1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB

A. UNITED STATES – ANTI-DUMPING MEASURES ON CERTAIN HOT-ROLLED STEEL PRODUCTS FROM JAPAN: STATUS REPORT BY THE UNITED STATES (WT/DS184/15/ADD.230)

- The United States provided a status report in this dispute on August 18, 2022, in accordance with Article 21.6 of the DSU.

- The United States has addressed the DSB’s recommendations and rulings with respect to the calculation of anti-dumping margins in the hot-rolled steel anti-dumping duty investigation at issue.

- With respect to the recommendations of the DSB that have yet to be addressed, the U.S. Administration will confer with the U.S. Congress with respect to the appropriate statutory measures that would resolve this matter.
1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB

B. UNITED STATES – SECTION 110(5) OF THE US COPYRIGHT ACT: STATUS REPORT BY THE UNITED STATES (WT/DS160/24/ADD.205)

• The United States provided a status report in this dispute on August 18, 2022, in accordance with Article 21.6 of the DSU.

• The U.S. Administration will continue to confer with the European Union, and with the U.S. Congress, in order to reach a mutually satisfactory resolution of this matter.
1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB

C. EUROPEAN COMMUNITIES - MEASURES AFFECTING THE APPROVAL AND MARKETING OF BIOTECH PRODUCTS: STATUS REPORT BY THE EUROPEAN UNION (WT/DS291/37/ADD.168)

• The United States thanks the European Union (“EU”) for its status report and its statement today.

• We continue to engage with the EU on these issues, and we have provided recommendations on several occasions as to how the EU can address the undue delays in its approval procedures.

• The United States has described these problems in detail and noted our concerns with the EU’s biotech approval procedures monthly in the DSB and during the semiannual US-EU biotech consultations.

• We again request that the EU move to issue final approvals for all products that have completed science-based risk assessments at the European Food Safety Authority, including those products that are with the Standing Committee and Appeals Committee.
1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB

D. UNITED STATES – ANTI-DUMPING AND COUNTERVAILING MEASURES ON LARGE RESIDENTIAL WASHERS FROM KOREA: STATUS REPORT BY THE UNITED STATES (WT/DS464/17/ADD.52)

- The United States provided a status report in this dispute on August 18, 2022, in accordance with Article 21.6 of the DSU.

- On May 6, 2019, the U.S. Department of Commerce published a notice in the U.S. Federal Register announcing the revocation of the antidumping and countervailing duty orders on imports of large residential washers from Korea (84 Fed. Reg. 19,763 (May 6, 2019)). With this action, the United States has completed implementation of the DSB recommendations concerning those antidumping and countervailing duty orders.

- The United States will consult with interested parties on options to address the recommendations of the DSB relating to other measures challenged in this dispute.
1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB

E. UNITED STATES – CERTAIN METHODOLOGIES AND THEIR APPLICATION TO ANTI DUMPING PROCEEDINGS INVOLVING CHINA: STATUS REPORT BY THE UNITED STATES (WT/DS471/17/ADD.44)

- The United States provided a status report in this dispute on August 18, 2022, in accordance with Article 21.6 of the DSU.

- As explained in that report, the United States will consult with interested parties on options to address the recommendations of the DSB.
1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB

F. INDONESIA – IMPORTATION OF HORTICULTURAL PRODUCTS, ANIMALS AND ANIMAL PRODUCTS: STATUS REPORT BY INDONESIA (WT/DS477/21 – WT/DS478/22/ADD.39)

- The United States continues to have concerns with Indonesia’s compliance with the DSB’s recommendations.

- We thank Indonesia for responding to our question about the ruling of Indonesia’s Constitutional Court concerning the Omnibus Law on Job Creation (No. 11/2020). That additional information will aid in our review of the court’s decision and our understanding of the law’s effect.

- With respect to measures 1-17, we would still appreciate further clarity on which regulations now comprise Indonesia’s import licensing regimes and on any forthcoming regulations that will affect the regimes.

- With regard to the statement in Indonesia’s latest status report that the commodity balance system is “to ensure the ease and certainty of doing business”, the United States is interested to better understand how that will be the case. The United States would appreciate if Indonesia could provide more information on how commodity balancing will make doing business in Indonesia easier.

- The United States remains willing to work with Indonesia to fully resolve this dispute.
2. **TÜRKIYE – CERTAIN MEASURES CONCERNING THE PRODUCTION, IMPORTATION AND MARKETING OF PHARMACEUTICAL PRODUCTS (DS583)**

A. **TÜRKIYE’S INTENTIONS REGARDING IMPLEMENTATION OF THE RECOMMENDATIONS AND RULINGS OF THE ARBITRATOR AND THE PANEL**

- The United States welcomes the agreement of the parties on a way forward in this dispute, which led to Türkiye’s announcement today with respect to implementation of the arbitrator Award.

- The aim of dispute settlement is to facilitate the prompt settlement of a dispute between Members.

- Members have a variety of means under the DSU through which they can achieve a resolution, including pursuant to Article 4, “Consultations”; Article 5, “Good Offices, Conciliation, and Mediation”; Article 6, “Establishment of Panels”; and Article 25, “Arbitration.”

- The United States does not object to Members utilizing Article 25 or other procedures to help resolve disputes. If any Member considers that use of the arbitration provision may assist it in securing a positive solution, then the United States in principle supports such efforts.

- In this instance, the parties entered into “Agreed Procedures for Arbitration under Article 25 of the DSU.” The agreement provided for an arbitration that incorporated many of the most troubling practices of appellate review under the Appellate Body.

- The U.S. concerns with certain practices of the Appellate Body are well known. We encourage Members to consider different approaches to resolving a dispute, rather than furthering the Appellate Body’s problematic interpretations or conduct. If a Member supports dispute settlement reform, then a bilateral arrangement presents a unique opportunity to explore alternative approaches.

- Nevertheless, we welcome the engagement between the parties to this dispute that led to the agreement.

- We also want to draw attention to another issue of systemic importance. In accordance with the parties’ agreed procedures, and consistent with Article 25.3 of the DSU, the arbitration award has not been adopted by the DSB.

- Accordingly, the arbitration award does not contain “adopted recommendations or rulings” within the meaning of the DSU.

- The United States therefore takes note of Türkiye’s statement today with respect to
implementation of the arbitrator award, although we do not consider such statement of intentions as required under Article 21.3 of the DSU.
U.S. Statements at the August 29, 2022, DSB Meeting

3. APPELLATE BODY APPOINTMENTS: PROPOSAL BY SOME WTO MEMBERS (WT/DSB/W/609/REV.22)

- Members are aware of the longstanding U.S. concerns with WTO dispute settlement. Those concerns remain unaddressed, and the United States does not support the proposed decision.

- The United States supports WTO dispute settlement reform and is working to achieve durable, lasting reform.

- The first step towards reform is to better understand the interests of all Members in WTO dispute settlement. A true reform discussion should aim to ensure that WTO dispute settlement reflects the real interests of Members, and not prejudge what a reformed system would look like.

- The United States is prepared for continued and deepened engagement with Members on that important issue.

- The United States and other Members have jointly issued WT/GC/244, “The Joint Statement on Aggression by the Russian Federation against Ukraine with the Support of Belarus,” which condemns Russia’s actions as a violation of international law, the UN Charter, and fundamental principles of international peace and security. The United States reiterates its support for Ukraine during this unimaginably difficult time. We pay tribute to the heroism of the Ukrainian people, their armed forces and Leaders