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United States Trade Developments 2012-2013

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United States Trade Developments 2012-2013, is an annual report prepared by the ECLAC Washington Office. Inés Bustillo, Director of the ECLAC Washington Office, oversaw the preparation of the report. Raquel Artecona, Economics Affairs Officer, and Rex Garcia-Hidalgo, Statistics Assistant, were the main authors.

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Abstract

United States Trade Developments, 2012-2013, provides an overview of the most relevant trade developments in the United States trade relations with Latin America and the Caribbean and the measures that inhibit the free flow of goods among countries in the Western Hemisphere.

United States trade flows followed the slow down observed in world trade in 2012. United States exports grew 4.2 percent in 2012 as compared to 15 percent in 2011 and imports grew by 2.9 percent in 2012 versus 15 percent in 2011. This is the result of the slow growth and/or recession that affected the United States main trading partners and the appreciation of the U.S. dollar with respect to the currency of its main trading partners.

The United States trade agenda continued to revolve around new trade partnerships with rapid emerging markets, deepening integration with existing trade partners, and broadening the scope of trade liberalization. The U.S. has been negotiating a high-standards broad trade agreement with eleven trading partners in the Asia-Pacific region, the Transpacific Partnership (TPP) and has launched negotiations for the Transatlantic Trade and Investment Partnership (TTIP) with the European Union. Completion of these two agreements will put the U.S. at the center of the world trade network and is expected to enhance its attractiveness for foreign direct investment.

With respect to market access and trade inhibiting measures this year's report addresses antidumping and countervailing cases, selected trade dispute settlement cases and agricultural support programs.

This report also includes a brief discussion on the U.S. market for organic products, the structure of its regulatory system and potential for the region's exports.

I. Introduction

United States Trade Developments, 2012-2013, provides an overview of the most relevant trade developments in the United States trade relations with Latin America and the Caribbean and the measures that inhibit the free flow of goods among countries in the Western Hemisphere.

United States trade flows followed the slow down observed in world trade in 2012. United States exports grew 4.2 percent in 2012 as compared to 15 percent in 2011 and imports grew by 2.9% in 2012 versus 15% in 2011. This is the result of the slow growth and/or recession that affected the United States main trading partners. The European Union (EU) economy experienced a 0.4% contraction in 2012 and real GDP growth of Canada, Mexico, Brazil, India, Russia and China was lower than in 2011. Additionally, in 2012 the U.S. dollar appreciated relative to the currency of the Unites States main trading partners, contributing to an increase in the U.S. trade deficit.

The United States trade agenda continued to revolve around new trade partnerships with rapid emerging markets –a “pivot” to Asia, deepening integration with existing trade partners, and broadening the scope of trade liberalization. The rapid growth in emerging markets and the rise of global value chains makes it crucial for the U.S. to secure open and transparent market access to those economies. As firms in the United States increase their involvement in global value chains, they become more exposed to barriers to trade at the different stages of the production and commercialization process. This highlights the importance of deepening integration with trading partners, seeking to strengthen incorporation into global supply chains and facilitating international businesses in general.

In this context, the U.S. has been negotiating a high-standards broad trade agreement with eleven trading partners in the Asia-Pacific region, the Transpacific Partnership (TPP) and has launched negotiations for the Transatlantic Trade and Investment Partnership (TTIP) with the European Union. The TPP is scheduled to be finalized by the end of 2013 and TTIP by the end of 2014. Completion of these two agreements will put the U.S. at the center of the world trade network and is expected to enhance its attractiveness for foreign direct investment.

A critical element in moving these negotiations forward is the renewal of Trade Promotion Authority (TPA), also known as “fast track”, which gives the United States Congress an up-or-down vote on trade agreements, without the possibility of amendments. TPA also institutionalizes the need for the Executive Branch to keep Congress informed during the trade negotiation process.

This report also includes a brief discussion on the U.S. market for organic products, the structure of its regulatory system and potential for the region's exports.

With respect to market access and trade inhibiting measures this year's report addresses antidumping and countervailing cases, selected dispute settlement cases covering issues such as the U.S. dispute with Brazil regarding upland cotton, the dolphin-safe tuna label with Mexico, stainless steel sheet and strip in coils agreement between the United States and Mexico, among others.

II. Trade Highlights

World trade growth in real terms slowed down to 2 percent in 2012, as compared with 5.2 percent in 2011(WTO, 2013). This is due mainly to the slow recovery of the Euro zone economies. Once again, most of the dynamism in world trade has come from developing countries that exported and imported at a faster pace than their developed counterparts. In nominal terms, growth was about zero percent in 2012 as compared to 20 percent in 2011. Falling prices for traded goods, especially the decline in the price of coffee, cotton, iron ore and coal, explains the slower rate of growth in value than in volume.

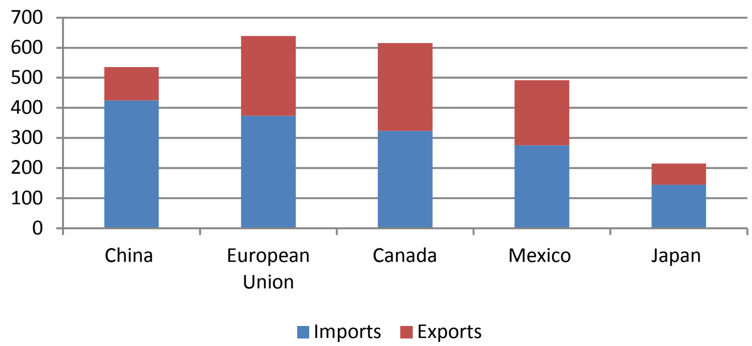
The trade in services, which represents about 19 percent of total trade, also slowed down in 2012 growing about 2 percent in 2012, as compared with 11 percent in 2011.

A. United States merchandise trade

U.S. trade flows followed the slow down observed at the global level in 2012. U.S. exports grew 4.2 percent in 2012 as compared to 15 percent in 2011 and U.S. imports grew by 2.9 percent in 2012 versus 15 percent in 2011. This is the result of the slow growth and/or recession that affected its main trading partners. The European Union (EU) economy experienced a 0.4 percent contraction in 2012 and real GDP growth of Canada, Mexico, Brazil, India, Russia and China was lower than in 2011. Additionally, in 2012 the U.S. dollar appreciated relative to the currency of other trading partners, contributing to an increase in the U.S. trade deficit.

In 2012, the top five trading partners were the EU, Canada, China, Mexico and Japan representing 66 percent of total trade between the U.S. and the world (see figure II.1). Bilateral deficits increased with the EU, China and Japan.

FIGURE II.1
U.S. EXPORTS AND IMPORTS OF GOODS, TOP 5 TRADING PARTNERS, 2012
(Billions of dollars)



Source: U.S. Department of Commerce and U.S. International Trade Commission.

In 2012, 25 percent of U.S. exports went to Latin America and the Caribbean, about the same as to Asia, and 32 percent of U.S. imports arrived from Latin America and the Caribbean, 62 percent of which from Mexico. The U.S. has a trade deficit with the region that reached US$102.8 billion in 2012, up 12 percent from 2011. In 2012, 38 percent of U.S. imports came from Asia and U.S.'s trade deficit with Asia reached US$495.3, a 10 percent increase from the previous year. U.S. trade deficit with Asia represents 55 percent of the total U.S. trade deficit.

U.S. trade with China increased by 6.7 percent from US$ 495 billion in 2011 to US$522 billion in 2012, this was mainly due to increased imports of electronic products, machinery and minerals and metals. Surplus sectors included agricultural and energy-related products, textiles and apparel, and transportation equipment.

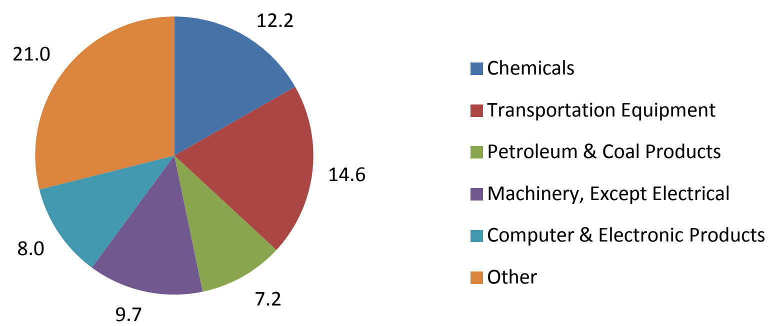
1. U.S. exports

In 2012, U.S. exports increased 4.2 percent from US$1,299.2 billion to US$1,353.2 billion, driven mostly by increased exports of transportation equipment – i.e. aircraft equipment, motor vehicles, and parts – to Canada, Mexico, and China. Exports of energy-related products came in second. Reduced domestic energy consumption in the U.S. together with a much increased domestic production of shale oil and gas and strong global demand contributed to the performance of this sector.

FIGURE II.2
U.S. MERCHANDISE EXPORTS, IMPORTS AND TRADE BALANCE
(Billions dollars)

Source: Based on US Department of Commerce and US International Trade Commission.

FIGURE II.2
U.S. EXPORTS OF PERTROLEUM PRODUCTS
(Billions of dollars)



Source: Based on US Department of Commerce and US International Trade Commission.

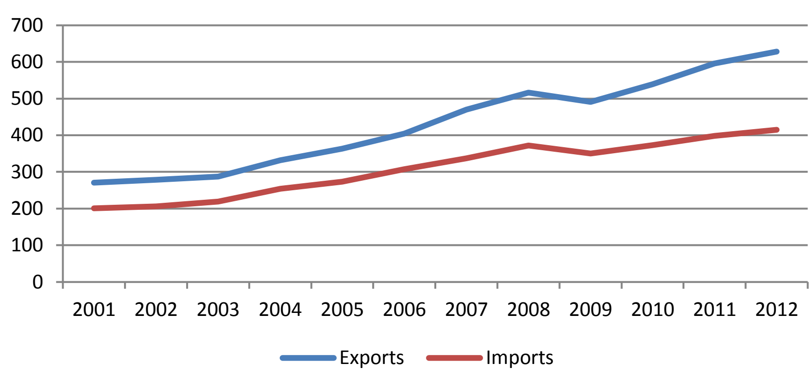
2. U.S. imports

In 2012, U.S. imports rose by 2.9 percent from US$2,187.5 billion to US$2,251.0 billion. Transportation equipment (especially motor vehicles), energy-related products and electronic products made up the top three sectors. U.S. economic recovery and access to credit for durable consumer goods enhanced the demand for transportation equipment originating mainly from Canada, Japan, and Mexico[1]. Meanwhile, 60 percent of imported electronic products came from China and corresponded to "smart" phones.

B. United States trade in services[2]

The U.S. continues to be the top exporter and importer of services. In 2012, the U.S. exported US$628 billion in services and imported US$415 billion, resulting in a US$ 213 billion trade surplus in services. Travel services and passenger fares represented 26 percent of the U.S. exports of services and 28 percent of the imports.

FIGURE II.4
U.S. EXPORTS AND IMPORTS OF CROSS-BORDER SERVICES
(Billions of dollars)



Source: U.S. Department of Commerce and Bureau of Economic Analysis.

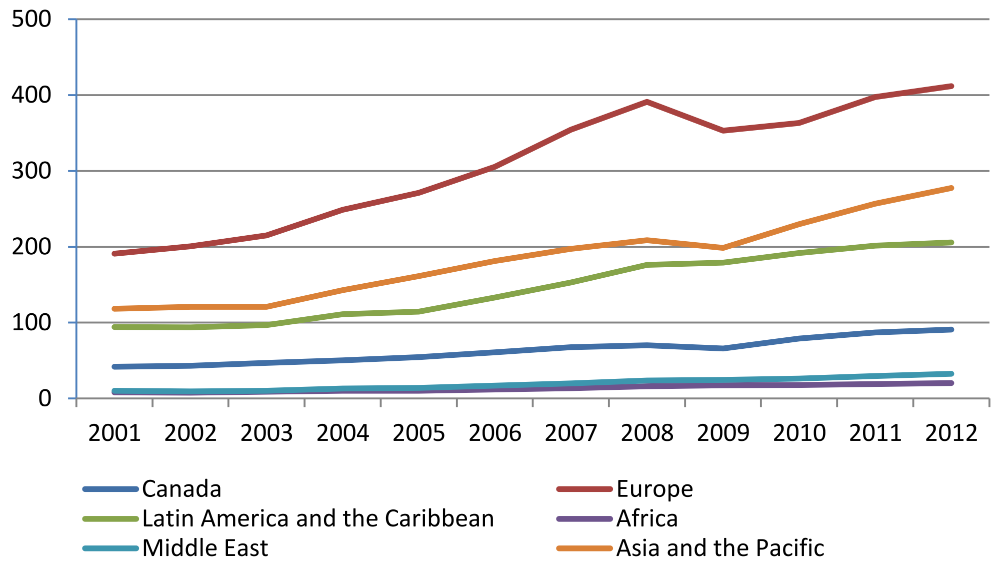
[1] Canada, Mexico, and the U.S. have a very integrated automobile industry since the passage of NAFTA which allows duty free trade of parts and finished vehicles among the three economies. This usually means that manufacturers locate in Mexico to take advantage of lower costs of production, importing parts duty free from the U.S., only to export the final product to both Canada and the U.S.

[2] This section looks only at cross-border trade in services, that is modes 1, 2 and 4 of the GATS classification.

U.S. exports of services increased by 5.45 percent in 2012, about half the pace of 2011 (10.6 percent). Exports of construction services, architectural, engineering, and other technical services, industrial processes, and passenger fares led the way. Imports also grew at a slower pace in 2012 as compared with 2011 (4.1 percent versus 6.8 percent). Architectural, engineering, and other technical services, advertising, and installation, maintenance, and repair of equipment, and audiovisual were the most dynamic. Most of the trade surpluses were registered in royalties and license fees for sales of intellectual property, achieving the largest surplus in 2011, followed by financial services and travel services. Deficits were experienced in insurance, transportation computer and data processing and accounting, auditing and bookkeeping services.

Main trade partners included Canada, United Kingdom and Germany. Latin America and the Caribbean as a region come in third, mainly due to trade with Brazil. China's trade in services has been growing significantly lately. China is the forth-largest services exporter in the world and the third-largest importer of commercial services in 2011.

FIGURE II.5
U.S. TRADE IN SERVICES BY TRADING PARTNER
(Billions of dollars)



Source: U.S. Department of Commerce and Bureau of Economic Analysis.

III. Trade Policy Developments

U.S. trade policy continued to be at the center of the efforts to strengthen competitiveness, reverse the decline in manufacturing and bring jobs back to the U.S. As future U.S. growth is envisioned to be driven more by net exports and investment than consumption, and relying less on foreign financing, the focus has been on strengthening competitiveness, in particular in the manufacturing sector, encouraging foreign direct investment back into the U.S. and promoting exports (ERP, 2012).

The National Exports Initiative (NEI) launched in 2010, the negotiation of ambitious trade agreements that include numerous countries in the Asia-Pacific as well as the Western Hemisphere (TPP) and Europe (TTIP) as well as several bilateral investment treaties are some examples of efforts in this direction.

Many argue that auccessful completion of the negotiations hinges on the approval of Trade Promotion Authority (TPA) by the U.S. Congress. By extending TPA to the Executive Branch, Congress retains the authority to review and decide whether any proposed trade agreement will be passed or not, but it also sends a clear message to prospective parties to said agreement that U.S. negotiators have their support.

A. Trade negotiations

The negotiations surrounding the Trans Pacific Partnership (TPP) as well as the Bilateral Investment Treaty (BIT) with China seek to build new partnerships in Asia. President Barack Obama gave his endorsement for the TPP negotiations at a speech in Tokyo on 14 November 2009, when he announced that "the United States will…be engaging with the Trans Pacific Partnership countries with the goal of shaping a regional agreement that will have broad-based membership and the high standards worthy of a 21st century trade agreement." The TPP seeks a high standards trade agreement among twelve countries, five from the Western Hemisphere (U.S., Canada, Mexico, Chile, and Peru) and seven from the Asia Pacific region (Australia, Brunei, Japan, Malaysia, New Zealand, Singapore, and Vietnam). The agreement, expected to be finalized by the end of 2013, could solidify U.S. presence in the most dynamic region of the world and fulfill a geopolitical imperative. It should also help establish high standards on new trade disciplines such as government procurement rules, state-owned enterprises, and set the benchmark for similar high ambition rules at the World Trade Organization (WTO).

The BIT with China is a longtime objective of the U.S. The BIT goal is to facilitate more protections and market access as well as a greater degree of certainty for U.S. investors in China, where state-owned enterprises enjoy many competitive advantages. Since the U.S. manufactures and sells more goods in China than it exports to China, the agreement has significant market access implications for the U.S. In July 2013, China agreed to negotiate a BIT with the U.S. and in the following meeting of the Strategic and Economic Dialogue made two concessions that signaled a clear intent to move forward fast in the negotiations. First, the acceptance of a "negative list" approach. This means that only the businesses specified in the treaty can be exempted of the national treatment principle. Second, the acceptance, in principle, of a pre-establishment clause. What this means is that the national treatment principle will apply to U.S. firms since the process of setting up new units in China. Therefore, once concluded, the BIT will include all sectors and stages of investment, making significant strides in deepening economic relations with China.

In the quest for deepening integration with already important partners, in 2013 the Administration launched the negotiations for the Transatlantic Trade and Investment Partnership (TTIP) with the 27 countries of the European Union. The agreement seeks to further open markets for U.S. goods and services, strengthen rules-based investment, reduce behind the border non-tariffs barriers and cut differences in regulation and standards by promoting greater compatibility, transparency and cooperation. It also promotes cooperation to develop rules and principles on issues such as market-based disciplines for State-Owned Enterprises and promoting global competitiveness of small-and medium sized enterprises (USTR, 2013).

While U.S. trade policy has been mostly focused on bilateral and regional trade deals, the U.S. is still involved in the WTO with special focus in two main initiatives: the Information Technology Agreement (ITA), a plurilateral agreement on trade in information and communication technology products, currently underway among about 20 WTO member countries, and the International Services Agreement (ISA), another plurilateral initiative that seeks agreement among 21 WTO members on services. However, the DOHA round has failed to raise significant interest among U.S. businesses. There has been no meaningful offer on services, a sector in which the U.S. has a clear competitive advantage and where access to foreign markets could engage powerful stakeholders.

1. Trans-Pacific Partnership

The Trans-Pacific Partnership agreement is programmed to be finalized by the end of 2013. Although successive rounds of negotiations have been taking place as scheduled, work remains to be done along several sensitive issues that go from tariffs on agricultural imports to the treatment of state-owned enterprises and intellectual property rights as well as demands for currency manipulation provisions.

Japan is the latest member to join the TPP talks, having been officially accepted as a negotiating partner in July 2013 after a period of bilateral consultations with the rest of the TPP participants. Thailand, Costa Rica, and Colombia have also expressed interest in joining the agreement. With Japan, the TPP countries now account for almost 40 percent of global GDP and one third of global trade. The free trade agreement would lead to a deepened Asia-Pacific economic integration and is intended to boost economic growth by increasing trade. The 11 partner countries are the largest goods and services export market for the United States, reaching a total of US$1.5 trillion in merchandise in 2012, accounting for 40 percent of total U.S. trade in goods, and more than US$242 billion in services in 2011 (Fergusson et al, 2013). The United States has FTAs in place with six of the eleven TPP partners (Australia, Canada, Chile, Mexico, Peru, and Singapore) and these countries account for most of the trade between the U.S. and TPP economies, with NAFTA partners, Mexico and Canada, accounting for 72 percent of U.S.-TPP goods traded. Japan's participation in the agreement adds weight to the TPP since it is the third largest economy in the world and the fourth largest trading partner for the U.S. Moreover, no FTA exists between the two (Ilias et al, 2013). Before, only 5 percent of total U.S.-TPP trade was with countries not holding an FTA in place with the U.S. as compared to 20 percent for merchandise trade and 32 percent for services trade with the inclusion of Japan. The TPP offers an opportunity for broadening and deepening integration as the new agreement covers new areas and seeks higher standards than existing trade agreements (Fergusson et al, 2013).

The United States has consistently had a trade deficit in goods and a trade surplus in services with TPP countries (details on current trade balance with each country can be seen in table III.1). The services trade surplus increased over the past decade while the goods deficit fell during the recession. The major contributors to the trade deficit are the imports of crude oil from Canada and Mexico, and vehicles parts imports from Japan (Williams et al, 2013).

TABLE III.1
TPP MEMBER ECONOMIC STATISTICS, 2012
(Billions of dollars)

	U.S. FTA	Population *(millions)*	GDP	U.S. Imports	U.S. Exports	Trade Balance
Australia	yes	22.8	1.542	9.5	31.2	+21.7
Brunei		0.4	17	0.1	0.2	+0.1
Canada	yes	34.8	1.819	324.2	291.8	-32.5
Chile	yes	17.4	268	9.4	18.9	+9.5
Japan		127.6	5.964	146.4	70.0	-76.3
Malaysia		29.5	304	25.9	12.9	-13.1
Mexico	yes	114.9	1.177	277.7	216.3	-61.3
New Zealand		4.4	170	3.4	3.2	-0.2
Peru	yes	30.5	199	6.4	9.4	+2.9
Singapore	yes	5.4	277	20.2	30.6	+10.3
Vietnam		90.4	138	20.3	4.6	-15.6
Sub-total				**843.6**	**689.0**	**-154.6**
United States		314.2	15.685			

Source: ECLAC on the basis of CRS, June 2013, Figure I, p.1.

Analysis by CRS. Population and GDP data from IMF, World Economic Outlook, April 2013. Trade data from the U.S. International Trade Commission (ITC) does not include trade in services.

Apart from the existing FTAs between the U.S. and some of the TPP partners, all of the negotiating countries are members of the WTO, implicating some existing multilateral agreements. There are more than 180 preferential trade agreements between other Asia-Pacific countries, and the TPP is seen as a possibility to influence future regional FTAs, as well as a starting point for a complete Free Trade Area of the Asia Pacific (FTAAP), including all APEC countries (CRS, June 2013). Being part of the defining process is seen as an advantage, as it gives a possibility to influence the strength and coverage of the agreement, and the future global rules of trade. There are other agreements already established and under negotiation between some TPP members and other countries that could influence the TPP agreement process and future possibilities for expansion.

2. The Transatlantic Trade and Investment Partnership

The United States and the European Union share a large, dynamic, and mutually beneficial trade and economic relationship. The two sides account for nearly half of world GDP and 30 percent of global trade, and have investments of more than $3.7 trillion in each other's economies. Many observers nevertheless assert that the relationship has not reached its full potential due to a range of regulatory, technical, and other barriers (CRS, July 2013).

A study estimating the TTIP effects concludes that both the United States and the European Union would profit from the TTIP, as a deep liberalization of trade between the two parties would increase per capita GDP and boost employment for both sides (George, Petersen, Schoolf, 2013). According to this study, in the United States the real per capita income would increase by an average of 13.4 percent, and in the EU the increase would be on average 5 percent per country. The U.S would gain 1.1 million additional jobs, and Great Britain would be particularly favored in Europe with 400,000 additional jobs.

TABLE III.2
KEY NEGOTIATION ASPECTS OF THE TTIP

Negotiation Points	Issues of Disagreement
Market access negotiations	Cross-border data flows
Regulatory compatibility	In Manufacturing, Food and Agriculture SPS regulations is a main concern
Financial services	Include in TTIP or not
Data privacy issues	Balance between protecting personal rights and permitting access for law enforcement purposes
Global trade rules	Rules for state-owned enterprises and localization barriers to trade
Intellectual Property Rights	Differences on what IPR obligations to include in the TTIP
Labor and Environmental standards	Differing approach towards including enforceable commitments in the TTIP
Digital trade	Balance between free flow of information and governments regulation rights

Source: “Proposed Transatlantic Trade and Investment Partnership (TTIP): In Brief” Congressional Research Service (July 2013).

When finalized, the TTIP would create a single market for half the world’s GDP and presumably put some pressure on China, India and Brazil to join in the negotiations at the WTO (H…, 2013). A comprehensive trade deal could bring the stimulus to innovation that access to larger markets gives to economies. With an integrated market, the U.S. and Europe, could secure their ability to set market standards in the rest of the world. It is, however, a very complex endeavor as it will need to address standards differences and some very sensitive sectors.

B. Export promotion and enforcement

The Administration has also sought to promote exports in an effort to enhance job creation in the United States. In 2010, it introduced the National Export Initiative (NEI) to double U.S. exports by 2015. The initiative has five main components: advocacy on behalf of U.S. exporters, expansion of export financing, new and more extensive free trade agreements, enforcement of trade rules and policies to promote strong, sustainable and balanced global economic growth. This includes intensification of efforts to induce countries with high savings and relatively low consumption and that are heavily dependent on exports for their economic growth to implement policies that would make private consumption the engine of future economic growth, which would enhance their demand for U.S. goods and services.

In addition, and responding to claims that in some cases the sharp rise in imports from emerging nations was due to unfair advantages given to foreign producers in those countries, major efforts and resources are being devoted to the monitoring and enforcement of U.S. trade agreements. A new Interagency Trade Enforcement Center (ITEC) was created to identify and confront unfair trade practices.

C. Foreign direct investment promotion

In 2011, the Administration launched a federal program, SelectUSA, to promote and facilitate foreign direct investment (FDI) in the U.S. The U.S. has been the main destination of FDI worldwide since 2006 in large part due to the scale of the consumer market, very high labor productivity, legal protections that create an innovative environment, a predictable regulatory investment regime, growing supply of energy at lower prices. In 2012, FDI inflows reached US$166 billion. Most investment is allocated in the manufacturing sector, mainly in the pharmaceuticals, petroleum and coal industries. Japan, Canada, Australia, Korea, and EU are the principal countries of origin for these funds. FDI from China and Brazil have been growing significantly in recent years. The SelectUSA program is being expanded to create a coordinated government effort to recruit businesses to move to the U.S.

D. Unilateral Trade Preferences

The United States continues to extend duty-free access unilaterally through four trade preferences programs: the African Growth and Opportunity Act (AGOA), the Andean Trade Preference Act(ATPA), the Caribbean Basin Initiative (CBI), and the Generalized System of Preferences (GSP). The share of U.S. imports entering the United States under these programs was 5 percent in 2012. The use of these programs has been rising since 2008 but has not reached the pre-financial crisis level.

In the case of the Andean Trade Preference Act, the use has declined mainly because since the second half of 2012 Ecuador is the only remaining beneficiaris, as Bolivia was removed on 15 December, 2008, Peru on 1 Janurary 2011 when the United States-Peru Trade Promotion Agreement enter into force, and Colombia on 15 May 2012 when United States-Colombia Trade Preference Act entered into force. ATPA expired on 13 July 2013 and has yet to be reneewed. Most imports entering the U.S. under ATPA were energy-related products. Ecuador is a major exporter of crude petroleum.

IV. Special topic

A. Organic food market in the United States: Market access opportunities for Latin America and Caribbean producers[3]

The United States organic food market has shown impressive growth in the past twenty years, with sales rising from US$ 1 billion in 1990 to US$ 31.5 billion in 2011 (OTA, 2011b; OTA, 2012). Even shortly after the financial crisis, from 2009 to 2010, the growth in sales was 7.7 percent according to the Organic Trade Association (OTA), and in 2012 the USDA estimated the complete organic market in the United States to US$ 31.4 billion (OTA 2011b; OTA 2012; USDA 2012e). The rapid increase in consumer demand for organic products exceeded the domestic supply capacity and traders of organic products have been relying on imports to meet the increasing demand (Green and others, 2009). This presents an interesting trade potential and an excellent opportunity to diversify exports for farmers from Latin America and the Caribbean. Access to the United States organic market requires meeting the specific standards, regulations and rules of certification determined by the National Organic Program (NOP).

This section provides an overview of the current regulatory framework of the U.S. organic food market as well as a brief overview of the state of organic agriculture across Latin America and the Caribbean.

1. What does it mean to be "organic"?

What the term "organic" exactly means is often subject to discussion, and given the range of competing labels consumers are often confused about the specific characteristics of "organic" products. Several intergovernmental organizations and civil society associations have specified definitions for the term. Farmers and governments worldwide are adopting and promoting organic agriculture to preserve natural resources and protect the environment, recognizing the characteristics as summarized by the Food and Agriculture Organization (FAO) and World Health Organization (WHO):

3 Based on the ECLAC Washington document: "Organic food marketing the United States: Market access opportunities for Latin American and Caribbean producers", Anne-Christine Scherer, 2013.

> "Organic agriculture is a holistic production management system which promotes and enhances agroecosystem health, including biodiversity, biological cycles, and soil biological activity. It emphasizes the use of management practices in preference to the use of off-farm inputs, taking into account that regional conditions require locally adapted systems. This is accomplished by using, where possible, cultural, biological and mechanical methods, as opposed to using synthetic materials, to fulfill any specific function within the system. An organic production system is designed to:
>
> a) enhance biological diversity within the whole system;
>
> b) increase soil biological activity;
>
> c) maintain long-term soil fertility;
>
> d) recycle wastes of plant and animal origin in order to return nutrients to the land, thus minimizing the use of non-renewable resources;
>
> e) rely on renewable resources in locally organized agricultural systems;
>
> f) promote the healthy use of soil, water and air as well as minimize all forms of pollution thereto that may result from agricultural practices;
>
> g) handle agricultural products with emphasis on careful processing methods in order to maintain the organic integrity and vital qualities of the product at all stages;
>
> h) become established on any existing farm through a period of conversion, the appropriate length of which is determined by site-specific factors such as the history of the land, and type of crops and livestock to be produced." (WHO/FAO, 2007, p. 2-3).

The United States Department of Agriculture (USDA) defines organic agriculture within the National Organic Program (NOP) matching the internationally recognized description in the Codex Alimentarius:

> "…a labeling term that denotes products that have been produced in accordance with organic production standards and certified by a duly constituted certification body or authority. Organic agriculture is based on minimizing the use of external inputs, avoiding the use of synthetic fertilizers and pesticides. Organic agriculture practices cannot ensure that products are completely free of residues, due to general environmental pollution. However, methods are used to minimize pollution of air, soil and water. Organic food handlers, processors and retailers adhere to standards to maintain the integrity of organic agriculture products. The primary goal of organic agriculture is to optimize the health and productivity of interdependent communities of soil life, plants, animals and people." (WHO/FAO 2007, p. 2).

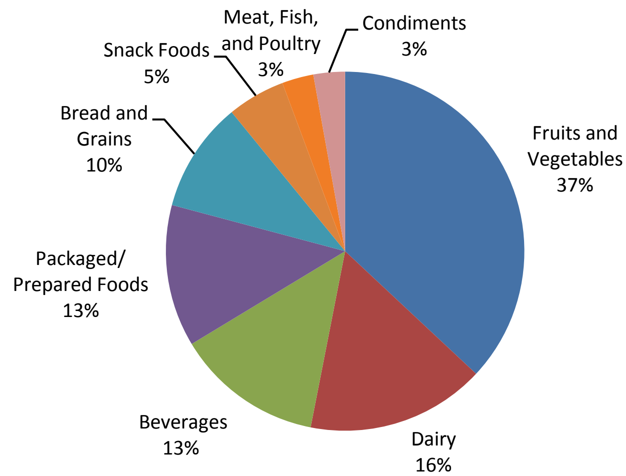
2. The U.S. organic market

In 1990, Congress passed the Organic Foods Production Act (OFPA) with the goal of providing national regulation for the growing market of organic products. Consequently, the United States Department of Agriculture (USDA) created the National Organic Program (NOP) to manage the national standards for production and handling of organic goods. After a nearly ten-year long process, the USDA regulations were fully implemented in October 2002 (USDA, 2012d).

Between the passing of the Organic Foods Production Act in 1990 and the implementation of the National Organic Standards in 2002, certified organic farmland in the United States had doubled. However, the conversion rate from regular farming to organic farming was and still remains very low. Only 0.7 percent of total U.S. cropland and 0.5 percent of all U.S. pasture was certified organic in 2008 (USDA ERS, 2012b).

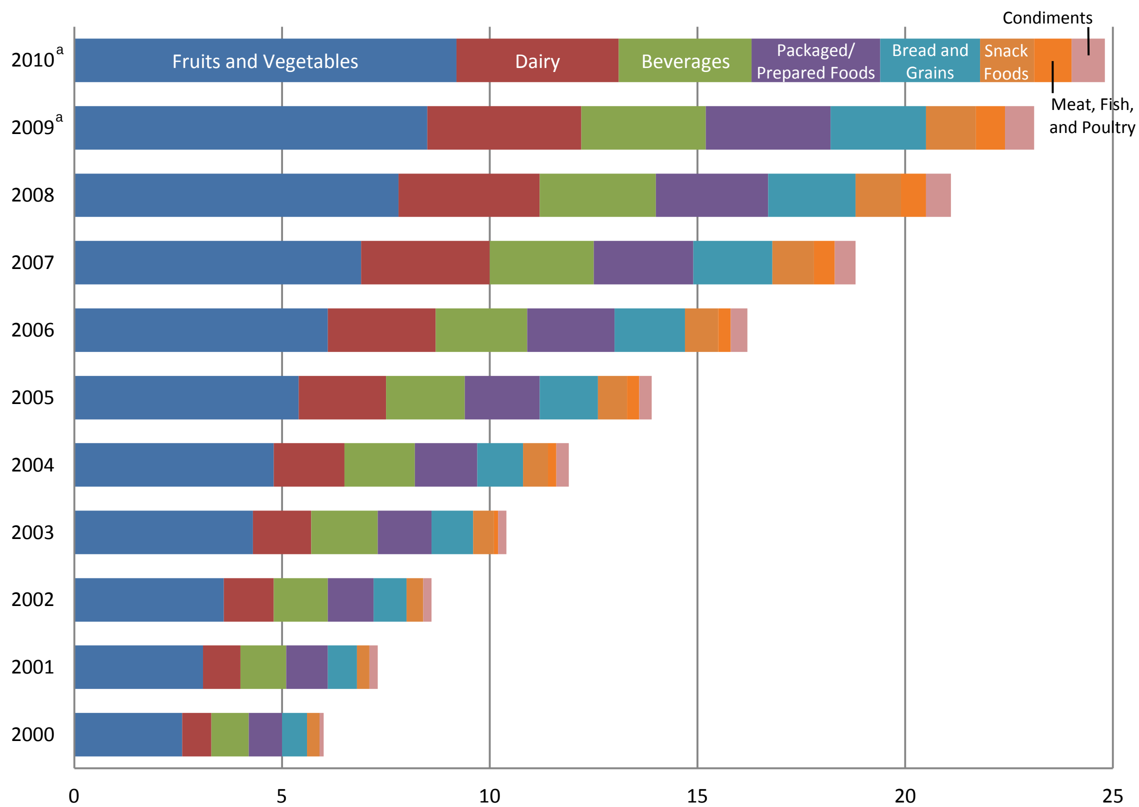
As can be seen in the figures below, almost 40 percent of organic food and beverage sales in 2008 consisted in sales of organic fruits and vegetables, leading the growth of organic food in the United States from 2000 to 2010.

FIGURE IV.1
SHARE OF HTS CODED ORGANIC FOOD AND BEVERAGE SALES IN THE UNITED STATES, 2008



Source: Prepared by the author on basis of USDA ERS, 2012a.

FIGURE IV.2
HTS CODED ORGANIC FOOD AND BEVERAGE SALES IN THE UNITED STATES, 2000-2010
(Billions of dollars)



Source: Prepared by the author on basis of USDA ERS, 2012b.

[a] Estimates.

In 2010 over half of all organic food products in the U.S. were sold by mass market retailers, such as Walmart and Safeway, indicating a mainstreaming of organic food products. Studies by the Economic Research Service (ERS) and by the USDA together with the National Agricultural Statistics Service (NASS) show that both sales prices and production costs of organically produced agro-foods usually exceed those of non-organically produced food.

Although organic production has more than doubled since the late 1990s, customer demand has outpaced domestic supply as the organic market has grown about five times between 2000 and 2011 (Greene and others, 2009; OTA, 2012). A survey by the OTA in 2011 showed that 78 percent of U.S. households bought organic products at least occasionally and that 72 percent of parents are familiar with the USDA organic seal (OTA, 2011a). A survey by the Economic Research Service in 2004 found that 38 percent of organic food supplies relied on imports and over 40 percent of the questioned handlers had experienced shortages of supplies during the year. Especially coffee, soy beans used for soy milk production and as feeding grains, nuts, and fresh fruits and vegetables are imported from abroad to meet the needs of the fast expanding organic market, despite intensive domestic support programs initiated by the NOP in the last three years (Green and others, 2009 and 2010).

3. Regulation of the organic market in the United States

As was previously mentioned, the USDA established the National Organic Program (NOP) to protect, regulate, and ensure the integrity of the organic market in the United States. The program is responsible for developing the regulatory framework on organic products, investigating and following up on regulatory violation complaints, accrediting and training certifying agents for organic producers and handlers, and defining international import and export policies (USDA, 2013a and 2013b).

All products advertised, labeled and sold as "organic" in the United States need to meet the criteria set out in the NOP. As an example, the legislation excludes certain methods from the production process, such as ionizing radiation or genetic engineering, and all organic products must be produced according to the "National List of Allowed and Prohibited Substances" (United States, 2000; USDA, 2012a).

For a product to be sold with "organic" quality claims or USDA organic labels on the package, it has to be certified by a USDA-accredited certifying agency (USDA, 2012a and 2012d).

In order to receive, and maintain, USDA organic certification, the NOP certifying process must be followed in the subsequent steps; (1) an accredited certifying agent in the region must be contacted for information on how to prepare an "Organic System Plan" (OSP). The plan should document all production practices, procedures, substances and methods used, as well as their frequencies and how they will be maintained. (2) The certifying agent will review the plan to determine if the regulations are met, and then schedule a production site inspection to assure compliance and address any possible problems. (3) The certifying agency will make a determination of "noncompliance", "denial", "certifications" or "certification with conditions", based on the inspection report and supporting documentation. (4) The producer must submit an updated OSP every year and inform of any changes in the production. The agency will continue to monitor the operation site for the organic certification to be maintained (USDA, 2011).

There are three labeling categories with different requirements, for the USDA seal or organic claim to be allowed on the principal display panel of a raw or processed agricultural product:

"100 Percent Organic"

All ingredients (except unadulterated salt and water) and processing aids must be certified organic. The certifying agent and all organic ingredients must be clearly stated and marked on the information panel of the product.

"Organic"

All of the agricultural ingredients must be certified organic with exceptions as specified on the National List of Allowed and Prohibited Substances. Non-organic substances allowed according to the list may be included to an overall total of five percent, meaning the product is made of at least 95 percent certified organic ingredients. The certifying agent and all organic ingredients must be clearly stated and marked on the information panel.

"Made with" organic…

If a product contains at least 70 percent certified organic ingredients (salt and water excluded) and the non-organic ingredients are produced by approved methods and allowed on the National List, the principal display panel may state "made with organic" followed by up to three ingredients or ingredient categories. The product may however not bear the USDA organic seal or the claims "organic" or "made with organic ingredients" anywhere on the package. The organic ingredients and the certifying agent have to be clearly stated on the information panel.

Any multi-ingredient products with certified organic content below 70 percent may not have the word "organic" anywhere on the principal display panel, and only certified organic ingredients may be listed as "organic" in the ingredient list on the information panel (USDA, 2012c).

There is an established framework of enforcement actions to deal with violations of the NOP regulations. Certifying agents also monitor possible frauds and violations can lead to fines of up to US$ 11,000 per violation. Anyone can report a suspected violation or submit a complaint to the Compliance and Enforcement Division of the NOP. The NOP publishes the names of fraudulent certifiers and of falsely labeled products to the public (USDA, 2012b).

Organically produced commodities from outside of the United States have to comply with the same NOP standards, labeling and certification requirements to be marketed and sold as "organic" on the U.S. market.

4. Exporting organic products to the United States

Trade agreements with international exporters and requirements

There are several trade arrangements on organics in place between the United States and other countries. Some are equivalence agreements and others are recognition agreements.

Equivalence agreements entail an acceptance of the other country's standards for certified organic products, allowing these goods to be labeled and sold as "organic" on the domestic market. The United States has equivalence agreements in place with the European Union (since June 2012) and Canada (since June 2009) (USDA, 2012f).

Recognition agreements, on the other hand, authorize the foreign government to accredit agents in its territory, allowing them to inspect operations and certify products according to the USDA organic standards. Certified products may be imported and sold in the United States. This kind of agreement is in place with Japan, India, Israel, and New Zealand, while U.S. USDA organic products may be sold as "organic" in Japan and Taiwan (USDA, 2012f).

Implications for exporters from Latin America and the Caribbean

There are no organic trade agreements in place between the United States and Latin American and Caribbean countries. Products from these countries may only be sold as "organic" in the U.S. market if certified by a NOP accredited certifier. There are USDA accredited certifiers in over 20 countries around the world and some also provide services outside their country location. An updated list of approved agents can be found on the NOP website[4].

United States imports of organic products

According to the Foreign Agricultural Service and the ERS, most organic imports consist of seasonal fruits and vegetables, coffee, spices and tropical produce that are not grown in the U.S. as well as ingredients for multi-ingredient manufactured organic food. Major suppliers of these goods include

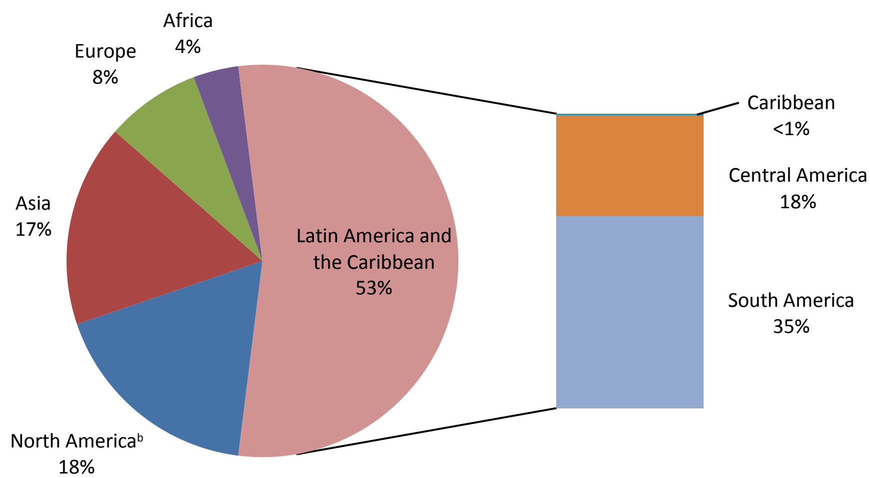
[4] In the full report (Scherer, 2013; Annex 6) a list of USDA accredited international certifying agents in Latin America and the Caribbean can be found, organized by country.

Canada, Latin American countries, the European Union and some Asian trading partners. An increase of the trade between the U.S and EU is expected after the recent equivalency agreement, especially since their combined organic markets make up approximately 90 percent of all certified organic food sales worldwide (USDA ERS, 2012c; Scott-Thomas, 2012; European Commission, 2012).

The introduction of organic product codes into the Harmonized Tariff Schedule (HTS) in 2011, enabled the United States International Trade Commission (USITC) to track some of its organic exports and collect information on selected organic imports (Fitch Hauman, 2011a; USITC, 2012). Using the online search engine of the Global Agricultural Trade System (GATS), it is possible to make detailed searches on import data for the commodities that are included in the HTS. At the moment, only 23 product codes exist for organic products making the GATS statistic somewhat limited for this sector. The data still provides an indication of the trends of import volumes and values of certified organic consumption commodities.

The GATS data highlights the role of Latin America and the Caribbean in satisfying the United States demand for certified organic products. Two thirds of the HTS coded organic import commodities were supplied by the region in 2011, amounting to US$ 430,875,000 (see figure IV.2).

FIGURE IV.3
REGIONAL SHARES OF UNITED STATES ORGANIC IMPORTS WITH HTS CODES, 2011[a]



Source: Prepared by the author on basis of USDA FAS, 2013.

[a] Variables used: Trade area or partners of origin: world regions; Period: January – December; Imported consumption commodities: total organics – selected (includes certified organics as per HTS in 2011).
[b] "North America" includes Canada and Mexico.

In 2011, seven of the top ten exporters of HTS coded certified organic commodities to the United States were from Latin America and the Caribbean (see table IV.1). In 2012, as the value of coffee imports decreased, coffee exporters from Colombia, Costa Rica, and Honduras were substituted by Chinese and Indian organic soybean exporters, and Thailand and Ethiopia moved up into the top ten.

TABLE IV.1
TOP TEN EXPORTERS OF HTS CODED ORGANIC PRODUCTS TO THE UNITED STATES, 2011[a]
(Thousands of dollars)

	Partner	Value
1.	Peru	84 662
2.	Mexico	70 851
3.	Colombia	67 813
4.	Brazil	61 009
5.	Canada	47 945
6.	Indonesia	41 638
7.	Costa Rica	31 302
8.	Switzerland	30 518
9.	Guatemala	29 894
10.	Honduras	27 551
	All other countries together	174 237
	World	667 420

Source: Prepared by the author on basis of USDA FAS, 2013.

Note: "Total organics" includes all HTS coded certified organic products as of 2011. For 2012 three additional codes, covering organic honey and quinces were added to the 20 presented in 2011.

[a] Variables used: Trade area or partners of origin: world regions – by country; Period: January – December; Imported consumption commodities: total organics – selected (includes certified organics as per HTS in 2011).

The analysis of the HTS coded certified organic imports to the United States in 2011 to 2012 shows the importance of organic coffee for exporters of organic products from Latin America and the Caribbean. Peru and Mexico are the top two suppliers of HTS coded organic products worldwide, and five of the top six commodities from Peru are coffee based. Mexico has a more diverse export product basket, which could help absorb a negative impact of a price drop for a specific commodity.

5. The organic market in Latin America and the Caribbean

Distribution and promotion of organic agriculture

Almost one quarter of the world's organically managed agricultural land is in Latin America and the Caribbean, and in 2010, over 270,000 producers cultivated 8.4 million hectares organically. About half of this land is concentrated in Argentina, followed by Brazil and Uruguay (Willer and Kilcher, 2012).

Organic production in the region is mostly export-oriented and each country ships at least 80 to 90 percent of the domestic organic production to the European Union, Japan, and the United States. The major export commodities are coffee, cocoa, exotic fruits, sugar, grains and cereals, and spices. Mexico has the largest organic coffee area in the world, while Peru has an area half as big (Garibay, Ugas and Flores Escudero, 2011). According to the U.S. HTS import statistics, Peru leads the organic coffee imports.

Most domestic organic markets are small and often centered in big cities. The most developed domestic organic markets in the region can be found in Argentina and Brazil, but demand is relatively weak (Nakayo, 2010; Foguelman, 2009).

Strategic government support through sector regulation, standard harmonization, certification, and label promotion is deemed a major factor of organic export facilitation (Garibay, Ugas, and Flores Escudero, 2011; Rovayo and Lehman, 2009).

Standards and regulation of organic agriculture

Many countries in Latin America and the Caribbean have some of the most advanced legislative and regulatory frameworks for organic markets, while the number of organic accreditation bodies is relatively low. The number of accreditation bodies has increased somewhat in the last couple of years (Buley and others, 2004; Örjavik, 2011).

Foreign certifiers operate intensively in the region through national offices to facilitate cooperation with national governments that have implemented organic legislation. Most countries also have local certification agencies (Gribay and Ugas, 2010).

Most countries have fully implemented or drafted national laws for organic agriculture, and some promote national organic seals. Argentina and Costa Rica have obtained third country status to the European Union organic market, implying equivalence of their national regulations on organic production to the EU regulations and free exports to the area.

Efforts to raise the profile of organic agriculture

Efforts to promote organic agriculture and strengthening regulation in Latin America and the Caribbean have been undertaken at the local, subregional and regional level. Participatory Guarantee Schemes (PGS) work at the local level and have significantly increased over the last few years. The Inter-American Commission for Organic Agriculture (CIAO) unites 18 member states to forge a strong partnership at the regional level and contribute to the advancement of organic production norms and strengthen organic agriculture development (CIAO, 2013a). In the global trade area, the region can find support in the Global Organic Market Access project (GOMA) founded by FAO, UNCTAD, and IFOAM to facilitate harmonization of a global organic market. In particular, GOMA supported Costa Rica, Honduras, Guatemala, El Salvador, Nicaragua, Panama and the Dominican Republic in the development of a harmonized organic standard that was submitted to the WTO in 2012 (FAO/IFOAM/UNCTAD, 2012a and 2012b).

6. Opportunities and challenges for organic farmers and handlers from Latin America and the Caribbean

Three crucial conditions have been emphasized in shaping the opportunities for organic farmers and handlers from Latin America and the Caribbean in foreign markets; (1) the support of farmer associations to organize product marketing, ascend value chains, and conquer niche markets; (2) development of regulatory frameworks and to harmonize standards; (3) the willingness of public, private, and civil society stakeholders to form partnerships for knowledge sharing and capacity building down to the producer and consumer levels.

Organic farming may be more labor intensive than conventional farming and therefore give countries with smaller farms and lower labor costs a comparative advantage (Green and others, 2010). A case study from 2003, found that, in Latin America and the Caribbean, switching from conventional to organic farming had positive effects on smallholder farms. In all studied cases, the farmers obtained higher prices for the certified goods compared to the products on the conventional market although premiums varied from about 22 to 150 percent. Success of the conversion in the long run is subject to the ability to maintain the soil quality, and market price development, according to the study (IFAD, 2003).

The conversion costs related to being certified through a certifying agent might be seen as a major obstacle for small and medium farmers. Certification costs vary greatly depending on the agent, the farm size and the product. The USDA accredited certifiers in the region can be contacted directly by the farmers for assistance. A strong domestic framework for organic standards, related training and assistance programs would, however, ease the conversion costs and facilitate the certification process.

Stakeholders in some countries in the region have recognized the export potential of organic agriculture and thus have become increasingly involved in the regulation process. Several organizations have published suggestions and guidebooks on best practices and policies on organic agriculture as a tool for development and poverty reduction (such as UNCTAD/UNEP, 2008; IFOAM, 2006).

Converting to organic agriculture and benefitting from the price premiums on the U.S organic market entails several challenges, to include the imports and standards restrictions explained in this text.

Challenges also await the exporters once a product has gained access to the market, as for instance "locally grown" agricultural products have become popular in the United States. Even if they are not organic, these products could mean competition for imported organic products (Green and others, 2009: Emerging Issues in the United States Organic Industry, p. 16-17). Potential exporters should carefully analyze the target market and consider the USDA NOP certification as a strategic tool when offering their products on the U.S market.

V. Trade Inhibiting Measures

This section focuses on recent developments on three significant areas of trade inhibiting measures.

- Import policies (e.g., quantitative restrictions, antidumping and countervailing duties).
- Dispute settlement (e.g. upland cotton, dolphin safe tuna, etc.).
- Agricultural supports (e.g. U.S. export support programs).

This year's report addresses selected dispute settlement cases covering issues such as the U.S. dispute with Brazil regarding upland cotton, the dolphin-safe tuna label with Mexico, stainless steel sheet and strip in coils agreement between the United States and Mexico, among others[5].

A. Import policies

1. Trade Remedy Legislation

a) Antidumping and Countervailing Duty Orders

As of October, 2013, there are 21 antidumping duty (AD) orders in place against Latin American and Caribbean countries. These cases involve Argentina (1), Brazil (8), Chile (1), Mexico (9), Trinidad and Tobago (1), and Venezuela (1) and are listed in Table V.1. Of the 21 AD orders, one new order was placed in 2013 on large residential washers from Mexico and an AD order on lemon juice from Argentina was continued in 2013. There are 2 countervailing duty (CD) orders in place against Latin American and Caribbean countries as of October, 2013. These affect Brazil (2) and are listed in Table V.2.

5 For more information please refer to ECLAC Washington 2011-2012 United States Trade Developments report, section V. Trade Inhibiting Measures.

TABLE V.1
ANTIDUMPING DUTY ORDERS AFFECTING LATIN AMERICA AND THE CARIBBEAN

Country	Item	DOC Case #	Order Date	Continued Date
Argentina	Lemon Juice (suspended)	A-357-818	10/09/2007	07/08/2013
Brazil	Carbon Steel Wire Rod	A-351-832	29/10/2002	30/07/2008
	Prestressed Concrete Steel Wire Strand	A-351-837	28/01/2004	11/12/2009
	Iron Construction Castings	A-351-503	09/05/1986	19/11/2010
	Carbon Steel Butt-Weld Pipe Fittings	A-351-602	17/12/1986	15/04/2011
	Frozen Warm-Water Shrimp and Prawns	A-351-838	01/02/2005	29/04/2011
	Circular Welded Non-Alloy Steel Pipe	A-351-809	02/11/1992	17/07/2012
	Stainless Steel Bar	A-351-825	21/02/1995	09/08/2012
	Polyethylene Terephthalate Film, Sheet, and Strip	A-351-841	10/11/2008	
Chile	Preserved Mushrooms	A-337-804	02/12/1998	28/04/2010
Mexico	Fresh Tomatoes (suspended)	A-201-820	01/11/1996	16/12/2002
	Carbon Steel Wire Rod	A-201-830	29/10/2002	30/07/2008
	Prestressed Concrete Steel Wire Strand	A-201-831	28/01/2004	11/12/2009
	Circular Welded Non-Alloy Steel Pipe	A-201-805	02/11/1992	17/07/2012
	Lemon Juice	A-201-835	10/09/2007	
	Light-Walled Rectangular Pipe and Tube	A-201-836	05/08/2008	
	Certain Magnesia Carbon Bricks	A-201-837	20/09/2010	
	Seamless Refined Copper Pipe and Tube	A-201-838	22/11/2010	
	Large Residential Washers	A-580-868	15/02/2013	
Trinidad & Tobago	Carbon Steel Wire Rod	A-274-804	29/10/2002	30/07/2008
Venezuela (República Bolivariana de)	Silicomanganese	A-307-820	23/05/2002	04/01/2008

Source: ECLAC, based on data from U.S. International Trade Commission, Trade Remedy Investigations and USITC notices in the Federal Register, as of October, 2013.

TABLE V.2
COUNTERVAILING DUTY ORDERS AFFECTING LATIN AMERICA AND THE CARIBBEAN

Country	Item	DOC Case #	Order Date	Continued Date
Brazil	Carbon Steel Wire Rod	C-351-833	22/10/2002	30/07/2008
	Heavy Iron Construction Castings	C-351-504	15/05/1986	19/11/2010

Source: ECLAC, based on data from USITC, Trade Remedy Investigations, as of October, 2013.

Antidumping and countervailing duties by outcome

Administrative reviews

As of October 2013, there have been eight notifications of review rescissions, six notifications of preliminary results, and five publications of final results of administrative reviews regarding subsidy rates and dumping margins for Latin American and Caribbean products (see table V.3 and annex 1 for more details). In 2013, final administrative reviews results were published for investigations on stainless steel bar from Brazil, certain circular welded non-alloy steel pipe, seamless refined copper pipe and tube, carbon and certain alloy steel wire, and light-walled rectangular pipe and tube from Mexico. A period of review on the investigation of certain frozen warm-water shrimp from Brazil ended in 2013.

TABLE V.3
ADMINISTRATIVE REVIEWS YIELDING FINAL RESULTS FOR LATIN AMERICA AND THE CARIBBEAN

Country	Item	DOC Case	Period of Review	Results Date
Argentina	Honey	A-357-812	01/12/2010 – 30/11/2011	31/12/2012: rescission of review
		C-357-813	01/12/2010 – 30/11/2011	30/10/2012: rescission of new shipper review
Brazil	Certain Frozen Warm-Water Shrimp	A-351-838	01/02/2012 – 31/01/2013	22/05/2013: rescission of review
	Stainless Steel Bar	A-351-825	01/02/2011 – 31/01/2012	15/04/2013: final results
Mexico	Certain Circular Welded Non-Alloy Steel Pipe	A-201-805	01/11/2011 – 31/10/2012	09/08/2013: partial rescission
			01/11/2010 – 31/10/2011	07/06/2013: final results and partial rescission
	Seamless Refined Copper Pipe and Tube	A-201-838	22/11/2010 – 31/10/2011	12/06/2013: final results
			01/11/2011 – 31/10/2012	16/04/2013: rescission, in part, of review
	Carbon and Certain Alloy Steel Wire	A-201-830	01/10/2010 – 30/09/2011	14/05/2013: final results
			01/10/2011 – 30/09/2012	14/01/2013 rescission of review
	Light-Walled Rectangular Pipe and Tube	A-201-836	01/09/2010 – 31/07/2011	08/01/2013: final results
Argentina	Honey	A-357-812	01/12/2010 – 30/11/2011	31/12/2012: rescission of review
		C-357-813	01/12/2010 – 30/11/2011	30/10/2012: rescission of new shipper review

Source: U.S. Department of Commerce, International Trade Administration, Import Administration and ITC notices in the Federal Register, as of October, 2013.

Changed Circumstances Reviews

As of October 2013, there has been one publication of final results of changed circumstances reviews regarding subsidy rates and dumping margins for Latin American and Caribbean products regarding honey from Argentina (see table V.4 and annex 2 for more details).

TABLE V.4
CHANGED CIRCUMSTANCES REVIEWS YIELDING FINAL RESULTS FOR LATIN AMERICA AND THE CARIBBEAN

Country	Item	DOC Case	Period of Review	Publication Date
Argentina	Honey	A-357-812 C-357-813	01/12/2010 – 30/11/2011	31/12/2012

Source: U.S. Department of Commerce, International Trade Administration, Import Administration and ITC notices in the Federal Register, as of October, 2013.

Sunset Reviews

As of October 2013, the DoC published the final results of five sunset reviews that involved Latin American and Caribbean countries; two AD orders remain in effect, while one was revoked, and two suspended investigations will continue (see table V.5 and annex 3 for case details). This year's final published sunset reviews results were carbon and certain alloy steel from Brazil, light-walled rectangular pipe and tube, carbon and certain alloy steel rod, and lemon juice from Mexico, and silicomanganese from Venezuela.

TABLE V.5
SUNSET REVIEWS YIELDING FINAL RESULTS FOR LATIN AMERICA AND THE CARIBBEAN

Country	Item	DOC Case #	Publication Date	Results of Review
Argentina	Lemon Juice	A-357-818	07/12/2012	Suspended AD investigation continued (effective date: 07/12/2012)
Brazil	Silicomanganese	A-351-824	07/11/2012	AD order revoked (effective date: 14/09/2011)
	Carbon and Certain Alloy Steel Rod	A-351-832	24/10/2013	Final results: AD order continued (effective date: 24/10/2013)
		C-351-833	02/10/2013	Final results: CVD order continued (effective date: 02/10/2013)
Mexico	Light-Walled Rectangular Pipe and Tube	A-201-836	06/08/2013	Final results; AD order continued (effective date: 06/08/2013)
	Carbon and Certain Alloy Steel Rod	A-201-830	24/10/2013	Final results: AD order continued (effective date: 24/10/2013)
	Lemon Juice	A-201-835	07/08/2013	Suspended AD investigation terminated (effective date: 21/09/2012)
			28/06/2013	Final results; Suspended AD investigation continued (effective date: 28/06/2013)
			26/12/2012	Preliminary results: Suspended AD investigation continued (effective date: 26/12/2012)
Venezuela (República Bolivariana de)	Silicomanganese	A-307-820	07/02/2013	AD order continued (effective date: 07/02/2013)

Source: U.S. Department of Commerce, International Trade Administration, Import Administration, as of October 2013.

2. "Special 301" Report

Published on an annual basis by the Office of the United States Trade Representative (USTR), the "Special 301" Report is a review of global state protection and enforcement of intellectual property rights (IPR). The USTR monitors foreign IPR regimes with a view to identifying those countries that deny adequate intellectual property rights protection and obstruct fair and equitable market access of United States' IP-related products. Countries may be categorized as "Priority Foreign Countries", or added to the "Priority Watch List" or the "Watch List." This assessment takes into consideration each country's level of development, its international obligations and commitments, the concerns of rights holders and other interested parties, and the trade and investment policies of the United States. These issues then become the focus of bilateral and multilateral negotiations in an effort to improve the IPR regimes. In addition, the USTR has established another category, the "Section 306" category, which is solely dedicated to monitoring foreign countries' progress in the area of IPR protection and enforcement.

In its 2013 review, the USTR invites trading partners on the "Special 301" Priority Watch List or Watch List to collaborate with the U.S. to develop an action plan to facilitate their removal from the corresponding list.

To facilitate IPR protection and enforcement, U.S. agencies engage in training and capacity building activities, both in the U.S. and overseas. In the U.S., the Global Intellectual Property Academy (GIPA) offered more than 140 training programs in FY 2012 with topics ranging from patent and trademark examination to IP management and technology transfer. The U.S. State Department carries out the International Visitors Leadership Program, comprising of training courses on IPR, trade and business issues. Support overseas takes the form of training, technical assistance, capacity building and exchange of best practices. The U.S. Department of State provides funds to several U.S. agencies, such as the Department of Justice (DOJ), the Patent and Trademark Office (USPTO), the Department of Homeland Security (DHS), the Bureau of Customs and Border Protection (CBP) and the Bureau of Immigration and Customs Enforcement (ICE), to enable them to offer training courses and technical assistance to foreign government officials while the Department of Commerce's Commercial Law Development Program (CLDP) offers training courses to foreign lawmakers, regulators and judges (USTR 2013).

a) Priority Foreign Countries

Priority Foreign Countries are identified as having the strongest impact (actual or potential) on U.S. IP-related products and may therefore be subject to investigations under the "Section 301" provisions. There are no "Priority Foreign Countries" in Latin America or the Caribbean for the 2012 "Special 301" Report.

b) Priority Watch List

The Priority Watch List of the 2012 "Special 301" Report consists of 10 countries, 3 of which are from the Latin America and the Caribbean region. These include Argentina, Chile, and Venezuela.

c) Watch List

The Watch List consists of 30 countries, including 13 from Latin America and the Caribbean (see table V.5.) The report referenced the need for stricter IPR legislation and enforcement as the rationale for continued placement on the 2013 "Watch List".

TABLE V.6
"PRIORITY WATCH LIST" AND "WATCH LIST"

Priority Watch List	Watch List
Argentina	Barbados
Chile	Bolivia(Estado Plurinacional de)
Venezuela(República Bolivariana de)	Brazil
	Colombia
	Costa Rica
	Dominican Republic
	Ecuador
	Guatemala
	Jamaica
	Mexico
	Paraguay
	Peru
	Trinidad and Tobago

Source: USTR, Special 301 Report.

d) Section 306

“Section 306” of the “Special 301" Report highlights relevant developments in the fulfillment of bilateral intellectual property agreements. Having been identified as a Priority Foreign Country in January 1998, Paraguay remains the only country on the “Section 306” list.

B. Overview of selected U.S. dispute settlement cases involving Latin American and Caribbean countries

As of November 2013, the United States has brought 106 complaints to the WTO Dispute Settlement Body since it became a WTO member in 1995. Of these 103 complaints, 17 complaints were made against countries from the Latin America and Caribbean region. The respondents of said complaints are Argentina (5), Brazil (4), Chile (1), Mexico (6) and Venezuela (1).

TABLE V.7
RESPONDENTS OF WTO DISPUTES WITH THE UNITED STATES AS COMPLAINANT

Respondent	Number of Complaints
Argentina	5
Brazil	4
Chile	1
Mexico	6
Venezuela(República Bolivariana de)	1

Source: ECLAC, based on WTO Dispute Settlement Data.

As of November 2013, Latin American and Caribbean countries initiated 31 out of the 120 complaints brought against the United States at the WTO Dispute Settlement Body. Table V.8 identifies the countries, the number of cases that they brought against the United States and the WTO DSB case numbers. Antigua and Barbuda (1), Argentina (5), Brazil (10), Chile (2), Colombia (1), Costa Rica (1), Ecuador (1), Mexico (9) and Venezuela (1).

TABLE V.8
WTO DISPUTES WITH LATIN AMERICA AND THE CARIBBEAN AS COMPLAINANT

Complainant	Number of Complaints
Antigua and Barbuda	1
Argentina	5
Brazil	10
Chile	2
Colombia	1
Costa Rica	1
Ecuador	1
Mexico	9
Venezuela(República Bolivariana de)	1

Source: ECLAC, based on WTO Dispute Settlement Data.

1. Upland Cotton

In September 2013, the U.S Department of Agriculture (USDA) cut in half its monthly settlement payments of $147 million to Brazil's cotton fund. The USDA will not make any further disbursements as a result of sequestration and a loss of authority, resulting in the termination of the 2010 interim settlement[6].

The WTO has authorized Brazil approximately $1 billion worth of retaliatory measures, but changes in trade flows may have altered the amount of measures to be allocated.

As of 29 November 2013, the United States has yet to pay its monthly settlement disbursements to Brazil. As a result, Brazil is preparing a list of U.S. products and sectors to retaliate to, amounting up to $850 million in sanctions again U.S. imports. The United States has cut settlement payments since October 2013.

Link to WTO case webpage:
http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds267_e.htm

Link to all WTO documents for this case:
https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S006.aspx?Query=(@Symbol=%20wt/ds267/)&Language=ENGLISH&Context=FomerScriptedSearch&languageUIChanged=true#*

2. Dolphin-Safe Tuna Label

On 11 July 2013, the government of Mexico announced that it will seek consultation with the United States in the World Trade Organization (WTO) over the U.S. failure of compliance to the WTO's ruling in favor of Mexico in the dispute about dolphin safe tuna label on tuna exports. The WTO found the U.S. in violation of article 2.2 of the agreement on Technical Barriers to Trade (TBT), and a deadline to comply with WTO rulings was set for 13 July 2013.

On 12 July 2013, the U.S. Trade Representative stated that the final rule revisions published by the administration were brought into full compliance with the WTO ruling. In case the WTO Dispute Settlement Understanding (DSU) judges the U.S. to be out of compliance, Mexico has already begun to determine the amount and type of trade retaliation to be implemented. In the case of retaliation and disagreement to retaliation terms, the WTO will task an independent arbitrator to make the ultimate decision.

On 2 August 2013, the U.S. and Mexico informed the WTO Dispute Settlement Body (DSB) of its Agreed Procedures on Article 21 and 22 of the DSU.

On 25 November 2013, the U.S. rejected Mexico's request to the WTO to establish a compliance panel. The U.S. states that it has expanded its dolphin-safe labeling requirements to fishing methods used to capture tuna in oceans other than the Easter Tropical Pacific (ETP). However, Mexico claims that this still makes obtaining a dolphin-safe label more difficult because of fishing certification mandates. Mexico's compliance panel points out four WTO violations that are in the new U.S. regulation: 1) less favorable treatment to tuna from Mexico compared to domestic tuna or from third world countries (Article 2.1 of the TBT Agreement) 2) discrimination between WTO members (GATT Article I:1) 3) discrimination between foreign and domestic "like" products (GATT Article III:4) and 4) nullifies and impairs benefits that accrue to Mexico (GATT Article XXIII:1). If Mexico is to place a second request for a compliance panel, the United States will no longer be able to reject.

[6] For background information on this WTO case consult the links in the box below the paragraph. A summary can be accessed under URL: http://www.wto.org/english/tratop_e/dispu_e/cases_e/1pagesum_e/ds267sum_e.pdf.

Link to WTO case webpage:
http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds381_e.htm

Link to all WTO documents for this case:
https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S006.aspx?Query=(@Symbol=%20wt/ds381/)&Language=ENGLISH&Context=FomerScriptedSearch&languageUIChanged=true#*

3. Brazil-U.S Ethanol Dispute

On 31 December 2011 the U.S. Congress adjourned without passing legislation to extend the import tariff and excise tax credit7 and thus eliminating the 54-cent U.S. tariff on imported ethanol and the domestic blenders' subsidy. U.S. tariffs on imported ethanol are no longer enacted.

The Environmental Protection Agency (EPA) proposed on 14 June 2013 the implementation of tougher documentation and transportation rules for non-U.S. producers. EPA states that the implementation of the safeguards is to prevent fraudulent ethanol production.

The EPA has also proposed to reduce next year's U.S. biofuel blending mandate. The EPA estimates to allocate 1.28 billion gallons of biodiesel, out of its 2.1 billion gallon mandate. Less than 300 million gallons would be available for Brazilian ethanol imports, although the EPA has stated that 666 million gallons of Brazilian sugar cane ethanol would be needed to fulfill its advanced biofuel requirement for 2013. There has been no final decision on the renewable fuel standards for 2014.

Link to EPA's Notice of Proposed Rulemaking:
https://www.federalregister.gov/articles/2013/06/14/2013-12714/regulation-of-fuels-and-fuel-additives-rfs-pathways-ii-and-technical-amendments-to-the-rfs-2#h-46

Link to EPA's Renewable Fuels: Regulations & Standards:
http://www.epa.gov/otaq/fuels/renewablefuels/regulations.htm

4. Country of Origin Labeling Dispute

On 24 May 2013, the WTO Dispute Settlement Body (DSB) was informed by the (USDA) that its current revisions to Country of Origin Labeling (COOL) requirements are now in compliance to the WTO's ruling, Article 2.1 of the TBT Agreement. However, Mexico states that the revised final rule of the U.S. is not in compliance and is more restrictive. On 10 June 2013, the U.S. and Mexico informed the WTO (DSB) of its Agreed Procedures on Article 21 and 22 of the DSU.

On 19 August 2013, Mexico requested a compliance panel, which was deferred by the DSB on 30 August 2013. On 25 September 2013, the DSB agreed to defer the original panel if the U.S.' new rule violated Article III: 4.

The COOL requirements include the obligation to inform consumers at the retail level of the country of origin in respect of agricultural commodities, including beef and pork. Only those animals that were born, raised, and slaughtered in the U.S. are eligible to be designated as exclusively having a U.S. origin.

[7] On 17 December 2010, the import tariff on ethanol and volumetric ethanol excise tax credit (VEETC) in the U.S was extended for another year.

Link to WTO case webpage:
http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds386_e.htm

Link to all WTO documents for this case:
https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S006.aspx?Query=(@Symbol=%20wt/ds386/)&Language=ENGLISH&Context=FomerScriptedSearch&languageUIChanged=true#*

5. Frozen Warmwater Shrimp Dispute

On 19 August 2013, the Department of Commerce published its final affirmative countervailing duty determination on certain frozen warmwater shrimp from Ecuador (DoC Case # C-331-803). U.S petitioners in shrimp industries requested for initiation of an investigation on 28 December 2012.

After the period of investigation, the Department of Commerce determined that countervailing subsidies are being provided to producers and/or exporters of the product under investigation from Ecuador. As a result, the Department of Commerce has directed the United States Customs and Border Protection to suspend liquidation of imports from Ecuador, entered or withdrawn from the warehouse, as of the date of the publication of the final affirmative determination. Imports from Ecuador must also provide a cash deposit at the following rates: Promarisco, 13.51%; Songa, 10.15%; all others 11.68%.

On 21 October 2013, the United States International Trade Commission determined that frozen warmwater shrimp imports from Ecuador do not result in material injury to the U.S. industry.

6. Stainless Steel Sheet and Strip in Coils Dispute

On 5 March 2013, the U.S. Department of Commerce announced the settlement of NAFTA proceedings dispute settlement panels regarding antidumping duty determinations on stainless steel sheet and strip in coils from Mexico (DoC Case # A-201-822). Mexican petitioner, Mexinox, challenged five of the administrative reviews before NAFTA panels.

On 20 September 2012, the Department of Commerce and Mexinox entered into a Settlement Agreement to resolve all pending disputes through NAFTA. Following the litigation, both parties agreed to terminate all cases of NAFTA disputes concerning the final results of matters of stainless steel sheet and strip in coil from Mexico for the years of 2004-2009.

With the Settlement Agreement, the United States Custom and Border Protections will liquidate entries without regard to antidumping duties, as of the date of publication of the settlement, 5 March 2013. Cash deposit duties on exported merchandise by Mexinox during the period of dispute will be assessed.

Link to NAFTA Dispute Settlement's Decisions and Reports:
https://www.nafta-sec-alena.org/Default.aspx?tabid=93&language=en-US

C. Agricultural Supports

USDA supports various programs to aid the creation, expansion, and maintenance of long-term export markets for U.S. agricultural products.

Financially, USDA total outlays for 2014 are estimated at $146 billion. Roughly 83 percent of outlays, about $121 billion in 2014, are associated with mandatory programs that provide services as required by law. Included in these services are export promotion programs (USDA, 2013).

The Foreign Agricultural Service (FAS) carries out a variety of programs that are designed to facilitate access to international markets. FAS also carry out activities that promote productive agricultural systems in developing countries and contribute to increased trade and enhanced global food security. The FAS supports market development programs as well as export programs.

1. Market Development Programs

The Foreign Agricultural Service administers several programs, in partnership with private sector organizations, in order to develop, maintain, and expand commercial export markets for U.S. agricultural products. The amount of funding for FY 2014 is about US$ 200 million plus some unspecified funding for some parts of the program which are subject to reauthorization due to the expiration of the 2008 Farm Bill (USDA, 2013).

Regarding financial support for these programs, the Farm Service Agency (FSA) supports the Commodity Credit Corporation (CCC) which provides funding not only for commodity programs administered by the (FSA), but all the export programs administered by FAS. CCC borrows funds needed to finance these programs from the U.S. Treasury and repays the borrowings, with interest, from receipts and appropriations provided by Congress. These programs facilitate exports to buyers in countries where credit is necessary to maintain or increase U.S. sales.

Opportunities to apply for these programs are announced in the Federal Register and on the Foreign Agricultural Service website.

a) Foreign Market Development Program

The Foreign Market Development (FMD) Program, also known as the Cooperator Program, supports and expands foreign markets for U.S. agricultural products. The FMD uses funds from the Commodity Credit Cooperation (CCC) and partially reimburses cooperators to strengthen market development activities and increase market share. Producers of U.S. agricultural products, except tobacco, including those associated with small-volume export commodities, participate in efforts to build export markets. Preference is given to nonprofit U.S. agricultural and trade organizations that represent an entire industry or are nationwide in membership and scope.

The program provides cost-share assistance to nonprofit commodity and agricultural trade associations to support overseas market development activities that are designed to support U.S. trade. These activities include technical assistance, trade servicing, and market research. The 2014 Budget Baseline provides no funding for the Cooperator program since it is subject to reauthorization due to the expiration of the 2008 Farm Bill (USDA, 2013).

b) Market Access Program

The Market Access Program (MAP) uses funds from the CCC to reimburse participating organizations for a portion of the cost of carrying out overseas marketing and promotional activities, such as consumer promotions. The MAP creates a partnership between non-profit U.S. agricultural trade associations, non-profit U.S. agricultural cooperatives, non-profit state-regional trade groups, and small businesses.

Included in the MAP is a brand promotion component that provides export promotion funding to 600-800 small companies annually and thereby contributes to the National Export Initiative goal of expanding the number of small and medium-sized entities that export. The budget provides $200 million for MAP in 2014, the same amount as provided in 2013 (USDA, 2013).

c) Quality Samples Program

The Quality Samples Program (QSP) is designed to encourage the development and expansion of export markets for U.S. agricultural products. The program, funded by the CCC, ensures that U.S. agricultural trade organizations are reimbursed for the price of the sample purchase, the domestic transportation cost to the exportation port and to the foreign port or point of entry only. In addition to helping importers overcome trade and marketing obstacles, the QSP promotes foreign understanding and appreciation of U.S. agricultural products by providing information to a targeted audience about quality and use of the U.S. goods.

The program is carried out under the CCC Charter Act, which provides the foreign importers with a better understanding of U.S. agricultural products. The budget includes $2.5 million of funding for the program in 2014 (USDA, 2013).

d) Emerging Markets Program

The Emerging Markets Program (EMP) promotes U.S. agricultural exports with CCC funding for technical assistance activities that address technical barriers to trade in emerging markets. Examples of such technical assistance include feasibility studies, market research, industry sector assessments, workshops and specialized training. The program is funded on a case-by-case basis and only supports exports of generic products. It is approved by the Food, Agriculture, Conservation, and Trade Act of 1990. Similar to the Cooperator program, the CCC Budget Baseline includes no funding for the EMP program due to the expiration of the 2008 Farm Bill.

An emerging market is defined as a country that is progressing towards a market oriented economy that can provide a feasible market for the United States. An emerging market country has per capita income of less than $12,195 as well as a population of 1 million or greater (USDA, 2013).

e) Technical Assistance for Specialty Crops Program

The motive of the Technical Assistance for Specialty Crops (TASC) Program is to eliminate unique trade barriers that may hinder the exportation of U.S. specialty crops or all plant products produced in the U.S. Specialty crops do not include wheat, field grains, oilseeds, cotton, rice, peanuts, sugar, or tobacco. The program awards grants to U.S. organizations to help them undertake measures to overcome sanitary, phytosanitary and technical trade barriers, including grants for seminars, study tours, pest and disease research, and field surveys. The maximum award is for $500,000 per year for projects continuing up to five years. Funding for the TASC program is not included in the CCC Budget Baseline due to the expiration of the 2008 Farm Bill (USDA, 2013).

2. Export Programs and Commercial Export Financing

The (FAS) uses CCC funds to support emerging markets and improve the competitiveness of U.S. agricultural products in foreign markets. The funds are administered as credit guarantees and are used to increase trade in areas that would otherwise not be able to import U.S. products.

a) Export Credit Guarantee Program

The GSM-102 provides credit to foreign buyers with the objective of maintaining or increasing U.S. sales in countries where financing may not be available. Under the program, administered by the CCC, U.S. private banks guarantee funds to approved foreign banks in dollar-denominated, irrevocable letters of credit for use in the purchase of U.S. agricultural products and foodstuffs.

Of the US$ 5.5 billion allocated to Export Credit Guarantees for 2013, US$ 5.4 billion will be made available through the GSM-102 program which covers credit terms of up to three years. The remaining part of the budget (US$ 100 million) will be used for facility financing guarantees. Mexico has the most guarantee funds amounting to US$ 474 million and includes credit for the commodities of cotton, grain sorghum, rice, soybean meal, soybeans, wheat, wheat/wheat flour, and yellow corn. In Mexico and South America wheat receives the most funding, while rice and soybean meal receive the most funding for the Caribbean and Central America, respectively (USDA FAS, 2009; USDA, 2013).

TABLE V.9
EXPORT CREDIT GUARANTEE PROGRAM ACTIVITY FOR GSM-102 ALLOCATION AND APPLICATIONS FOR COVERAGE FISCAL YEAR 2011
(Millions of dollars)

Country/Commodity (Maximum credit period in months)	Registration Guarantee Value
Caribbean	**85.8**
Dist. Dry Grain	.4
Rice	39.1
Soybean Meal	31.6
Soybean Oil	3.1
Wheat	1.6
Yellow Corn	9.8
Central America	**253.2**
Dist. Dry Grain	11.9
Rice	24.6
Soybean Meal	132.9
Soybean Oil	11.4
Soybeans	7.9
Wheat	35.3
Yellow Corn	28.9
Mexico	**474.3**
Cotton	.9
Grain Sorghum	74.7
Rice	38.2
Soybean Meal	13.3
Soybeans	86.4
Wheat	169.8
Wheat/Wheat Flour	3.6
Yellow Corn	87.1
South America	**459.0**
Corn Gluten Meal	17.8
Dist. Dry Grain	7.0
Rice	11.1
Soybean Meal	133.6
Soybean Oil	9.7
Soybeans	8.8
Wheat	205.5
Yellow Corn	65.1
Total (Latin America Region)	**1 272.6**

Source: USDA, “Summary of FY 2013 Export Credit Guarantee Program Registered Guarantees” (As of August 2013).

b) Facility Guarantee Program

The USDA Facility Guarantee Program (FGP) aims to increase U.S. agricultural exports to emerging markets in which trade is hindered by inadequate storage, processing, or handling capacity. Under the program, the CCC provides credit guarantees to fund the export of commercial manufactured goods and services that will be used to improve agriculture-related facilities, such as refrigerator storage, ports, and distribution systems. By improving these facilities, the program increases the emerging market’s capacity to import U.S. agricultural goods. The guarantees typically cover 95 percent of principal and a portion of interest, through which the CCC ensures that U.S. exporters and financial institutions receive payments from approved foreign banks in payment terms spanning between 1 and 10 years. The budget estimated at a program level of $100 million for facility financing guarantees for FY 2014 (USDA, 2013).

3. Sugar Import Program

Sugar imports from Latin American and the Caribbean enter the U.S. under one of two categories; raw cane sugar or sugar and sugar containing products. Every fiscal year, the United States Trade Representative announces the country-specific in-quota allocations for raw cane sugar and refined sugar. As stated in the Harmonized Tariff Schedule of the USTR, the FY 2013 Tariff-Rate Quota (TRQ) for raw cane sugar was set at 1,117,195 Metric Tons Raw Value (MTRV), 381,018 less than for FY 2012, and 117,254 MTRV of refined sugar.

These quotas, however, may be overruled if the Secretary of Agriculture determines that domestic demand for sugar exceeds its supply. For example, the final TRQ allocation for raw sugar for FY 2012 was 1,498,213, reflecting a 34.10% increase over the original allocation for the same year.

These reallocations and quota increases are considered modest increases and do not have a significant impact on high sugar prices in the U.S.

a) Raw Cane Sugar

Table V.9 shows the raw cane sugar TRQ allocations and usage rates for Latin American and Caribbean sugar producing countries for FY 2012 and FY 2013. On 17 September 2012 the Office of the USTR announced the first country TRQ allocations for FY 2013 with effective date 1 October 2012. The allocations for all Latin American and Caribbean Countries added up to 721,336 MTRV. The USTR has not announced a revision of TRQ allocations for FY 2013, nor the final allocations.

TABLE V.10
U.S. RAW CANE SUGAR TRQ ALLOCATIONS AND USAGE
(Metric tons)

	FY 2012				FY 2013			
Country	Original TRQ Allocation	Final TRQ Allocation	Quantity Entered	Allocation Filled (%)	Original TRQ Allocation	Final TRQ Allocation	Quantity Entered	Allocation Filled (%) (of final TRQ)
Argentina	46 154	70 215	65 762	93.65	46 154		5 627	12.19
Barbados	7 513	11 430	0	0.00	7 513		0	0.00
Belize	11 807	17 962	0	0.00	11 807		26	0.22
Bolivia (Plurinational State of)	8 587	13 063	0	0.00	8 587		8 519	99.21
Brazil	155 634	236 770	236 770	100.00	155 634		146 872	94.37
Colombia	25 760	39 190	29 893	76.28	25 760		7 480	29.04
Costa Rica	16 100	24 493	24 451	99.83	16 100		16 097	99.98
Dominican Republic	188 908	218 908	217 695	99.45	188 908		95 009	50.29
Ecuador	11 807	17 962	17 962	100.00	11 807		0	0.00
El Salvador	27 907	42 455	42 404	99.88	27 907		27 870	99.87
Guatemala	51 520	78 378	78 158	99.72	51 520		37 365	72.53
Guyana	12 880	19 594	4 840	24.70	12 880		0	0.00
Haiti	7 258	0	0	0.00	7 258		0	0.00
Honduras	10 733	16 329	16 329	100.00	10 733		10 733	100.00
Jamaica	11 807	4 000	0	0.00	11 807		0	0.00
Mexico	0	0	0	0.00	0		0	0.00
Nicaragua	22 540	34 291	34 290	100.00	22 540		22 540	100.00
Panama	31 127	47 354	43 710	92.30	31 127		28 160	90.47
Paraguay	7 258	7 258	1 436	19.79	7 258		418	5.76
Peru	44 007	66 949	43 252	64.60	44 007		26 638	60.53
St. Kitts and Nevis	7 258	0	0	0.00	7 258		0	0.00
Trinidad & Tobago	7 513	0	0	0.00	7 513		0	0.00
Uruguay	7 258	0	0	0.00	7 258		0	0.00
All LAC sugar under TRQs	**721 336**	**996 601**	**856 952**	**88.66**	**721 336**		**433 354**	**60.07**

Source: USDA, Economic Research Service, Sugar and Sweeteners: Recommended Data. Table 57c and 57d, as of 30 September 2013.

Note: The USTR often makes adjustments to the TRQ allocations. Table V.10 shows the original and final raw cane sugar TRQ allocations, the quantity entered and the percentage of allocations filled for fiscal years 2012. Adjustments to the TRQ allocations have not been released.

b) Sugar and Sugar Containing Products

Countries with a free trade agreement (FTA) with the U.S. also export their sugar and sugar-containing products through these agreements. Table V.10 shows the TRQs for sugar products from Latin American and Caribbean Countries under Free Trade Agreements (NAFTA, CAFTA and FTA's with Peru and Costa Rica) for Fiscal Years 2011, 2012 and 2013.

The amount of sugar from Latin America and the Caribbean which enters the U.S. under FTAs decreased significantly between 2011 and 2012, but this decrease was unequally distributed among FTAs. Under NAFTA, for example, Mexico has exported all sugar and sugar-containing products to the U.S. duty-free since 1 January 2003, and tariffs on its refined sugar expired on 1 January 2009. The increase in Mexico's sugar exports to the U.S. in FY 2013 is reflected in a higher overall FY 2013 FTA import volume. The Dominican Republic has progressively entered fewer quantities of sugar and/or sugar containing products for FY 2011 – 2013, although it was previously not allowed to enter any due to its negative trade surplus.

TABLE V.11
U.S. IMPORTS OF SUGAR AND SUGAR CONTAINING PRODUCTS UNDER THE FREE TRADE AGREEMENTS FOR FISCAL YEARS 2010, 2011 AND 2012

(Metric ton, raw value)

	FY 2011	FY 2012	FY 2013
CAFTA DR			
Dominican Republic	6	54	56
El Salvador	21 689	16 929	45 086
Guatemala	13 760	59 089	19 870
Honduras	8 800	7 393	8 085
Nicaragua	24 453	21 866	27 755
Costa Rica [a]	14 438	15 680	13 364
Total CAFTA-DR	83 146	121 011	114 216
NAFTA			
Mexico	1 546 909	971 859	1 723 611
Total NAFTA	1 546 909	971 859	1 723 611
Other TRQs			
Peru	0	0	0
Panama		n/a	4 100 [b]
Colombia [c]		29 895	21 485
Total	**1 630 055**	**1 122 765**	**1 863 412**

Source: USDA, Economic Research Service, Sugar and Sweeteners: Recommended Data, Tables 59 and 60b, as of 16 September 2013.

a Includes the value for “Costa Rica special”.
b Includes the value for “Panama, raw sugar” only.
c The Trade Promotion Agreement between the U.S. and Colombia was implemented on 15/05/2012.

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Annexes

Annex 1
Administrative Reviews

After the Department of Commerce (DoC) issues an antidumping order and the ITC makes an affirmative determination, importers are required to pay antidumping duties on subject merchandise that entered the United States on or after the publication date of the preliminary determination. The DoC determines the actual amount of antidumping duties to be paid on the entries in an annual administrative review. This review also establishes new cash deposit rates for each of the companies reviewed. In some reviews, the DoC may also determine whether the order or finding should be revoked with respect to a particular company. (DoC, AD Manual, 2009)

Summaries of the final determinations including weighted-average dumping margins published from October 2012 to October 2013 are listed below.

Stainless Steel Bar from Brazil (A-351-825)

On April 15, 2013, the DoC published the final results of the antidumping duty administrative review concerning Stainless Steel Bar from Brazil for the period February 1, 2011 through January 31, 2012. The DoC has determined that the following antidumping duty margin exists for the reviewed period:

Producer/Exporter	Margin (percentage)
Villares Metals S.A	0.00

Certain Circular Welded Non-Alloy Steel Pipe from Mexico (A-201-805)

On June 07, 2013, the DoC published the final results of the antidumping duty administrative review concerning Certain Circular Welded Non-Alloy Steel Pipe from Mexico for the period November 1, 2010 through October 31, 2011. This administrative review covers mandatory respondents PYTCO, S.A. de C.V. (PYTCO), Conduit, S.A. de C.V. (Conduit), Mueller Comercial de Mexico, S.A. de C.V. (Mueller), Lamina y Place Comercial, S.A. de C.V. (Lamina y Placa), and Tuberia Nacional, S.A. de C.V. (TUNA). As the DoC has found that the respondents did not have reviewable sales during the period of review, there is no change in the antidumping duties for any of the respondents.

Seamless Refined Copper Pipe and Tube from Mexico (A-201-838)

On 12 June 2013, the DoC published the final results of the antidumping duty administrative review concerning Seamless Refined Copper Pipe and Tube from Mexico for the period 22 November 2010 through 31 October 2011. The administrative review covers mandatory respondents G.D. Affiliates S. de R.L. de C.V. (Golden Dragon) and Nacional de Cobre, S.A. de C.V. (Nacobre). As the DoC has found that the respondents' sales of merchandise have not been made at prices lower than normal value during the period of review, there is no weighted antidumping margin.

Carbon and Certain Alloy Steel Wire from Mexico (A-201-830)

On 12 May 2013, the DoC published the final results of the antidumping duty administrative review concerning Carbon and Certain Alloy Steel Wire from Mexico for the period 1 October 2010 through 30 September 2011. The DoC has determined the following antidumping duty margin exists for the reviewed period:

Producer/Exporter	Margin (percentage)
Deacero S.A. de C.V.	12.08

Light-Walled Rectangular Pipe and Tube from Mexico (A-201-836)

On 8 January 2013, the DoC published the final results of the antidumping duty administrative review concerning Light-Walled Rectangular Pipe and Tube from Mexico for the period 1 August 2010 through 31 July 2011. The administrative review covers mandatory respondents Maquilacero S.A. de C.V. (Maquilacero) and Regiomontana de Perfiles y Tubos S.A. de C.V. (Regiopysta). As the DoC has found that the respondents did not sell subject merchandise at less than normal value during the period of review, there was no change in antidumping duty margins:

Producer/Exporter	Margin (percentage)
Maquilacero S.A. de C.V.	00.00
Regiomontana de Perfiles y Tubos S.A. de C.V.	00.00

Annex 2
Changed Circumstances Reviews

A changed circumstances review addresses questions about the applicability of the order (for example, “no interest revocations,” where partial or total revocation of the order is warranted because domestic parties are no longer interested in covering certain products). These reviews may also address the applicability of cash deposit and assessment rates after there have been changes in the structure of a respondent, such as a merger or spinoff.

Honey from Argentina (A-357-812, C-357-813)

On 24 July 2012, the American Honey Producers Association and the Sioux Honey Association requested that the DoC revoke the antidumping order on honey, and on 22 August 2012 requested to revoke the countervailing duties on honey, based on the domestic U.S. industry’s lack of further interest. Final results published on 31 December 2012 indicated that the DoC accepted the request and revoked both antidumping and countervailing duties on honey from Argentina.

Annex 3
Sunset Reviews

The Uruguay Round Agreements Act (URAA) requires that AD and CVD orders be revoked, and suspended investigations be terminated, after five years, except in cases where this would likely lead to (1) a continuation or recurrence of dumping or a countervailable subsidy, and (2) material injury to domestic industry, as determined by the Department of Commerce (DoC). These "sunset" reviews are conducted on an order-wide, rather than a company-specific, basis. If the determinations of both the DoC and the ITC are affirmative, the order will continue (or the suspended investigation will remain in place). If the determinations are negative, the order will be revoked (or the suspended investigation will be terminated).

Summaries of the final determinations published between October 2012 and October 2013 leading to a continuation of the orders are listed below.

Lemon Juice from Argentina (A-357-818)

On 7 December 2012, the DoC published the final results for the first sunset reviews for the antidumping duty investigation on Lemon Juice from Argentina. The sunset reviews were initiated on 1 August 2012.

The DoC determined that termination of the suspended antidumping duty investigation on Lemon Juice from Argentina would likely lead to continuation or recurrence of dumping. The continuation of investigation is effective as of 7 December 2012.The DoC also determined the following weighted-average margins for producers/exporters from Argentina:

Producers/Exporters	Margin (percentage)
San Miguel	85.64
Citrusvil	128.5
All Others	113.52

Silicomanganese from Brazil (A-351-824)

On 7 November 2012 the ITC published its determination on the revocation of antidumping duty orders on Silicomanganese from Brazil. As a result of these sunset reviews, the DoC found that revocation of the antidumping duty orders would not likely lead to continuation or recurrence of dumping. As a result of ITC's determination on 31 October 2012, the DoC revoked the antidumping duty orders on Silicomanganese from Brazil. The sunset reviews were initiated on 11 August 2011, and the revocation of antidumping duty orders is effective as of 14 September 2011.

Carbon and Certain Alloy Steel Wire Rod from Brazil (A-351-832, C-351-833)

On 24 October 2013 the DoC published the final results for the second sunset reviews for the antidumping and countervailing subsidies investigation on Carbon and Certain Alloy Steel Wire from Brazil, respectively. The sunset reviews initiated on 3 June 2013 for both antidumping and countervailing subsidies investigations.

The DoC determined that the revocation of antidumping and countervailing duty orders would likely lead to the continuation or reoccurrence of dumping and countervailing subsidies. The DoC has determined the following antidumping weighted-average margins for Brazil:

Producers/Exporters	Margin (percentage)
Belgo Mineira	94.73
All Others	74.45

The DoC has determined the following net countervailable subsidy rates:

Producers/Exporters	Margin (percentage)
Companhia Siderugica Belgo-Mineira	6.74
Gerdau S.A.	2.31
All Others	4.53

Light-Walled Rectangular Pipe and Tube from Mexico (A-201-836)

On 6 August 2013, the DoC published the final results of the first sunset reviews for the antidumping duty orders on Light-Walled Rectangular Pipe and Tube from Mexico. The sunset reviews initiated on 2 April 2013.

The DoC determined that the revocation of orders would likely lead to the continuation or recurrence of dumping. The continuation of antidumping orders is effective as of 6 August 2013. The DoC also determined the following weighted-average margins for producers/exporters from Mexico:

Producer/Exporter	Margin (percentage)
Maquilacero S.A. de C.V.	2.40
Productos Laminados de Monterrey S.A. de C.V.	5.12
Arco Metal S.A. de C.V.	3.76
Hylsa S.A. de C.V.	3.76
Internacional de Aceros S.A. de C.V.	3.76
Perfiles y Herrajes LM, S.A. de C.V.	3.76
Regiomontana de Perfiles y Tubos	3.76
Talleres Acero Rey S.A. de C.V.	3.76
Tuberia Laguna S.A. de C.V.	3.76
Industrias Monterrey S.A. de C.V.	11.50
Nacional de Acero S.A. de C.V.	11.50
PEASA-Productos Especializados de Acero S.A. de C.V.	11.50
Tuberias Aspe S.A. de C.V.	11.50
All Others	3.76

Lemon Juice from Mexico (A-201-835)

On 28 June 2013, the DoC published the final results of sunset reviews for the antidumping duty investigation on Lemon Juice from Mexico. The sunset reviews initiated on 1 August 2012.

The DoC determined that the termination of the suspended antidumping duty investigation would likely lead to the continuation or recurrence of dumping. The continuation of investigation is effective as of 28 June 2013; however the deadline to continue the suspended investigation was extended to 1 July 2013. The DoC also determined the following weighted-average margins for producers/exporters from Mexico:

Producer/Exporter	Margin (percentage)
The Coca Cola Export Corportation, Mexico Branch	146.10
Citrotam Internacional S.P.R. de R.L.	205.37
Productos Naturales de Citricos	205.37
All Others	146.10

On 7 August 2013, the International Trade Commission (ITC) published its determination that the termination of the suspended antidumping duty investigation on Lemon Juice from Mexico would not be likely to lead to the continuation or recurrence of dumping. As a result of the ITC's determination, the DoC terminated the antidumping duty investigation on Lemon Juice from Mexico on 1 August 2013. The termination of investigation is effective as of 21 September 2012.

Carbon and Certain Alloy Steel Wire Rod from Mexico (A-201-830)

On 24 October 2013 the DoC published the final results for the second sunset review for the antidumping and countervailing subsidies investigation on Carbon and Certain Alloy Steel Wire from Mexico. The sunset review was initiated on 3 June 2013.

The DoC determined that the revocation of antidumping duty orders would likely lead to the continuation or reoccurrence of dumping and countervailing subsidies. The DoC has determined the following antidumping weighted-average margins for Mexico:

Producers/Exporters	Margin (percentage)
SICARTSA	20.11
All Others	20.11

Silicomanganese from Venezuela (A-307-820)

On 7 February 2013, the DoC published the final results of the second sunset review for the antidumping duty orders on Silicomanganese from Venezuela. The sunset review was initiated on 1 October 2012.

The DoC determined that revocation of the orders would likely lead to the continuation or recurrence of dumping. The continuation of antidumping orders is effective as of 7 February 2013. The DoC also determined the following weighted-average margins for producers/exporters from Venezuela:

Producer/Exporter	Margin (percentage)
Hornos Eléctricos de Venezuela	24.62
All Others	24.62