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Page: 1/1

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UNITED STATES – TARIFF MEASURES ON CERTAIN GOODS FROM CHINA

COMMUNICATION FROM CHINA

The following communication, dated 25 April 2018, was received from the delegation of China and is circulated to the Dispute Settlement Body (DSB), at the request of this delegation.

We confirm the receipt of your letter dated 13 April 2018. My authorities have instructed me to provide you with China's considerations with respect to your letter concerning *United States – Tariff Measures on Certain Goods from China (DS543)* consultations as follows:

Firstly, as to the measures at issue, China identified explicitly the measures at issue and indicated clearly the legal basis for the complaint in the DS543 consultations request dated 4 April 2018, which is in conformity with the requirements provided in the *Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU)*. Therefore, China cannot agree with the view that "China's [] letter does not meet the requirements of Article 4 of the DSU" in your 13 April letter.

Secondly, your 13 April letter expressed the willingness to enter into consultations with China with respect to the United States's concern on China's relevant policies addressed in the Section 301 investigation as well as China's Public Notice on imposing additional tariffs on certain products originating from the United States. I regret to inform you that such request obviously exceeds the scope of China's consultations request dated 4 April 2018.

In addition, China is confused by the logic taken by the United States. On the one hand, the United States emphasizes that the policies addressed in the Section 301 investigation do not appear to implicate WTO obligations except for the measures under *China – Certain Measures Concerning the Protection of Intellectual Property Rights (DS542)*, on the other hand, your 13 April letter requests to discuss China's policies addressed in the Section 301 investigation, which appears that the United States also recognizes the policies addressed in Section 301 investigation do implicate the WTO rules.

China underlines that, in any event, the consultations between our two sides will be conducted in accordance with Article 4 of the DSU and will only cover the measures at issue identified explicitly in the DS543 consultations request (WT/DS543/1), including the list of imported products originating from China for additional tariffs dated 3 April, the Section 301 investigation report dated 22 March, etc.

In this respect, if the United States agrees with China's views on the scope of consultations for DS543, China is willing to, based on this agreement, schedule a mutually convenient date for consultations.
