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Treasury Blocks 12 More Russians Under Magnitsky Act

Although the Obama administration opposed its enactment originally in 2012, Treasury, in consultation with State, invoked the Sergei Magnitsky Rule of Law Accountability Act or the Magnitsky Act, May 20 to add 12 more Russian individuals to its list of Specially Designated Nationals (SDN). The Russians that Treasury's Office of Foreign Assets Control (OFAC) targeted are alleged to have been involved in the death of Russian attorney Sergei Magnitsky or other suspicious deaths (see **WTTL**, Dec. 10, 2012, page 4).

Ten of those sanctioned were prison, judiciary or law enforcement officials directly related to Magnitsky's case or coconspirators in the fraud he uncovered. Two others were sanctioned for other human rights violations.

Umar Sugaipov participated in the extrajudicial killing of Umar Israilov, who had worked to expose wrongdoing by Russian government officials, and Musa Vakhayev participated with Kazbek Dukuzov in the extrajudicial killing of journalist Paul Klebnikov, who was working to expose illegal activity carried out by officials of the Russian government, Treasury explained. It designated Dukuzov and 17 other Russian individuals in April 2013.

In addition to those involved in or who profited from Magnitsky's death, the act allows State "to designate those responsible for gross human rights violations against individuals seeking to expose illegal activity by Russian officials, or seeking to obtain, exercise, defend, or promote internationally recognized human rights and freedoms in Russia," State Spokesperson Jen Psaki said in a statement. None of the administration's statements linked the new sanctions to Russia's actions in Ukraine, but Moscow's moves clearly were behind the new sanctions.

The new list is a "long-overdue step in fulfilling the Magnitsky Act's requirements," House Foreign Affairs Committee Chairman Ed Royce (R-Calif.) said in a statement. "We must make certain that Russia's leaders understand that the U.S. not only will oppose their aggression against other countries, but also against the Russian people," Royce added.

U.S. Makes Little Progress in Pushing China on ITA Talks

U.S. officials who met with their Chinese counterparts on the sidelines of the Asia-Pacific Economic Cooperation Forum's (APEC) May 17-18 meeting of trade ministers claim they

made some progress in getting Beijing to improve its offer in the stalled talks on updating the Information Technology Agreement (ITA), but they failed to get the breakthrough they had hoped for. Without movement in the suspended ITA talks, APEC ministers responsible for trade issued only a mild push for completing an ITA deal, a much less forceful statement than they have made in the past (see **WTTL**, March 24, page 3).

Before meeting with the Chinese in Qingdao, China, where the ministerial was held, U.S. Trade Representative (USTR) Michael Froman told the ministers he expected a breakthrough in those talks. “The United States came to China with new flexibility that we believe can break the deadlock this weekend, provided that others show equal flexibility,” he said. “We are consulting, and we remain hopeful for a breakthrough here in Qingdao,” he said.

U.S. officials told **WTTL** progress was made in the meetings but the Chinese did not agree to cut the long list of products they want excluded from the ITA or given lengthy liberalization periods. Meanwhile, no new meetings of ITA negotiators has been announced.

The APEC ministers issued a broad statement May 18 supporting various multilateral talks through the WTO, including the ITA. “We underscore the importance of ITA expansion negotiations. We welcome that key participants have committed to find creative ways to move forward so that these negotiations can move towards a commercially significant and balanced conclusion in the shortest timeframe possible,” their statement said.

U.S. industry groups said they were disappointed with the outcome of the bilateral talks. “We had hoped for a breakthrough on ITA expansion negotiations this weekend, but we did not get that,” said John Neuffer, senior vice president of the Information Technology Industry Council, said in a statement. “The discussions with China in Qingdao may, however, provide a path forward that would finally allow negotiators to move towards concluding this important agreement quickly. As creative solutions are explored with China and others, reduction of product sensitivities will be key to success,” he added.

TTIP Talks Take Slow and Steady Path Toward 2015

The low priority the Obama administration attaches to the Transatlantic Trade and Investment Partnership (TTIP) was signaled May 23 when USTR Michael Froman scheduled a press conference on a U.S. win against Chinese auto tariffs at the same time that U.S. and European Union (EU) negotiators were holding a press conference on the results of the fifth round of TTIP talks May 19-23. The dueling press conferences underscore the White House’s focus on Asia and China, with little expectation that TTIP will be ready until late in 2015. Negotiators will meet again sometime in July, the officials said.

The briefing by Chief U.S. Negotiator Dan Mullaney and Chief EU Negotiator Ignacio Garcia-Bercero revealed no major breakthroughs in the talks. Instead, negotiators continued their slow, steady work on all areas under negotiation, including tariffs, services, investment and government procurement. Although the U.S. presented its first offer on services trade, the two officials gave no details on how the offer was received.

Mullaney conceded that work on regulatory issues “is proving challenging, but these challenges were not unexpected.” Talks so far have focused on medical devices, pharma-

ceuticals, cosmetics, information communication technologies, automobiles, pesticides, and chemicals, he reported. “In each of these sectors, we’re exploring concrete cooperative work to realize cost savings and regulatory efficiencies while maintaining high standards,” he added. “We do have our work cut out for us, though,” Mullaney conceded.

During the latest round of talks, representatives from the Food and Drug Administration, the Environmental Protection Agency and the National Highway Traffic Safety Administration participated, he reported. So far, however, the regulators have not discussed what changes might be needed in federal laws to accommodate a TTIP deal, he claimed.

“Their task is not to look at whether the federal laws would need to be changed,” Mullaney said. “We’re looking for ways to eliminate unnecessary differences, streamline trade, while we achieve the regulatory objectives,” he said. “The presence of the regulators at the table who have their regulatory objectives in mind are critical to this process,” he said.

With U.S. regulators jealously guarding their historic roles and statutory prerogatives, it may be difficult for a TTIP to harmonize U.S. and EU rules or assure mutual recognition. The ambiguous goal of regulatory coherence appears to involve mostly more transparency in rulemaking and giving the public and industry a chance to comment on regulations that are proposed and before they are adopted.

On some regulatory and consumer protection issues, Garcia-Bercero stressed that the EU is not prepared to change its rules. This includes its ban on imports of hormone-treated beef and its procedures for approving the use of genetically modified organisms (GMOs). A change in EU chemical regulations “is not an option,” he said.

“One thing that we have always been making very clear is that we cannot envisage and quite frankly we don’t think that the United States would envisage either changing our food safety law as a result of a trade negotiation. Hormone-treated beef is something that is prohibited under European Union law, and certainly we would not envisage any changes of our legislation,” he declared.

“In the case of GMO, the situation is a little bit different. It is not that GMOs are prohibited in the European Union. More than 50 GMOs have been authorized. But there is an established procedure that needs to be followed before any GMO is authorized, and what we have said – the procedure, which is established by our legislation, is not certainly something that we are going to change,” Garcia-Bercero stated. Mullaney offered his own position that “the United States has no intention of forcing Europeans to eat anything a European does not want to eat.”

The two officials also indicated that differences remain over whether to include financial services in TTIP. Although there were talks on the market access side of financial services, “our position hasn’t changed, that there are ongoing dialogues in appropriate international fora, and we do think that those dialogues should continue in parallel with the TTIP negotiations,” Mullaney said.

Garcia-Bercero said the EU position is well known and different from the U.S. view. “We believe that the TTIP provides a good opportunity to establish a much more solid framework for cooperation between our regulators in the financial services sector, and we believe that this can be done in a manner which in no way would weaken the financial

services protections that we are all extremely attached to, the independence of the regulators, or interfering with the work that is being done along with – we also cooperate in the G-20. But it is clear that this is an issue in which we still do not have a common view,” he said.

Although a purported draft TTIP energy chapter was leaked during the week, Mullaney said no agreement has been reached on whether to include a separate chapter on raw materials and energy. “One of the issues being explored is whether to have a separate energy chapter that addresses specific issues or the extent to which issues affecting energy are already reflected in other parts of the agreement. And so that’s part of the – part of the conversation that’s – that has been taking place during the course of this week,” he said.

TTIP Stakeholders Play “Speed Dating” to Express Views

In three hours and 23 minutes May 21, 76 organizations – often with totally opposite views – were given the chance in only eight minutes each to tell U.S. and European Union (EU) negotiators what they wanted or didn’t want in a Transatlantic Trade and Investment Partnership (TTIP). This was the fourth opportunity stakeholders have been given to pitch their positions and came in the middle of the fifth round of TTIP negotiations held in Arlington, Va., the week of May 19.

U.S. and EU negotiators as well as some USTR officials sat in on many of the sessions and occasionally asked questions of the speakers. In questions to nongovernment organizations (NGOs) that are concerned about the weakening of consumer protections, Chief U.S. Negotiator Dan Mullaney seemed to test a new argument for transatlantic regulatory cohesion, suggesting it would improve the “efficiency” of regulation. Several NGOs rejected that argument.

While most of the questions the officials asked revealed little about negotiating positions, Jim Hodges, president of the American Meat Institute (AMI), got a quick and negative reaction from one EU negotiator to his group’s call for an end to the EU ban on imports of hormone-treated beef. “I would like for transparency sake to stress what is the common position in the institution [EU] that there is no margin of maneuver for the U.S. to be able export beef obtained from animals treated with hormones,” the EU negotiator said. “We have science that this should not take place,” he added.

“There is no intention in the institution or the EU to change this position,” he asserted, saying he didn’t want to generate false hopes that this might happen within or without a TTIP. He urged AMI to recognize the interest in the rest of the world, including in the U.S., to produce beef without hormones “rather than insisting on an issue that has no possibility of being taken onboard by our institution.” The official also noted that the U.S. and EU are negotiating a possible increase in the amount of non-hormone treated U.S. beef and pork that can be exported to Europe.

While other sessions were less confrontational, U.S. and EU negotiators often heard diametrically opposed advice. The American Apparel & Footwear Association and Euratex urged negotiators to drop “yarn-forward” requirements for apparel trade, while the National Council of Textile Organizations insisted the rule be included. They all agreed, however,

the U.S. and EU should adopt common care labeling and testing rules or at least mutual recognition of different standards. They also agreed on maintaining the Berry Amendment, which requires the U.S. military to buy U.S.-made uniforms.

A difference in proposals also was expressed by a representative of Parmigiano Reggiano in Italy, who wants the U.S. to recognize parmesan cheese and Aceto Balsamico di Modena as protected geographic indications (GIs). The Distilled Spirits Council backed GI protection for such names as bourbon and Tennessee whisky, while wanting the exclusion of liquor from food labeling requirements. So too did Idaho potato growers.

On the other hand, the Teamsters Union, which represents 45,000 U.S. dairy workers, said it would oppose the accord if, among other reasons, it included GI protection for EU cheeses. In particular, the union doesn't want the U.S. to agree to GI protection for five cheeses that Canada has agreed to protect in its free trade agreement with the EU: Asiago, feta, Fontina, Gorgonzola and Munster. The Teamsters also opposes the inclusion of any investor-state dispute settlement mechanism in the deal, while business groups said they want such provisions.

The Property Casualty Insurers Association called for inclusion of insurance in TTIP even if other financial services are excluded. David Snyder of the association said his group is working with the National Association of Insurance Commissioners, which represents state insurance regulators, on mutual recognition of U.S. and EU insurance rules. A more immediate concern is the coming EU implementation of Solvency II rules Jan. 1, 2016, on capital requirements.

Animal rights groups urged the U.S. to adopt the stronger EU rules for the protection and welfare of farm animals and not seek a "race to the bottom." Representatives from Vermont and Maine wanted to be sure state consumer and child protection laws could stay in place. The Personal Care Products Council proposed an annex to TTIP to provide for regulatory coherence in cosmetic regulations, including for approved ingredients and colors, testing, labeling, nanotechnology and animal testing. Francine Lamoriello, the group's vice president for global strategies, conceded some provisions of the Food, Drug & Cosmetic Act may need to be amended to permit these changes.

WTO Rules Against China Import Duties on U.S. Autos

For the third time, the U.S. has won a World Trade Organization (WTO) panel ruling against China's enforcement of its antidumping (AD) and countervailing duty (CVD) rules. The panel's report released May 23 found that Beijing's trade remedy actions against American-made cars and sport-utility vehicles (SUVs) breached numerous international trade rules. The duties were applied on such makes as the Jeep Grand Cherokee, Buick Enclave, Cadillac Escalade, and others. China is expected to appeal the ruling to the WTO Appellate Body, so resolution of the dispute is likely to be months away and any corrective steps might not come for more than a year.

"Once again, the United States has prevailed in a dispute concerning China's unjustified use of trade remedies, this time on exports of U.S.-made cars and SUVs," USTR Michael Froman said in a statement. "This is the third time that the United States has prevailed in a WTO dispute challenging China's unjustified use of trade remedies. Each time, a WTO

panel of experts has made clear that China had no basis whatsoever for imposing duties on American goods,” he added. The two earlier disputes concerned U.S. specialty steel products and chicken broiler products.

The U.S. complaint filed at the WTO in July 2012 accused China of numerous violations of WTO rules, including its failure to provide sufficient evidence to justify the initiation of a CVD investigation, to adequately disclose calculations and data used to establish the AD rates or to provide in sufficient detail the findings and conclusions reached on all issues of fact and law it considered material and the reasons for the acceptance or rejection of relevant arguments or claims (see **WTTL**, Sept. 24, 2012, page 2).

In the end, the panel found that China “erred in its determination of the residual anti-dumping and countervailing duty rates for unknown exporters of the subject product.” In addition, it said China “erred in failing to provide interested parties with adequate non-confidential summaries of certain confidential information in the petition,” and “failed to disclose to U.S. respondents the essential facts which formed the basis of its decision to impose definitive anti-dumping duties,” the panel’s report noted.

The panel, however, rejected U.S. claims that MOFCOM, the Chinese ministry of foreign commerce, had failed in its public notices to disclose the essential facts, findings and conclusions “reached on all issues of fact and law considered material by MOFCOM in relation to the determination of the residual duty rates.” In addition, it rejected the U.S. claim that “MOFCOM’s definition of the domestic industry in the investigations at issue was inconsistent” with agreements.

TPP Ministers Tread Water at Singapore Meeting

USTR Michael Froman is running out of ways to describe the slow, incremental progress of talks on a Trans-Pacific Partnership (TPP) deal. After meeting with Japanese negotiators in Tokyo in April and saying they had decided on a “path forward,” Froman told reporters that a meeting of TPP trade ministers in Singapore May 19-20 produced a “pathway forward” and a “landing zone” for agreements on rules and market access (see **WTTL**, April 28, page 2). He also suggested that total elimination of Japanese farm tariffs might not be achieved.

On a teleconference call with reporters May 20, Froman said the results of the Tokyo meeting with the Japanese had “opened the door for Japan to engage with other TPP countries.” The prospects on progress on market access issues has made those countries “more comfortable with rules issues,” he said. No actual new offers were revealed, however.

Froman provided no specifics on progress in Singapore and said the last round of TPP negotiations in Ho Chi Min City, Vietnam, the week of May 12 reached “no final agreements.” He stressed that nothing will be agreed until everything is agreed. Negotiators, however, are “starting to reach consensus” in such areas as services and investment, goods-related rules, and legal texts, he said. As many have expected, Froman also hinted that the U.S. is no longer demanding total elimination of Japanese tariffs on all agriculture products. “On Japanese market access, what is clear is that all the countries around the table, not just the U.S., are focused on insuring that the final outcome is ambitious and

comprehensive and meets the high standards we set out to achieve and we are working to press for tariff elimination to the maximum extent possible and to insure that the final package achieves early, ongoing, improved and meaningful market access,” he said.

The TPP ministers also issued a statement after their meeting saying their talks were positive. “We cemented our shared views on what is needed to bring negotiations to a close,” the statement said. They also said they instructed their chief negotiators to meet again in July. Froman said U.S. and Japanese agriculture negotiators would meet again the week of May 26 and auto negotiators “soon thereafter.”

Appeals Court Affirms Haiti Teleco FCPA Convictions, Sentences

In affirming the convictions of two Florida men May 16, the 11th Circuit may have settled many other legal disputes over the definition of “instrumentality” in the words of the Foreign Corrupt Practices Act (FCPA). The court upheld the FCPA convictions of Joel Esquenazi and Carlos Rodriguez, the former president and vice-president, respectively, of Terra, one of two telecommunications companies involved in a scheme to bribe officials of Telecommunications D’Haiti S.A.M. (Haiti Teleco) to secure telephone contracts.

A federal jury had also found them guilty of conspiracy to violate the FCPA, wire fraud, money laundering conspiracy and money laundering. Esquenazi was sentenced in October 2011 in Miami U.S. District Court to 15 years in prison, the longest sentence ever imposed in an FCPA case (see **WTTL**, Oct. 31, 2011, page 4). On the same day, Rodriguez was sentenced to 84 months in prison for his role in the scheme.

Both men appealed their convictions and sentences on several grounds, including the instructions to the jury and the terms of the statute. “The central question before us, and the principal source of disagreement between the parties, is what ‘instrumentality’ means (and whether Teleco qualifies as one),” wrote Appellate Judge Beverly Martin for the court. “With this guidance, we define instrumentality as follows. An ‘instrumentality’ under section 78dd-2(h)(2)(A) of the FCPA is an entity controlled by the government of a foreign country that performs a function the controlling government treats as its own,” she wrote.

“Both Mr. Esquenazi and Mr. Rodriguez contend these instructions caused the jury to convict them based only on the fact that Teleco was a government-owned entity that performed a service, without any determination that the service it performed was a governmental function. We cannot agree.” Martin added.

In his appeal, Esquenazi questioned the vagueness of the FCPA statute. “Because the entity to which Mr. Esquenazi funneled bribes was overwhelmingly majority-owned by the state, had no fisc independent of the state, had a state-sanctioned monopoly for its activities, and was controlled by a board filled exclusively with government-appointed individuals, the FCPA is not vague as applied to his conduct,” Martin noted.

In total, seven defendants in the scheme were sentenced to prison terms. Most recently Jean Rene Duperval, former director of international relations for Haiti Teleco, was sentenced in May 2012 in the Miami federal court to nine years in prison for his role. The sentence of Robert Antoine, Haiti Teleco’s former international affairs director, was

reduced to 18 from 48 months in the Miami court in May 2012. He began serving his sentence in January 2011. Prosecutors said they requested this reduction, because Antoine had provided substantial assistance to law enforcement.

“This decision is a significant victory for the DOJ,” Sidley Austin lawyers said in update to clients. “The interpretation of what is an ‘instrumentality’ is the bedrock of many FCPA enforcement actions, and the Eleventh Circuit’s definition is broad enough to encompass a wide spectrum of entities with varying degrees of foreign government ownership and/or control,” they wrote.

EU Wins WTO Appellate Body Ruling on Seal Import Ban

In the first judgment for “animal welfare” over national treatment, the WTO Appellate Body (AB) May 22 upheld a European Union (EU) ban on commercial seal products, finding the ban is “necessary to protect public morals.” At the same time, the AB found the ban’s exceptions for indigenous communities (IC) violated General Agreement on Tariffs & Trade (GATT) provisions on national treatment because it treated Greenland’s ICs differently than those in Canada and Norway.

The AB upheld a WTO dispute-settlement panel’s findings in November 2013 (see **WTTL**, Dec. 2, 2013, page 11). While the AB agreed the ban can continue, it said the law discriminates because it does not “immediately and unconditionally” extend the same advantage to products from Canada and Norway as given to those originating in Greenland and not subject to the ban.

“The Appellate Body recommends that the DSB [Dispute-Settlement Body] request the European Union to bring its measure, found in this Report, and in the Canada Panel Report as modified by this Report, to be inconsistent with the GATT 1994, into conformity with its obligations under that Agreement,” its report said.

Both sides of the dispute claimed some victory. “The WTO confirmed the EU’s right to ban seal products on moral grounds related to animal welfare and the way the seals are killed. It did, however, criticise the way the exception for Inuit hunts has been designed and implemented,” noted an EU statement in response to the ruling. “The European Commission will review the findings on these exceptions to the ban and consider options for implementation. Overall, the Commission welcomes today’s ruling as it upholds the ban imposed in reaction to genuine concerns of EU citizens,” it said.

A Canadian statement said Ottawa was pleased that the Appellate Body decision “confirms what we have said all along, namely that the EU’s seal regime is arbitrarily and unjustifiably applied and is therefore inconsistent with the EU’s obligations.” The report “confirmed that the EU measure violates its international obligations and has ordered the EU to bring itself into compliance,” said the statement from three Canadian government officials, including Trade Minister Ed Fast.

Court Tries to Balance Seizure v. Denied Entry

The Customs and Border Protection (CBP) interpretation of when imported goods are “presented” for examination is correct, Court of International Trade (CIT) Judge Mark

Barnett ruled May 21, but he still asserted the court's jurisdiction in a dispute over the seizure of eight entries of apparel that included incorrect quantity data (slip op. 14-56). Because of the confusion over whether the CIT or a district court has jurisdiction to hear the case, Barnett placed a stay on the suit until the plaintiff, Blink Design, Inc., takes steps to challenge the seizure of its goods in a district court.

In its complaint, Blink had claimed the CBP had not seized the goods within 30 days after the merchandise was presented for examination so the goods were "deemed" excluded by law and subject to CIT jurisdiction. CBP argued that the seizure had mooted the exclusion and had to be challenged in a district court.

"The court finds that only this Court can provide judicial relief to Plaintiff from the denial of the protest; however, only the district court can provide judicial relief to Plaintiff from the seizure of the merchandise," Barnett ruled. "Because the court finds that this case is, at its heart, a seizure case, the court finds that it is in the sound interest of judicial economy to stay this proceeding, pending Plaintiff's election of remedies pursuant to the Notices of Seizure and any administrative and/or judicial proceedings resulting from that election," he added.

"It is the court's understanding that, to date, Plaintiff has not yet elected a remedy as provided in the Notices of Seizure," he noted. "While this finding clearly dictates that Plaintiff must find its judicial remedy for the seizure, if any, in district court, it does not completely dispose of the matter before the court," Barnett explained. "As already discussed, the eight entries in question were deemed excluded prior to being seized by Customs. While the seizures were not implicated by Plaintiff's invocation of this court's jurisdiction, it is not clear that the seizures negate the deemed exclusion," he wrote.

CBP and Blink also disagreed over when the clock started ticking on the 30-day exclusion deadline. "The court declines to adopt Plaintiff's interpretation of when merchandise is presented for customs examination," Barnett wrote. Because the statute does not define when goods are presented, the judge turned to dictionary definitions of "presented" for help. "The ordinary meaning of presenting merchandise for customs examination therefore requires that the merchandise itself – not a proxy or summary – be laid out or put before a Customs official to look at or otherwise visually inspect," he ruled. "Customs interpretation of the regulation meets this ordinary meaning interpretation," he added.

*** * * Briefs * * ***

MTCR: In May 27 Federal Register, BIS amends EAR to implement changes to Missile Technology Control Regime (MTCR) Annex agreed to at October 2013 Plenary and 2013 Technical Experts Meeting. Final rule updates eight ECCNs and adds one: 9A102. ECCN 9A102 will control 'turboprop engine systems' "specially designed" for items controlled in 9A012 for MT reasons, and "specially designed" "parts" and "components" therefor, having maximum power greater than 10 kW achieved uninstalled at sea level static conditions using ICAO standard atmosphere, notice said. New ECCN is expected to result in "an increase of 1-2 applications received annually," agency noted. It also added clarifying language to definitions of "payload" and "repeatability."

EXPORT ENFORCEMENT: Eliyahu Cohen, aka Eli Cohen, was indicted May 15 in New Haven, Conn., U.S. District Court for illegally exporting arms including spare parts for fighter jets,

including F-4C and F-14 fighter jet replacement parts, to Iran via Greece without authorization. He was arrested May 12 in Israel where he is in custody. Justice is seeking his extradition.

TRADE PEOPLE: Senate Finance Committee May 21 approved unanimously by voice vote Stefan Selig to be under secretary of Commerce for international trade and Darci Vetter to be chief agricultural negotiator at USTR....Leslie Caldwell was confirmed May 15 by voice vote in Senate, as assistant attorney general in charge of Justice's criminal division, replacing Lanny Breuer. She first was nominated by President Obama on Sept. 17, 2013, renominated in January and unanimously approved by Senate Judiciary Committee March 6 (see **WTTL**, Jan. 13, page 7). Prior to her nomination, she was partner at Morgan Lewis & Bockius LLP in New York.

MORE TRADE PEOPLE: President Obama sent two Commerce nominations to Senate May 22: Bruce Andrews, to be deputy secretary, replacing Rebecca Blank, who resigned in March 2013, and Marcus Jadotte to be assistant secretary for industry and analysis, replacing Nicole Lamb-Hale. Andrews is currently Commerce chief of staff and earlier was with Ford. Jadotte previously was VP of public affairs and multicultural development at NASCAR from 2011 to 2014.

GRAPHITE ELECTRODES: In 5-0 "sunset" vote May 21, ITC determined that revoking anti-dumping duty order on small diameter graphite electrodes from China would cause renewed injury to U.S. industry. Commissioner Rhonda Schmidlein did not participate in review.

RICE: House Ways and Means Chairman Dave Camp May 15 asked ITC to conduct Section 332 investigation on global competitiveness of U.S. rice industry.

RECTANGULAR PIPE AND TUBE: In "sunset" votes May 23, ITC determined that revoking countervailing duty order on light-walled rectangular pipe and tube from China and antidumping duty orders on imports from China, Korea, Mexico and Turkey would cause renewed injury to U.S. industry. Vote was 4-1 for Mexico, with Commissioner Meredith Broadbent dissenting, and 5-0 for other countries. Commissioner Rhonda K. Schmidlein did not participate in reviews.

EU v. RUSSIA: EU filed another request for consultations with Russia at WTO May 21 to complain about Moscow's antidumping duties on light commercial vehicles (LCVs) from Germany and Italy. AD of 29.6% for imports from Germany and 23% for imports from Italy "are significantly hampering access to the Russian market," said EU statement. "The trade restrictions are incompatible with WTO law and mean that exports of LCVs from Germany and Italy have not benefitted from the concessions made by Russia in relation to its WTO accession in 2012," it added. EU said exports had already been hurt by recycling fee Russia had previously imposed.

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