

CHINA – MEASURES CONCERNING WIND POWER EQUIPMENT

Request for Consultations by the United States

The following communication, dated 22 December 2010, from the delegation of the United States to the delegation of China and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

My authorities have instructed me to request consultations with the Government of the People's Republic of China ("China") pursuant to Articles 1 and 4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*, Article XXII:1 of the *General Agreement on Tariffs and Trade 1994* ("GATT 1994"), and Articles 4 and 30 of the *Agreement on Subsidies and Countervailing Measures* ("SCM Agreement"), with regard to certain measures providing grants, funds, or awards to enterprises manufacturing wind power equipment (including the overall unit, and parts thereof) in China. As required by Article 4.2 of the SCM Agreement, a Statement of Available Evidence is attached to this request for consultations.

The measures providing these grants, funds, or awards are reflected in the following instrument, as well as any amendments to date or any related implementing measures to date:

- *Notice of the Ministry of Finance on Issuing the Provisional Measure on Administration of Special Fund for Industrialization of Wind Power Equipment, including the Annex on Provisional Measures on Administration of Special Fund for Industrialization of Wind Power Equipment.*¹

As the measures appear to provide grants, funds, or awards that are contingent on the use of domestic over imported goods, these measures appear to be inconsistent with Article 3 of the SCM Agreement. In addition, as China has not notified these measures, China appears to have failed to comply with Article XVI:1 of the GATT 1994 and Articles 25.1, 25.2, 25.3, and 25.4 of the SCM Agreement. As China has not made available a translation of these measures into one or more of the official languages of the WTO, China also appears to have failed to comply with its obligation under Part I, Paragraph 1.2, of its *Protocol on the Accession of the People's Republic of China* (to the extent that it incorporates paragraph 334 of the *Report of the Working Party on the Accession of China* (WT/MIN(01)/3)).

We look forward to receiving your reply to the present request and to fixing a mutually convenient date for consultations.

¹ Ministry of Finance Document [2008] No. 476 (11 August 2008).

Statement of Available Evidence

- *Notice of the Ministry of Finance on Issuing the Provisional Measure on Administration of Special Fund for Industrialization of Wind Power Equipment, including the Annex on Provisional Measures on Administration of Special Fund for Industrialization of Wind Power Equipment.*²

² Ministry of Finance Document [2008] No. 476 (11 August 2008).