

## Synthesis of Eight China Trade Cases & Updates

March 30<sup>th</sup>, 2011

Cases 1 (China Tires) and Case 2 (Bush Safeguards) -- both dealt with Safeguards Agreement. U.S. is Respondent in both. U.S. won the Tires and lost Bush. Usually always lose these cases involving trade remedies.

Cases 3 (China Auto Parts) and Case 4 (China IPR). Former case had violation of *national treatment principle* w/ internal charges. Intended for “import substitution.” Case 4 dealt with TRIPS and China only had a minor loss. China promptly implemented change in both cases

Case 5 (China Entertainment Products) involved distribution and GATS (services). Upheld much of criminal legislation and discussed “public morals defense.” Case 7A (*pending*) (China Electronic Payments) also dealt with the GATS as to credit card operations. Note -- Specific commitments are scheduled by individual members. Obligations vary unlike obligations under the GATT.

Case 6 (EU A/D actions on fasteners) dealt with Antidumping Agreement. China’s biggest win. Case 7B (*pending*) (China A/D duties on Steel) deals also with *Buy American Act* as a subsidy. Case 8 (*pending*) (China Wind Power) deals with claims by the U.S. of China subsidies in its clean energy sector. [This is pursuant to §301 petition to the USTR.]

### Update.

- China has filed a new action against the U.S. concerning U.S. A/D duties on warm water shrimp. (Feb. 28, 2011).
- The Appellate Body (AB) reversed much of the panel report which ruled in favor of the U.S. The U.S. had argued that its CVD against China were justified because of Chinese subsidies on export of steel. (Steel & Certain Products from China) (March 11, 2011).