

[Billing Code 3190-W9-P]

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

**Request for Comments and Notice of Public Hearing Concerning China's Compliance with
WTO Commitments**

AGENCY: Office of the United States Trade Representative

ACTION: Request for comments and notice of public hearing concerning China's compliance with its WTO commitments

SUMMARY: The interagency Trade Policy Staff Committee (TPSC) will convene a public hearing and seek public comment to assist the Office of the United States Trade Representative (USTR) in the preparation of its annual report to the Congress on China's compliance with the commitments made in connection with its accession to the World Trade Organization (WTO).

DATES: Persons wishing to testify at the hearing must provide written notification of their intention, as well as a copy of their testimony, by noon, Friday, September 18, 2009. Written comments are due by noon, Tuesday, September 22, 2009. A hearing will be held in Washington, DC, on Friday, October 2, 2009.

ADDRESSES: Comments should be submitted electronically via the Internet at <http://www.regulations.gov>. For alternatives to on-line submissions please contact Gloria Blue, Executive Secretary, Trade Policy Staff Committee, at (202) 395-3475.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning written comments or participation in the public hearing, contact Gloria Blue, (202) 395-3475. All other questions should be directed to Terrence J. McCartin, Deputy Assistant United States Trade Representative for China Enforcement, (202) 395-3900, or Claire E. Reade, Chief Counsel for China Trade Enforcement, (202) 395-9625.

SUPPLEMENTARY INFORMATION:

1. Background

China became a Member of the WTO on December 11, 2001. In accordance with section 421 of the U.S.-China Relations Act of 2000 (P.L. 106-286), USTR is required to submit, by December 11 of each year, a report to Congress on China's compliance with commitments 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 TPSC is hereby soliciting public comment. Last year's report is available on USTR's Internet website (at http://www.ustr.gov/sites/default/files/asset_upload_file192_15258.pdf).

The terms of China's accession to the WTO are contained in the Protocol on the Accession of the People's Republic of China (including its annexes) (Protocol), the Report of the Working Party on the Accession of China (Working Party Report), and the WTO agreements. The Protocol and Working Party Report can be found on the Department of Commerce webpage, <http://www.mac.doc.gov/China/WTOAccessionPackage.htm>, or on the WTO website, <http://docsonline.wto.org> (document symbols: WT/L/432, WT/MIN(01)/3, WT/MIN(01)/3/Add.1, WT/MIN(01)/3/Add.2).

2. Public Comment and Hearing

USTR invites written comments and/or oral testimony of interested persons 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: (a) trading rights; (b) import regulation (e.g., tariffs, tariff-rate quotas, quotas, import licenses); (c) export regulation; (d) 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); (e) intellectual property rights (including intellectual property rights enforcement); (f) services; (g) rule of law issues (e.g., transparency, judicial review, uniform administration of laws and regulations) and status of legal reform; and (h) 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 (see "U.S.-China Trade Relations: Entering a New Phase of Greater Accountability and Enforcement," issued by USTR in February 2006,

Bottom%20Review%20FINAL.pdf), USTR requests that interested persons also specifically identify unresolved compliance issues that warrant review and evaluation by USTR's China Enforcement Task Force.

Written comments must be received no later than noon, Tuesday, September 22, 2009.

A hearing will be held on Friday, October 2, 2009, in Room 1, 1724 F Street, NW, Washington, DC 20508. If necessary, the hearing will continue on the next business day.

Persons wishing to testify orally at the hearing must provide written notification of their intention by noon, Friday, September 18, 2009. The notification should include: (1) the name, address, and telephone number of the person presenting the testimony; and (2) a short (one or two paragraph) summary of the presentation, including the commitments at issue and, as applicable, the product(s) (with HTSUS numbers), service sector(s), or other subjects to be discussed. A copy of the testimony must accompany the notification. Remarks at the hearing should be limited to no more than five minutes to allow for possible questions from the TPSC.

All documents should be submitted in accordance with the instructions in section 3 below.

3. Requirements for Submissions

Persons submitting intent to testify and/or comments must do so in English and must identify (on the first page of the submission) "China's WTO Compliance."

In order to ensure the most timely and expeditious receipt and consideration of comments, USTR has arranged to accept on-line submissions via <http://www.regulations.gov>. To submit comments via <http://www.regulations.gov>, enter docket number USTR-2009-0025 on the home page and click "go". The site will provide a search-results page listing all documents

associated with this docket. Find a reference to this notice by selecting “Notice” under “Document Type” on the left side of the search-results page, and click on the link entitled “Send a Comment or Submission.” (For further information on using the www.regulations.gov <<http://www.regulations.gov/>> website, please consult the resources provided on the website by clicking on “How to Use This Site” on the left side of the home page.)

The <http://www.regulations.gov> website provides the option of making submissions by filling in a “General Comments” field, or by attaching a document. We expect that most submissions will be provided in an attached document. If a document is attached, it is sufficient to type “See attached” in the “General Comments” field.

Submit any documents containing business confidential information, beginning with the characters “BC”. Submit, as a separate submission, a public version of the submission with a file name beginning with the character “P”. The “BC” and “P” should be followed by the name of the person or entity submitting the comments. For comments that contain no business confidential information, the file name should begin with the character “P”, followed by the name of the person or entity submitting the comments. Electronic submissions should not attach separate cover letters; rather, information that might appear in a cover letter should be included in the comments you submit. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments to a submission in the same file as the submission itself and not as separate files.

We strongly urge submitters to use electronic filing. If an on-line submission is impossible, alternative arrangements must be made with Ms. Blue prior to delivery for the receipt of such submissions. Ms. Blue may be contacted at (202) 395-3475.

General information concerning USTR may be obtained by accessing its Internet website
(<http://www.ustr.gov>).

Carmen Suro-Bredie
Chairman, Trade Policy Staff Committee

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