

REPLY TO THE QUESTIONS OF THE UNITED STATES¹ CONCERNING THE PROPOSAL OF CHINA (TN/RL/W/66)

The following communication, dated 16 June 2003, has been received from the Permanent Mission of China.

China would like to express its appreciation to the United States for their questions on China's anti-dumping proposal. China hereby would like to provide the following reply.

Q1. China's paper raises some issues as applicable to all Members, whether developed or developing, and some issues as the appropriate subject for special and differential ("S&D") treatment with respect to exports from developing country Members. How has China determined which issues should be S&D issues, and which should be generally applicable?

Reply

The Doha Ministerial Declaration reaffirms that provisions for special and differential treatment are an integral part of the WTO Agreements, and also notes the concerns expressed regarding their operation in addressing specific constraints faced by developing countries, particularly least-developed countries. Therefore, it requires the Negotiating Group on Rules to take into account the needs of developing and least-developed participants during negotiations. To fulfil such mandate, China contributes some ideas for discussion.

According to the statistics of the WTO Secretariat, 65 per cent of the 1,979 investigations and 67 per cent of the 1,161 measures are against developing country Members from January 1995 to June 2002. Meanwhile, developing country Members have limited human and material resources compared with developed country Members and always encounter tremendous obstacles in the anti-dumping investigations. Therefore, China believes that favourable treatment should be given to them.

China would like to listen to the views of other Members, especially developing ones, and cooperate with all Members to promote the process of negotiations in this respect.

Q2. With respect to the issues of lesser duty rule, price undertakings and automatic sunset of anti-dumping measures, China proposes that any changes apply on an S&D basis in investigations by developed countries of exports from developing countries. However, with respect to the issues of increase of negligible import volume and *de minimis* dumping margin, the proposed S&D treatment does not appear to be limited to investigations conducted by developed countries. Please explain the different treatment of these issues.

¹ TN/RL/W/103

Reply

The Doha Ministerial Declaration clearly states that Members should take into account the needs of developing and least-developed participants in anti-dumping negotiations. China believes that the Negotiating Group should conscientiously implement such mandate and consider the ways to reflect S&D treatment in the negotiations process as well as in the final results.

To fulfil this mandate, China contributes some ideas for discussion and wants to promote the negotiation on S&D treatment by this proposal. Concerning whether this proposal will be applied to investigations and measures taken by a developing country Member against another developing country Member or not, Australia and the European Communities have raised similar questions in the last meeting. China would like to listen to the views and discuss with WTO Members on this issue.
