

## Major Issues Raised by the United States

The Agreement on Customs Valuation sets forth a clear hierarchy for the determination of the customs value of imported goods, and in no case may the customs value be determined on the basis of a minimum price (Articles 1 through 7). Romania's customs code, directives and regulations arbitrarily establish minimum and maximum import prices for such products as meat, eggs, fruits and vegetables, clothing, footwear, and certain distilled spirits. Additionally, Romania has instituted burdensome procedures for investigating import prices when the C.I.F. value falls below the minimum import price.

Therefore, on May 31, 2000, the United States requested consultations with Romania under certain WTO agreements regarding Romania's customs valuation practices. Romania's customs valuation regime utilizes unpublished arbitrary minimum import prices to supplant the valuation methodology established in Articles 1 through 7 of the CVA, and therefore appears to be inconsistent with that Agreement. Furthermore, if an importer's declared value falls below the set minimum price, a "guarantee" is required based on the difference between the declared value and the minimum price. The use of this guarantee operates as a rejection of the declared value in a manner inconsistent with Articles 1 through 7 of the CVA and, in practice, a refund is not given to importers that established the correctness of the declared value. The United States' consultation request also alleges that Romania's customs regime is inconsistent with general notes 1, 2, and 4 of Annex 1 of the CVA; Articles II, X, and XI of the GATT 1994; Article 4.2 of the Agreement on Agriculture; and Articles 2 and 7 of the Agreement on Textiles and Clothing.

## Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the dispute. Comments must be in English and provided in fifteen copies. A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the commenter. Confidential business information must be clearly marked "BUSINESS

CONFIDENTIAL" in a contrasting color ink at the top of each page of each copy.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

(1) Must so designate the information or advice;

(2) Must clearly mark the material as "SUBMITTED IN CONFIDENCE" in a contrasting color ink at the top of each page of each copy; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, N.W., Washington, D.C. 20508. The public file will include a listing of any comments received by USTR from the public with respect to the dispute; if a dispute settlement panel is convened, the U.S. submission to that panel, the submissions, or non-confidential summaries of submissions, to the panel received from other participants in the dispute, as well as the report of the panel; and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket WTO/D-198, Romania Customs Valuation Dispute) may be made by calling Brenda Webb, (202) 395-6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

**A. Jane Bradley,**

*Assistant United States Trade Representative for Monitoring and Enforcement.*

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/D-197]

## WTO Consultations Regarding Brazil Customs Valuation Regime

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice; request for comments.

**SUMMARY:** The Office of the United States Trade Representative (USTR) is providing notice that on May 31, 2000, the United States requested WTO

consultations with Brazil regarding its system for verification of the declared values of imported goods, such as textile products. Brazil uses minimum reference prices both as a requirement to obtain import licenses and/or as a base requirement for import. In practice, this system works to prohibit the import of products with declared values below established minimum prices, and, as such, appears to violate provisions of the Agreement on Customs Valuation; the GATT 1994; the Agreement on Import Licensing Procedures; the Agreement on Textiles and Clothing; and the Agreement on Agriculture. Pursuant to Article 4.3 of the WTO Dispute Settlement Understanding ("DSU"), such consultations are to take place within a period of 30 days from the date of the request, or within a period otherwise mutually agreed between the United States and Brazil. USTR invites written comments from the public concerning the issues raised in this dispute.

**DATES:** Although the USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before July 31, 2000 to be assured of timely consideration by USTR.

**ADDRESSES:** Submit comments to Sandy McKinzy, Monitoring and Enforcement Unit, Office of the General Counsel, Room 122, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC, 20508, Attn: Brazil Customs Valuation Dispute. Telephone: (202) 395-3582.

**FOR FURTHER INFORMATION CONTACT:** David J. Ross, Associate General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC, (202) 395-3581.

**SUPPLEMENTARY INFORMATION:** Section 127(b) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)) requires that notice and opportunity for comment be provided after the United States submits or receives a request for the establishment of a WTO dispute settlement panel. Consistent with this obligation, but in an effort to provide additional opportunity for comment, USTR is providing notice that consultations have been requested pursuant to the WTO Dispute Settlement Understanding. If such consultations should fail to resolve the matter and a dispute settlement panel is established pursuant to the DSU, such panel, which would hold its meetings in Geneva, Switzerland, would be expected to issue a report on its findings and recommendations within six to nine months after it is established.

## Major Issues Raised by the United States

On February 13, 1998, Brazil established under Decree No. 2.498/98 and other related statutes and regulations a system to verify the declared values of imported goods. In practice, however, Brazil utilizes this verification system—in conjunction with non-automatic import licensing procedures—to prohibit or restrict the import of products with declared values below the minimum prices. This situation appears inconsistent with Articles 1 through 7, and 12 of the Agreement on Customs Valuation; general notes 1, 2, and 4 of Annex 1 of the Agreement on Customs Valuation; Articles II and XI of the GATT 1994; Articles 1 and 3 of the Agreement on Import Licensing Procedures; Articles 2 and 7 of the Agreement on Textiles and Clothing; and Article 4.2 of the Agreement on Agriculture.

## Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the dispute. Comments must be in English and provided in fifteen copies. A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the commenter.

Confidential business information must be clearly marked “BUSINESS CONFIDENTIAL” in a contrasting color ink at the top of each page of each copy.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

(1) Must so designate the information or advice;

(2) Must clearly mark the material as “SUBMITTED IN CONFIDENCE” in a contrasting color ink at the top of each page of each copy; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street,

NW., Washington, DC 20508. The public file will include a listing of any comments received by USTR from the public with respect to the dispute; if a dispute settlement panel is convened, the U.S. submissions to that panel, the submissions, or non-confidential summaries of submissions, to the panel received from other participants in the dispute, as well as the report of the panel; and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket WTO/D-197, Brazil Customs Valuation Dispute) may be made by calling Brenda Webb, (202) 395-6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

**A. Jane Bradley,**

*Assistant United States Trade Representative for Monitoring and Enforcement.*

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Trade Policy Staff Committee; Solicitation of Public Comments on Institutional Improvements to the World Trade Organization (WTO), Particularly With Respect to the Transparency of its Operations and Outreach to Civil Society

**ACTION:** Notice and request for comments.

**SUMMARY:** The Trade Policy Staff Committee (TPSC) is soliciting public comments on U.S. objectives and proposals for improving the functioning of the WTO, particularly with respect to its outreach activities and the transparency of its operations, and in light of the WTO's ongoing work program and mandated negotiations in agriculture and services. Attention is drawn to the solicitation of Public Comments for the Mandated Multilateral Trade Negotiations on Agriculture and Services in the WTO and Priorities for Future Market Access Negotiations on Non-Agricultural Goods, published on March 28, 2000 (Volume 65, Number 60). That notice called for public comments on general as well as specific negotiating objectives. The issues of outreach and transparency are on-going matters before the WTO and the subject of continuing consultations conducted under the auspices of the WTO General Council. It is also anticipated that, like other international institutions, the WTO will need to continue to consider appropriate responses to the challenges

as well as the benefits offered by “globalization” as its future agenda is fashioned. The TPSC, therefore, also welcomes comments on whether and how the WTO might undertake activities to ensure that the social, environmental and development dimensions of continued trade liberalization are adequately addressed. Comments received will be considered by the Executive Branch in formulating U.S. positions for these discussions and deliberations.

**DATES:** Public comments are due by July 10, 2000.

**ADDRESSES:** Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

**FOR FURTHER INFORMATION CONTACT:** Paul Moore, Office of WTO and Multilateral Affairs, at (202) 395-5097, or Karissa Kovner, Office of the Environment and Natural Resources, at (202) 395-6169. Procedural inquiries concerning the public comment process should be directed to Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, (202) 395-3475.

### SUPPLEMENTARY INFORMATION:

Information about the WTO can be obtained via the WTO website ([www.wto.org](http://www.wto.org)). Attention is also drawn to the 2000 Trade Policy Agenda and 1999 Annual Report of the President of the United States on the Trade Agreements Program, which can be found on USTR's website ([www.ustr.gov](http://www.ustr.gov)) via the “What's New” icon. Chapter 2 of the Report presents a report to the Congress assessing the first five years' operation of the WTO, the annexes to which contain substantial background information on the WTO, its organization and the work of its Councils and Committees. Also accessible via USTR's website are U.S. submissions made to the WTO General Council as part of the preparatory process for the third WTO Ministerial Conference in December 1999, including submissions covering agricultural, services and non-agricultural market access as well as trade and sustainable development, trade and core labor standards and WTO institutional issues (e.g., transparency and openness). Information about U.S. contributions to and participation in the WTO's 1999 High Level Meeting on Trade and the Environment can also be obtained via the “What's New” icon. Finally, the USTR home page includes a recent communication from USTR to the Chairman of the WTO General Council reiterating U.S. priorities for improving the internal and external transparency of the WTO and its subsidiary bodies.