

## **Synthesis of China Trade Cases**

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***Case 1 (Rare Earths) (AB 2014). Involved similar export restrictions as in Raw Materials. Defense under Gatt Article XX (protection of environment) not sustained. Case 5 (Export of Raw Materials)(AB 2012) dealt with export restrictions under GATT Article XI. Precursor of holding against China in the case concerning rare earth minerals.***

***Case 2 (China Tires) (AB 2014). Dealt with Safeguards Agreement (and Accession Agreement and §421 of U.S. Trade Act.) U.S. is Respondent and won. Usually always lose these cases involving trade remedies.***

***Case 3 (Various Products – CVD & A/D) (AB 2014). Decided that under Subsidies Code the U.S. GPX legislation (2012) that allows countervailing duties as to imports from nonmarket economies (NMEs) is valid. (Also double remedies -- ADD and CVD – a problem). Case 7 (Certain Products from China) (AB 2014). Decided that a 'State Owned Enterprises' (SOE) is not necessarily a 'Public Body' under Subsidies Code as to allow a finding of subsidies.***

***Case 4 (China IPR). Dealt with TRIPS and enforcement of IPR and involved incorporation of Berne Agreement. China only had a minor loss. Criminal law enforcement standard not too tough. China promptly implemented changes.***

***Case 6 (Electronic Payments) (Panel 2012). Under the GATS Agreement (Services Agreement). Determined that the contested electronic network for clearing financial transactions (for credit cards) was scheduled as a 'commitment' but China did not violate its obligation.***