Determination Regarding Waiver of Discriminatory Purchasing Requirements With Respect to Goods and Services Covered by Chapter Nine of the United States-Peru Trade Promotion Agreement

AGENCY: Office of the United States Trade Representative.


DATES: Effective Date: February 1, 2009.

FOR FURTHER INFORMATION CONTACT: Jean Heilman Grier, Senior Procurement Negotiator, Office of the United States Trade Representative, (202) 395–9476, or Katherine Tai, Associate General Counsel, Office of the United States Trade Representative, (202) 395–9589.

On April 12, 2006, the United States and Peru entered into the United States-Peru Trade Promotion Agreement (“Peru TPA”). Chapter Nine of the Peru TPA sets forth certain obligations with respect to government procurement of goods and services, as specified in Annex 9.1 of the Peru TPA. On December 14, 2007, the President signed into law the United States-Peru Trade Promotion Agreement Implementation Act (“the Peru TPA Act”) (Pub. L. No. 110–138, 121 Stat. 1455) (19 U.S.C. 3805 note). In section 101(a) of the Peru TPA Act, the Congress approved the Peru TPA. The Peru TPA will enter into force on February 1, 2009.

Section 1–201 of Executive Order 12260 of December 31, 1980 (46 FR 1653) delegates the functions of the

USTR will maintain a docket on the 2009 Special 301 Review, accessible to the public. The public file will include non-confidential comments received by USTR from the public, including foreign governments, with respect to the 2009 Special 301 Review.

Public Inspection of Submissions: Comments will be placed in the docket and open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. Comments may be viewed on the http://www.regulations.gov Web site by entering docket number USTR–2009–0001 in the search field on the home page.

Stanford K. McCoy, Assistant USTR for Intellectual Property and Innovation.

[FR Doc. E9–1392 Filed 1–22–09; 8:45 am]

BILLING CODE 3190–W9–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination Regarding Waiver of Discriminatory Purchasing Requirements With Respect to Goods and Services Covered by Chapter Nine of the United States-Peru Trade Promotion Agreement

AGENCY: Office of the United States Trade Representative.


DATES: Effective Date: February 1, 2009.

FOR FURTHER INFORMATION CONTACT: Jean Heilman Grier, Senior Procurement Negotiator, Office of the United States Trade Representative, (202) 395–9476, or Katherine Tai, Associate General Counsel, Office of the United States Trade Representative, (202) 395–9589.

On April 12, 2006, the United States and Peru entered into the United States-Peru Trade Promotion Agreement (“Peru TPA”). Chapter Nine of the Peru TPA sets forth certain obligations with respect to government procurement of goods and services, as specified in Annex 9.1 of the Peru TPA. On December 14, 2007, the President signed into law the United States-Peru Trade Promotion Agreement Implementation Act (“the Peru TPA Act”) (Pub. L. No. 110–138, 121 Stat. 1455) (19 U.S.C. 3805 note). In section 101(a) of the Peru TPA Act, the Congress approved the Peru TPA. The Peru TPA will enter into force on February 1, 2009.

Section 1–201 of Executive Order 12260 of December 31, 1980 (46 FR 1653) delegates the functions of the
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[DOCKET NO. USTR–2008–0036]

Modification of Action Taken in Connection With WTO Dispute Settlement Proceedings on the European Communities' Ban on Imports of U.S. Beef and Beef Products

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and modification of action.

SUMMARY: The United States Trade Representative (“Trade Representative”) has decided to modify the action taken in July 1999 in connection with the World Trade Organization (“WTO”) authorization to the United States in the EC-Beef Hormones dispute to suspend concessions and related obligations with respect to the European Communities (“EC”). In particular, as described in this notice and its annex, the Trade Representative has decided: (1) To remove some products from the list of products currently subject to 100 percent ad valorem duties; (2) to impose 100 percent ad valorem duties on some new products from certain EC member States; (3) to modify the coverage with respect to particular EC member States; and (4) to raise the level of duties on one of the products that is being maintained on the product list. The trade value of the products subject to the modified action continues not to exceed the $116.8 million per year level authorized by the WTO in July 1999.

DATES: Effective Date: January 23, 2009.

FOR FURTHER INFORMATION CONTACT: Roger Wentzel, Director, Agricultural Affairs, (202) 395–6127 or David Weiner, Director for the European Union, (202) 395–4620 for questions concerning the EC-Beef Hormones dispute; or William Busis, Associate General Counsel and Chair of the Section 301 Committee, (202) 395–3150, for questions concerning procedures under Section 301.

SUPPLEMENTARY INFORMATION:

A. The EC-Beef Hormones Case

The EC bans the import of beef and beef products produced from animals to which any of six hormones have been administered for growth promotion purposes. The effect of the EC ban is to prohibit the import of substantially all U.S.-produced beef and beef products. In February 1998, the WTO Dispute Settlement Body (“DSB”) found that the EC ban was inconsistent with EC obligations under the WTO Agreement. In July 1999, a WTO arbitrator determined that the EC import ban on U.S. beef and beef products has nullified or impaired U.S. benefits under the WTO Agreement in the amount of $116.8 million each year. On July 26, 1999, the DSB authorized the United States to suspend the application to the EC, and member States thereof, of WTO tariff concessions and related obligations covering trade in an amount of $116.8 million per year. Pursuant to that authorization, the Office of the United States Trade Representative (“USTR”) announced a list of EC products that would be subject to a 100 percent rate of duty effective with respect to products entered, or withdrawn from warehouse, for consumption on or after July 29, 1999. See 64 FR 40638.

Since that time, the United States and the EC have continued to consult in an effort to resolve this dispute. Those discussions include the possibility of an interim agreement that would provide meaningful market access for U.S. beef products produced without growth-promoting hormones, in return for a suspension of the increased duties on EC products.

The EC argues that EC legislation of 2003 amending the import ban on beef and beef products produced from animals treated with certain hormones brought the EC into compliance with its WTO obligations. In January 2005, the EC requested the establishment of a WTO dispute settlement panel to consider the EC claim that the United States was no longer authorized to suspend concessions as a result of the EC’s adoption of the new legislation amending the import ban. (See 70 FR 8655 for a description of this dispute brought by the EC.)

On October 16, 2008, the WTO Appellate Body issued a report rejecting the EC claim and confirming that the July 1999 DSB authorization to suspend concessions remains in effect unless and until the DSB rules that the EC has brought its measures into compliance.

1 The six hormones at issue are estradiol 17–β, testosterone, progesterone, zeranol, trenbolone acetate (“TBA”) and melengestrol acetate (“MGA”).