

USTR Annual Report to Congress on China's Compliance with WTO: Request for Public Comments

Background

China became a member of the World Trade Organization (WTO) on December 11, 2001. In accordance with Section 421 of the U.S.-China Relations Act of 2000, The Office of the United States Trade Representative (USTR) is required to submit an annual report to Congress on China's compliance with commitments it made in connection with its accession to the WTO, including both multilateral commitments and any bilateral commitments made to the United States. In accordance with Section 421, and to assist it in preparing this year's report, the USTR's Trade Policy Staff Committee (TPSC) is soliciting public commentary regarding China's compliance with its obligations to the WTO.

Topics on Which the USTR/TPSC Seeks Information

During the last year, Cozen O'Connor's Customs, Imports, and Trade Remedies group has experienced a sharp increase in the number of complaints from U.S. importers regarding China's trade practices — which many believe are contrary to China's obligations to the WTO. These trade practices include falsification of country of origin marking, "transshipping" of China-made product through non or lower-duty countries, product labeling falsification, intellectual property theft or misuse, and most-recently, the use of forced labor in manufacturing — particularly in the Xinjiang Uyghur Autonomous Region. All of these trade practices are of immediate importance to U.S. Customs and Border Protection and the current administration.

The TPSC now seeks written comments on China's compliance with commitments made in connection with its accession to the WTO, including, but not limited to, commitments in the following areas:

- Trading rights
- Import regulation (e.g., tariffs, tariff-rate quotas, quotas, import licenses)
- Export regulation
- Internal policies affecting trade (e.g., subsidies, standards, and technical regulations, sanitary and phytosanitary measures, government procurement, trade-related investment measures, taxes, and charges levied on imports and exports)
- Intellectual property rights (including intellectual property rights enforcement)
- Services
- Rule of law issues (e.g., transparency, judicial review, uniform administration of laws, and regulations) and status of legal reform
- Other WTO commitments

In addition, given the United States' view that China should be held accountable as a full participant in, and beneficiary of, the international trading system, USTR requests that commenters specifically identify unresolved compliance issues that warrant review and evaluation by USTR's China Enforcement Task Force.

Dates

Important dates for the submission of written comments to the USTR – TPSC are listed below:

September 15, 2021 at 11:59 p.m. EDT: Deadline for submission of written comments.

September 29, 2021 at 11:59 p.m. EDT: Deadline for the TPSC to pose written questions on written comments.



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Related Practice Areas

- Customs, Imports & Trade Remedies
- International

October 13, 2021 at 11:59 p.m. EDT: Deadline for submission of commenters' responses to written questions from the TPSC.

Next Steps

Businesses that may have been adversely affected by policies or trade practices of the People's Republic of China, or by manufacturers or distributors located within the People's Republic of China, should consult an attorney about participating in this comment period.

Cozen O'Connor's Customs, Imports & Trade Remedies group can help you achieve industry and market-specific assistance from the USTR and the China Enforcement Task Force.