

## UNITED STATES – SECTION 211 OMNIBUS APPROPRIATIONS ACT OF 1998

### Statement by Cuba

The following statement made by the delegation of Cuba at the DSB meeting on 19 March 2004 is circulated to Members at the request of that delegation.

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The Cuban delegation once again deplores the lack of progress made so far by the United States in implementing the recommendations and rulings of the Dispute Settlement Body in respect of Section 211 of the Omnibus Appropriations Act of 1998.

We repeat that we stand by the statements delivered by Cuba during previous meetings of the Dispute Settlement Body, especially during the most recent ones on 23 January and 17 February 2004. We insist that Section 211 of the Omnibus Appropriations Act of 1998 should be repealed, since it violates basic principles of this Organization such as national treatment and most-favoured-nation treatment, as confirmed by the Appellate Body's review of the matter.

The adoption of Section 211 led to an extension of the international blockade and an intensification of the aggressive policies targeting Cuba in the field of intellectual property.

Since the Dispute Settlement Body concluded that the United States must comply with its rulings and findings, the United States Government has requested repeated extensions to the deadlines set for bringing its legislation into conformity, giving the most incredible excuses, all of which are both unconvincing and inconsistent.

The Cuban delegation notes with concern that the progress reports submitted by the United States are becoming repetitive in the sense that they reiterate that the Government is still working with Congress with a view to complying with the Dispute Settlement Body's recommendations, when in fact, there have been no results in the two years since the decision was adopted.

We once again condemn the total indifference and lack of willingness with which the United States Government has reacted to the Dispute Settlement Body's rulings. We draw attention to the concept of the "reasonable period of time" and observe that the three extensions granted to the United States by the European Union have meant that the initial reasonable period of six months has increased to two years.

We note that promptness in implementing rulings is one of the objectives of the dispute settlement process, especially when the appropriate balance between rights and obligations is affected.

Moreover, the systematic failure of the United States to comply with the Dispute Settlement Body's rulings casts doubt not only on the country's true political will to move forward in the negotiations and honour its WTO commitments, but also on the credibility of the institution itself.

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Finally, the Cuban delegation would like to emphasize that it maintains its conviction that Section 211 should be repealed, since the Appellate Body's review demonstrated its inconsistency with commitments undertaken by the United States in the field of intellectual property.

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