



Office of the U.S. Trade Representative

*Office of Monitoring and Enforcement
Executive Office of the President*

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Monitoring and Enforcement Newsletter

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RECENT EVENTS

Panel Established Against Argentina's Import Restrictions (DS444)

On January 28, 2013, the United States, the European Union, and Japan pressed ahead to have established a WTO dispute settlement panel to consider their challenge to Argentine import licensing measures that appear to breach WTO rules.

The U.S., EU and Japan claim that Argentina's measures impose non-automatic import licensing on a wide range of goods; pre-approval for all imports into Argentina; and trade-balancing requirements.

The parties will now select panelists to consider the matter.

USTR ENFORCEMENT UPDATE

United States Challenges India's Restrictions on U.S. Solar Exports

February 6 - The United States requested WTO dispute settlement consultations with the Indian government in regard to aspects of India's national solar program, which appear to discriminate against U.S. solar equipment. India requires solar energy producers to use Indian-manufactured solar cells and modules to participate in the program, while also offering subsidies to developers using domestic equipment, greatly restricting India's market to U.S. imports.

After announcing the request for WTO consultations, United States Trade Representative Ron Kirk emphasized that **"trade enforcement is critical for ensuring that our clean energy goods and services can compete on an equal footing around the world"** and that **"we will not hesitate to enforce our rights under our trade agreements on behalf of American workers and manufacturers."**

The Indian national solar policy, the Jawaharlal Nehru National Solar Mission (JNNSM), appears to be inconsistent with India's obligations under the WTO agreements. WTO rules prohibit measures that discriminate in favor of domestically produced goods versus imports, trade-related investment measures that are inconsistent with GATT Article III, conditioning a subsidy on the use of domestic over imported goods, and causing adverse effects to other WTO Members through any subsidies.

If the matter is not resolved through consultations within 60 days of the filing of the request, the United States will have the opportunity to request the establishment of a WTO dispute settlement panel.

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United States Challenges Indonesia's Import Restrictions on Horticultural Products, Animals and Animal Products

January 10 - The United States requested dispute settlement consultations with Indonesia on its restrictive import licensing requirements applied to horticultural products, animals, and animal products. These measures appear designed to protect India's domestic agricultural industry, while unfairly restricting U.S. exports, and appear to breach several of Indonesia's WTO obligations. The affected products in the case include fruits, vegetables, flowers, dried fruits and vegetables, juices, beef, and other animal products.

Following the announcement, United States Trade Representative Ron Kirk added that Indonesia's restrictions are a **"serious impediment to U.S. agricultural exports entering Indonesia"** and that the United States will **"fight to support each job here at home affected by unfair restrictions abroad."**

Consultations are intended to help resolve the dispute between Indonesia and the United States. If the matter is not resolved within 60 days, the United States will have the option to request the establishment of a WTO dispute settlement panel.

January 2013

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Legend	Consultations	Panel	Appellate Body	Implementation	Other
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