



UCLouvain

EU/China Economic Governance Event

EU-China relations in trade disputes

UCL Global Governance Institute (GGI), UCL Laws & CEU Madrid

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Overview

Complainant



Respondent



requests

5/22

9/100

China as complainant

Ref	Title	Statuts
DS397	Definitive Anti-Dumping Measures on Certain Iron or Steel Fasteners from China	Compliance report adopted in Feb. 2016
DS405	Anti-Dumping Measures on Certain Footwear from China	Implemented in Dec. 2012
DS452	Certain Measures Affecting the Renewable Energy Generation Sector	Consultations since Nov. 2012
DS492	Measures Affecting Tariff Concessions on Certain Poultry Meat Products	Panel report adopted in Apr. 2017; RPT ended July 2018
DS516	Measures Related to Price Comparison Methodologies	Panel established in July 2017

EU as complainant (1)

Ref	Title	Statuts
DS339	Measures Affecting Imports of Automobile Parts	Implementation notified in Aug. 2009
DS372	Measures Affecting Financial Information Services and Foreign Financial Information Suppliers	Mutual agreement in Dec. 2008
DS395	Measures Related to the Exportation of Various Raw Materials	Implementation notified in Jan. 2013
DS407	Provisional Anti-Dumping Duties on Certain Iron and Steel Fasteners from the EU	Consultations since May 2010
DS425	Definitive Anti-Dumping Duties on X-Ray Security Inspection Equipment from the EU	Implementation notified in Feb. 2014

EU as complainant (2)

Ref	Title	Statuts
DS432	Measures Related to the Exportation of Rare Earths, Tungsten and Molybdenum	Implementation notified in May 2015; no implementation panel
DS460	Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes from the EU	Panel report adopted; RPT ended in Aug. 2016
DS509	Duties and other Measures concerning the Exportation of Certain Raw Materials	Panel established in Nov. 2016, but not composed
DS549	Certain Measures on the Transfer of Technology	Consultations since June 2018

Focus on *EC – Fasteners* and *EU – Footwear*

Antidumping measures of the EU

Inconsistency of basic AD Regulation, as such and as applied

Country-wide vs individual investigations and duties against exporters of a NME

Focus on *EU - Price Comparison Methodologies*

Complaint against EU and US

Methodology used to determine « normal value » in anti-dumping proceedings involving « non-market economies »

According to its Accession protocol, China is considered as a non-market economy during 15 years (ie until Dec. 2016)

Panel work delayed; report expected during Q2 of 2019

Focus on *China* – *Raw materials I*

2009-2012

Complaint by EU, Mexico and US

Export duties and export quotas on antimony, chromium, cobalt, copper, graphite, indium, lead, magnesia, talc, tantalum and tin

Focus on *China* – *Rare Earths*

2012-2015

Complaint by EU, Japan and US

30 measures considered as export restrictions on rare earths, tungsten and molybdenum (export duties, export quotas, minimum pricing requirements, other requirements and procedures, published and unpublished)

Focus on *China* – *Raw materials II*

2016

Complaint by EU and US

Export duties and export quotas on antimony, chromium, cobalt, copper, graphite, indium, lead, magnesia, talc, tantalum and tin

No apparent activity the establishment of the panel in 2016

Focus on *China* - *Transfer of Technology*

Chinese measures (esp. in joint-venture regulations) forcing the transfer of technology from foreign companies willing to operate in China

According to EC, inconsistent with TRIPS and China's Accession protocol

Taipei, Japan and US as interested parties

New request for consultations on 20 Dec. 2018

China & UE vs. US

US — Steel Safeguards (2002-2003)

US — Steel and Aluminium Products
(2018-ongoing)

Fundamental issues

China's economic system (NME)

Strategic products

- › Rare earths, raw materials
- › Information, IP rights

China's Accession protocol

EU-China – A strategic outlook

EU Commission, 12 March 2019

“China can no longer be regarded as a developing country”

“The EU should robustly seek more balanced and reciprocal conditions governing the economic relationship.”

“China has also increasingly become a strategic competitor for the EU while failing to reciprocate market access and maintain a level playing field.”

“A top priority [...] is to start negotiations on stronger disciplines on industrial subsidies. Making progress towards elimination of forced technology transfers will also be of critical importance.”