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| **The United States’ Bogor Goals Progress Report (as at 30 September 2016)**[[1]](#footnote-1)\* |
|   | **Highlights of Achievements and Areas for Improvement** |

* Average MFN tariffs remain low, although specific MFN tariffs are relatively high for certain agricultural products and clothing.
* Certain agricultural products are subjected to non-ad valorem tariffs.
* Import prohibitions apply for specific products.
* Export subsidies for dairy industry were removed.
* Restrictions on foreign ownership of radio stations were relaxed.
* Investment regime remains free and open, with some foreign investment restrictions for national security purposes.
* Statute on imported food amended to require importers to provide more information. Some specific trade concerns have not been resolved yet.
* Document submission for customs procedures to be done electronically through the Automated Commercial Environment (ACE) by end 2016.
* No major changes in intellectual property rights and competition policy systems since the 2014 assessment of the Bogor Goals.
* A new Act removes Visa Waiver Program (VWP) eligibility of nationals from Iran, Iraq, Sudan and Syria or people who have travelled to these areas, with certain exceptions.
* The Federal Communications Commission (FCC) adopts Open Internet rules.

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|   | **Summary of Updates** |

**Tariffs**

The simple MFN applied average tariff was 4.8% in 2015, with 46% of the products entering as duty-free. MFN tariff peaks remain in certain sectors such as beverages and tobacco, clothing, dairy products and sugar. Many agricultural products, as well as fish, fuels, textiles and footwear products are also subjected to non-ad valorem tariffs.

The United States has been implementing tariff reductions to products from 20 FTA partners. In 2013, the trade-weighted average tariff, including FTAs and the Generalized System of Preferences, was equivalent to 1.4%.

The United States also participated in the negotiations for the expansion of the list of products the Information Technology Agreement. According to WTO, members are expected to conduct the first cut of tariff reductions for those products no later than 1 July 2016.

**Non-Tariff Measures**

Tariff rate quotas are applied to certain agricultural products, particularly in the dairy industry (e.g. milk, cream, butter). Imports of jadeite, rubies or jewelry containing jadeite or rubies were banned from Myanmar in 2013. In 2014, the United States also announced a ban on the commercial import, export, or re-sale of elephant ivory under its National Strategy for Combatting Wildlife Trafficking.

Import licenses (automatic and non-automatic) are required for 15 product categories ranging from animals and animal products, natural gas and distilled spirits. The United States does not apply export taxes and duties. Export subsidies for the dairy industry were also removed in February 2014 under the new Farm Bill. Export restrictions and prohibitions are imposed for national security and foreign policy reasons.

**Services**Between 2012 and 2013, the Federal Communications Commission (FCC) relaxed foreign ownership limits and streamlined foreign ownership policies on radio station licenses. The Commission can still deny licenses if it deems foreign investments inconsistent with public interests.

The United States continues to participate in negotiations for the Trade in Services Agreement (TiSA) with 22 other economies. TiSA consultations include new requirements for cross-border flow of information and forced data localization.

**Investment**

The United States maintains an open investment regime with few formal barriers. Nevertheless, foreign ownership restrictions apply to certain sectors such as mining, aircraft, banking, the maritime industry, amongst others. Foreign investment transactions also continue to be reviewed by the Committee on Foreign Investment for national security purposes.

The United States actively participated in the negotiation of the Trans-Pacific Partnership (TPP). The investment chapter includes clauses with the aim of modernizing and reforming the Investor-State Dispute Settlement (ISDS) system.

**Standards and Conformance**

An amendment to the Prior Notice of Imported Food entered into force on 30 May 2013. The amended statute requires importers to include information on any country to which the article has been refused entry.

As of 2015, 30 specific trade concerns raised against the United States at the WTO SPS Committee had not reported a resolution. The four most recent concerns raised between 2014 and 2015 are related to meat imports, certification of mango exports and non-acceptance of OIE categorization for bovine spongiform encephalopathy (BSE), and user fees for agricultural quarantine and inspection services. There has also been one partially resolved concern in 2013 regarding import restrictions on fresh pork meat and beef. Similarly, 47 specific trade concerns against the United States raised at the WTO TBT Committee had not reported a resolution. The recent concerns raised in 2014 were related to energy conservation program for commercial refrigeration, emission standards for composite wood products and tire identification.

**Customs Procedures**

The Automated Commercial Environment (ACE) was developed in 2001 to facilitate trade while enhancing border security. As of 1 May 2015, all import and export cargo manifest data has to be submitted through ACE. By the end of 2016, the ACE is also expected to become the Single Window, allowing traders to submit electronic data and documentation for importation and exportation.

**Intellectual Property Rights**

As part of their Strategic Plan for 2014-2018, the United States Patent and Trademark Office (USPTO) aims to achieve three main objectives: optimizing patent quality and timeliness, optimizing trademark quality and timeliness, and providing domestic and global leadership to improve intellectual property policy, protection, and enforcement worldwide.

**Competition Policy**

No major changes have occurred in this area. In terms of state-owned enterprises, the United States notified at WTO a list of state-owned enterprises in 2014: Commodity Credit Corporation (CCC); the Isotope Production and Distribution Program Fund (IP & D); Power Administrations; and the Strategic Petroleum Reserve (SPR) as state trading enterprises (STEs). However, these companies do not hold any exclusive rights to export, import or market their products, as other private firms can participate in the market under the same terms that these state-owned firms do.

**Government Procurement**

There has been no major changes to government procurement frameworks since 2012. The Buy American Act remains the main legislation, which requires the Federal Government to purchase domestic goods, with some exceptions, such as purchases above the threshold set in FTAs and the WTO Government Procurement Agreement.

**Mobility of Business People**

New eligibility requirements were established under the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015, which was signed into law on 18 December 2015. The Act requires all Visa Waiver Program (VWP) travelers to have an electronic passport for travel to the United States by 1 April 2016, and codifies many of the enhanced security measures announced by the Department of Homeland Security in August 2015.

Under the Act, travelers in the following categories are no longer eligible to travel or be admitted to the United States under the VWP, with exceptions for military and official government services: 1) Nationals of VWP countries who have traveled to or been present in Iran, Iraq, Sudan, or Syria on or after 1 March 2011; 2) Nationals of VWP countries who are also nationals of Iran, Iraq, Sudan, or Syria.

**Transparency**

The Federal Communications Commission’s (FCC) Open Internet rules came into effect on 12 June 2015. These rules aim to protect and maintain open, uninhibited access to legal online content without broadband Internet access providers being allowed to block, impair, or establish fast/slow lanes to lawful content. In particular, broadband providers have to abide by the Bright Line Rules: 1) No blocking; 2) No throttling; 3) No paid prioritization.

**RTA/FTAs**

The United States currently has 14 RTA/FTAs in force[[2]](#footnote-2). Negotiations on the TPP were concluded in 2015 and the text was signed in February 2016. The United States is participating in negotiations of the Transatlantic Trade and Investment Partnership (T-TIP) with the European Union, and on the Environmental Goods Agreement (EGA) with 13 other economies[[3]](#footnote-3) who together account for 86% of global trade in environmental goods.

1. \* This brief report was prepared with information from the United States’ submission of the 2016 APEC Individual Action Plan (IAP) template; the 2015 WTO Trade Policy Review – Report by the Secretariat – United States; the WTO SPS and TBT Information Systems; and information from the White House, the Office of the United States Trade Representative, the Federal Communications Commission, U.S. Customs and Border Protection, the U.S. Food and Drug Administration and the United States Patent and Trademark Office websites. [↑](#footnote-ref-1)
2. The United States’ RTA/FTAs in force are the following ones: United States-Israel (1985), NAFTA (1994), United States-Jordan (2001), United States-Singapore (2004), United States-Chile (2004), United States-Australia (2005), United States-Morocco (2006), United States-Dominican Republic-Central America (2009), United States-Bahrain (2006), United States-Oman (2009), United States-Peru (2009), United States-Colombia (2012), United States-Panama (2012), and United States-Korea (2012). [↑](#footnote-ref-2)
3. Australia, Canada, China, Costa Rica, the European Union, Hong Kong, Japan, Korea, New Zealand, Norway, Singapore, Switzerland and Chinese Taipei [↑](#footnote-ref-3)