

Statements by the United States at the Meeting of the WTO Dispute Settlement Body

Geneva, November 8, 2016

1. CHINA – EXPORT DUTIES ON CERTAIN RAW MATERIALS

A. REQUEST FOR THE ESTABLISHMENT OF A PANEL BY THE UNITED STATES (WT/DS508/6)

- As explained at the October 26 DSB meeting, the United States is concerned that China continues to impose export restraints on raw materials – antimony, chromium, cobalt, copper, graphite, indium, lead, magnesia, talc, tantalum, and tin – that are important inputs to industries in the United States and in other Members. China’s restrictions on the exports of these materials are similar to the restrictions which the DSB has found in two prior disputes to be inconsistent with WTO rules.
- The export restraints at issue include China’s export duties, export quotas, and restrictions on the rights of enterprises seeking to export. As described in more detail in the U.S. panel request, these restraints appear to be inconsistent with provisions of the GATT 1994 and China’s Protocol of Accession.
- Accordingly, the United States requests that the DSB establish a panel to examine the matter set out in the U.S. panel request with standard terms of reference.

2. CHINA – DUTIES AND OTHER MEASURES CONCERNING THE EXPORTATION OF CERTAIN RAW MATERIALS

A. REQUEST FOR THE ESTABLISHMENT OF A PANEL BY THE EUROPEAN UNION (WT/DS509/6)

- As mentioned under the previous item, the United States shares the concerns of the European Union that China’s export duties, export quotas, and restrictions on the rights of enterprises seeking to export are inconsistent with WTO rules.
- We recognize that China has exercised its right under the DSU to block establishment of a panel to consider the EU’s complaint. Nonetheless, it would have been more efficient for China and the DSB had China accepted establishment of a single panel today, as has happened in a number of previous disputes, such as in *China – HP-SSST*.
- We look forward to prompt establishment of a panel to consider the EU’s complaint at a future meeting of the DSB so that both the U.S. and EU complaints covering the same matter can move forward together.