

USTR Identifies Barriers to U.S. Exports in 2023 National Trade Estimate Report

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On March 31, 2023, the Office of the U.S. Trade Representative (USTR) released the 2023 National Trade Estimate Report on Foreign Trade Barriers (NTE Report). USTR highlights an array of trade barriers in more than 64 markets, including the People's Republic of China (PRC), Russia, and the European Union (EU), and analyzes barriers affecting steel, wood products, and digital trade in its comprehensive report.

The NTE Report classifies trade barriers across more than 13 categories, placing particular emphasis on industrial policies, digital trade barriers, and labor categories. Among other issues, the 2023 NTE Report identified:

- The PRC's continued use of **industrial policies** to give PRC-companies an unfair competitive advantage, enabled by Beijing's use of financial incentives to boost domestic companies while adopting policies that burden foreign companies;
- The PRC, the EU, India, Indonesia, Russia, Turkey, and Vietnam's **digital trade barriers** that affect U.S. exporters of digital products and services and undermine U.S. manufacturers and service suppliers' ability to move data across borders; and
- The PRC's failure to enforce prohibitions against forced **labor**, including in the Xinjiang Uyghur Autonomous Region, and its failure to address distant water fishing vessels engaged in human rights abuse.

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Practice Areas

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The 2023 NTE follows USTR's release of the U.S. President's 2023 Trade Policy Agenda and 2022 Annual Report in early March. In the consolidated report, USTR highlighted trade agreements it reached with the EU and Kenya in 2022 and ongoing dialogue with countries in the Indo-Pacific region planned in 2023, among other updates.

Wiley has a robust International Trade practice and extensive experience helping clients navigate trade policies and interact with officials in the Executive branch, Congress, and international organizations. For more information about these issues, please contact one of the attorneys listed on this alert.

Patrick Griffo, a Law Clerk at Wiley Rein LLP, contributed to this alert.