



3 March 2023

(23-1426)

Page: 1/1

Original: English

**UNITED STATES – MEASURES ON CERTAIN SEMICONDUCTOR AND OTHER PRODUCTS,
AND RELATED SERVICES AND TECHNOLOGIES**

COMMUNICATION FROM THE UNITED STATES

The following communication, dated 17 February 2023, was received from the delegation of the United States with the request that it be circulated to the Dispute Settlement Body (DSB).

On February 9, 2023, the United States received China's letter of the same date requesting consultations pursuant to Article 4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*, Article XXIII of the *General Agreement on Tariffs and Trade 1994* ("GATT 1994"), Article XXIII of the *General Agreement on Trade in Services* ("GATS"), Article 8 of the *Agreement on Trade-Related Investment Measures*, and Article 64.1 of the *Agreement on Trade-Related Aspects of Intellectual Property Rights* ("TRIPS Agreement").

China's request concerns certain measures of the United States taken pursuant to the Export Control Reform Act of 2018 and its implementing regulations, the Export Administration Regulations, to protect U.S. national security. Issues of national security are political matters not susceptible to review or capable of resolution by WTO dispute settlement. Every Member of the WTO retains the authority to determine for itself those measures that it considers necessary to the protection of its essential security interests, as is reflected in the text of Article XXI of the GATT 1994, Article XIV *bis* of the GATS, and Article 73 of the TRIPS Agreement.

Without prejudice to the U.S. view that the measures cited by China are issues of national security not susceptible to review or capable of resolution by WTO dispute settlement, the United States accepts the request of China to enter into consultations. We stand ready to confer with officials from your mission on a mutually convenient date for these consultations.
