Foreign Trade Barriers are Focus of Annual USTR Inquiry

September 3, 2019
Sandler, Travis & Rosenberg Trade Report

The Office of the U.S. Trade Representative is seeking input by Oct. 31 for its annual national trade estimate report on significant barriers to U.S. exports of goods and services and U.S. foreign direct investment. Comments may be submitted with respect to one or more of the following categories of trade barriers (issues new to the list this year are highlighted in bold).

- import policies (e.g., tariffs and other import charges, quantitative restrictions, import licensing, customs barriers and **shortcomings in trade facilitation**, and other market access barriers)

- subsidies, including export subsidies (e.g., export financing on preferential terms and agricultural export subsidies that displace U.S. exports in third-country markets) and local content subsidies (e.g., those contingent on the purchase or use of domestic rather than imported goods)

- intellectual property protection and enforcement (e.g., inadequate patent, copyright, and trademark regimes and inadequate enforcement of intellectual property rights)

- services barriers (e.g., prohibitions or restrictions on foreign participation in the market, discriminatory licensing requirements or regulatory standards, local presence requirements, and unreasonable restrictions on types of services that providers may offer)

- barriers to digital trade and e-commerce (e.g., barriers to cross-border data flows including data localization requirements, discriminatory practices affecting trade in digital products, restrictions on the provision of Internet-enabled services, and other restrictive technology requirements)

- investment barriers (e.g., limitations on foreign equity participation and on access to foreign government-funded research and development programs; local content, technology transfer, and export performance requirements; and restrictions on repatriation of earnings, capital, fees, and royalties)
- competition (e.g., government-tolerated anticompetitive conduct of state-owned or private firms that restricts the sale or purchase of U.S. goods or services in the foreign country’s markets, or abuse of competition laws to inhibit trade)

- sanitary and phytosanitary measures (e.g., trade restrictions implemented through unwarranted measures not based on scientific evidence)

- technical barriers to trade (e.g., unnecessarily trade-restrictive or discriminatory standards, conformity assessment procedures, or technical regulations, including unnecessary or for telecommunications products)

- government procurement restrictions (e.g., “buy national” policies and closed bidding)

- other barriers, including those that encompass more than one category, such as bribery and corruption, or that affect a single sector

Commenters should submit information related to one or more of the following export markets to be covered in the report: Algeria, Angola, the Arab League, Argentina, Australia, Bahrain, Bangladesh, Bolivia, Brazil, Brunei, Burma, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Cote d’Ivoire, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, the European Union, Ghana, Guatemala, Honduras, Hong Kong, India, Indonesia, Israel, Japan, Jordan, Kenya, Korea, Kuwait, Laos, Malaysia, Mexico, Morocco, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, the Philippines, Qatar, Russia, Saudi Arabia, Singapore, South Africa, Switzerland, Taiwan, Thailand, Tunisia, Turkey, United Arab Emirates, Ukraine, and Vietnam.

USTR is particularly interested in practices that may violate U.S. trade agreements, new or updated information on the barriers covered in its 2019 NTE report, and information on new barriers. Each comment should include an estimate of the potential increase in U.S. exports that would result from removing the identified barrier.

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