.4
2809.20	Phosphoric acid and polyphosphoric acids	( <sup>c</sup> )	228	97	-57.5
3904.10	Polyvinyl chloride, not mixed with any other substances, in primary forms	2	9	96	964.0
4707.10	Waste and scrap of unbleached kraft paper or paperboard or of corrugated paper or paperboard	90	93	95	2.1
8523.40	Optical media	163	78	94	19.9
2710.19	Oils and preparations from petroleum oils and oils from bituminous minerals, minimum 70 percent by weight of such products, not light	53	63	86	35.8
7113.19	Articles of jewelry and parts thereof, of precious metal (excluding silver)	61	118	83	-29.3
8471.50	Digital processing units other than those of 8471.41 and 8471.49	129	104	81	-22.0
9018.90	Medical, surgical, dental or veterinary sciences instruments, appliances, and parts, n.e.s.o.i.	70	66	80	20.9
8704.10	Dumpers (dump trucks) designed for off-highway use	( <sup>d</sup> )	0	74	( <sup>b</sup> )
	Total of items shown	2,652	7,024	7,307	4.0
	All other	13,656	10,316	7,322	-29.0
	Total of all commodities	16,309	17,340	14,629	-15.6

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

<sup>a</sup> Beginning in January 2009, the Census Bureau suppressed certain 10-digit Schedule B commodity classifications related to the aircraft industry and reported these data in aggregate under HTS Schedule B code 8800.00.0000, "Civilian aircraft, engines, and parts."

<sup>b</sup> Not applicable.

<sup>c</sup> Exports aggregated with other fertilizer products under 3100.00.0000 to prevent disclosure of individual firm data.

<sup>d</sup> U.S. value is less than \$500,000.

**TABLE A.47** Leading U.S. imports from India, by HTS subheading, 2007–09

HTS subheading	Description	2007	2008	2009	% change, 2008–09
		Millions of \$			
7102.39	Nonindustrial diamonds, n.e.s.o.i.	3,686	3,876	3,084	-20.4
3004.90	Certain medicaments put up in measured doses or in forms or packings for retail sale, n.e.s.o.i.	498	1,068	1,202	12.5
7113.19	Articles of jewelry and parts thereof, of precious metal (excluding silver)	2,201	1,338	1,077	-19.5
7305.11	Line pipe for oil or gas pipelines, external diameter over 406.4 millimeters, of iron or steel, longitudinally submerged arc welded	153	397	506	27.5
6302.31	Bed linen, other than printed, of cotton, not knitted or crocheted	298	368	392	6.4
6302.60	Toilet and kitchen linen, of terry toweling or similar terry fabrics, of cotton	389	404	389	-3.7
6110.20	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of cotton	346	344	332	-3.5
2710.11	Light oils and preparations from petroleum oils and oils from bituminous minerals, minimum 70 percent by weight of such products	35	4	303	6,925.2
6206.30	Women's or girls' blouses, shirts and shirt-blouses, of cotton, not knitted or crocheted	300	261	261	0.0
8502.31	Electric generating sets, wind-powered	253	179	244	36.9
8528.71	Reception apparatus for television, not designed to incorporate a screen or video display device	110	251	240	-4.1
3004.20	Lead oxides, n.e.s.o.i.	201	229	234	2.1
6204.62	Women's or girls' trousers, etc., of cotton, not knitted or crocheted	227	251	219	-12.9
7113.11	Jewelry and parts thereof, of silver, whether or not plated or clad with other precious metal	113	160	215	34.7
6105.10	Men's or boys' shirts, of cotton, knitted or crocheted	297	245	199	-18.6
6205.20	Men's or boys' shirts of cotton, not knitted or crocheted	221	211	174	-17.6
0801.32	Cashew nuts, fresh or dried, shelled	197	232	169	-27.2
2933.59	Heterocyclic compounds containing a pyrimidine (hydrogenated or not) or piperazine ring in the structure, n.e.s.o.i.	37	129	166	28.7
6109.10	T-shirts, singlets, tank tops, and similar garments, of cotton, knitted or crocheted	183	197	163	-17.0
6204.42	Women's or girls' dresses of cotton, not knitted or crocheted	138	131	153	17.0
6203.42	Men's or boys' trousers, bib and brace overalls, breeches and shorts not knitted or crocheted, of cotton	226	216	148	-31.5
0306.13	Shrimps and prawns, including in shell, cooked by steaming or by boiling in water, frozen	174	126	141	11.7
8708.99	Parts and accessories for motor vehicles, n.e.s.o.i.	152	156	126	-19.4
8504.40	Static converters	185	188	119	-36.8
8412.90	Parts for engines and motors, n.e.s.o.i.	21	84	109	30.9
	Total of items shown	10,641	11,045	10,365	-6.2
	All other	13,216	14,821	10,862	-26.7
	Total of all commodities	23,857	25,866	21,228	-17.9

Source: Compiled from official statistics of the USDOC.

Note: Because of rounding, figures may not add to totals shown. The abbreviation "n.e.s.o.i." stands for "not elsewhere specified or included."

