

Brazil-U.S. Business Council

U.S. Section

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U.S. Chamber of Commerce
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February 21, 2012

The Honorable Ron Kirk
United States Trade Representative
600 17th Street NW
Washington, DC 20508

The Honorable John Bryson
Secretary of Commerce
1401 Constitution Ave. NW
Washington, DC 20230

Dear Ambassador Kirk and Secretary Bryson:

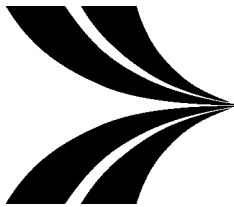
On behalf of the Brazil-U.S. Business Council, the premier business organization promoting trade and investment between the United States and Brazil, I am writing to express the Council's concerns about the potential outcome of the World Trade Organization (WTO) dispute *United States – Anti-Dumping Administrative Reviews and Other Measures Related to Imports of Certain Orange Juice from Brazil*.

In accordance with a June 17, 2011, agreement between the two countries notified to the WTO, the United States agreed to implement the organization's Dispute Settlement Body (DSB) recommendations and rulings by March 17, 2012. If the United States does not fully implement them, Brazil could be entitled to request trade retaliation against the United States.

Any new retaliation rights granted by the DSB would add to Brazil's existing retaliation right of \$829.7 million authorized by the WTO in the cotton dispute between both countries. In that case, and for the first time in the history of their economic relationship, Brazil would be entitled to apply "double retaliation" against U.S. goods and intellectual property rights.

This scenario represents a serious threat to U.S. companies in general and Council members in particular. At a time when American businesses are actively seeking commercial opportunities in Brazil's booming market, which would foster job creation in the United States and help achieve the goals of President Barack Obama's National Export Initiative, the mere threat of retaliation could have a chilling effect on bilateral commerce and put U.S. companies at a significant disadvantage in the Brazilian marketplace.

In addition, the possibility that another unresolved WTO dispute could rise to the top of the bilateral agenda on the eve of a visit to the United States by Brazilian President Dilma Rousseff could damage ongoing progress across the entire bilateral economic relationship in the wake of President Obama's successful visit to Brazil in March 2011.



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Therefore, the Brazil-U.S. Business Council respectfully requests that the Office of the United States Trade Representative and the Department of Commerce act swiftly to fully implement the WTO DSB recommendations and rulings within the nine-month period agreed to by both countries and ending on March 17, 2012. The Council is prepared to work with both of your offices on this matter.

Sincerely,

Greg Page

Chair

Brazil-U.S. Business Council