



**COUNTRY
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China

INTERNATIONAL TRADE

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This country-specific Q&A provides an overview of international trade laws and regulations applicable in China.

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CHINA

INTERNATIONAL TRADE



1. What has been your jurisdiction's historical level of interaction with the WTO (e.g. membership date for the GATT/WTO, contribution to initiatives, hosting of Ministerials, trade policy reviews)?

China has been a member of the WTO since December 11, 2001. Prior to this, in 1986, China submitted an application to the General Agreement on Tariffs and Trade (GATT) to restore China's status as a member of the GATT, which opened the process of re-entry negotiations. In 1995, WTO was established, and China's re-entry negotiations were officially transformed into accession negotiations.

China has actively participated in plurilateral liberalization initiatives and made important contributions to relevant talks. It accepted the Information Technology Agreement (ITA) upon accession of WTO, subsequently participated in the negotiations to expand ITA's coverage, and encouraged relevant parties to reach agreement on eliminating tariffs of 201 information technology products. It is worth noting that China is also one of the initiators of the negotiations on the Environmental Goods Agreement (EGA). Although negotiations on EGA have been put on hold, China has participated in relevant discussions with a constructive attitude.

China places great emphasis on the trade policy review (TPR) process. It has undergone eight TPRs from 2006 to 2022. In addition, China has also participated in hundreds of TPRs of other WTO members. It raised thousands of written questions and trade concerns to the members under review, urged them to comply with WTO rules and commitments.

2. Are there any WTO agreements to which your jurisdiction is not party (e.g. Government Procurement Agreement)? Is your jurisdiction seeking to accede to

these agreements?

China is an observer (but not a full member) of the Government Procurement Committee and has been negotiating to accede to the Plurilateral Agreement on Government Procurement Agreement (GPA) since 2007. As of Oct. 2023, China has submitted six offers to accede to GPA.

Meanwhile, China is an observer (but not a full member) of the Plurilateral Agreement on Trade in Civil Aircraft.

3. Is your jurisdiction participating in any ongoing WTO negotiations (e.g. E-Commerce Joint Initiative) and what has been its role?

China has encouraged the WTO to respond to and discuss new topics of general interest to the members such as investment facilitation, micro, small and medium-sized enterprises (MSMEs), and e-commerce.

China initiated "Friends of Investment Facilitation for Development (FIFD)" and sponsored the Joint Ministerial Statement on Investment Facilitation for Development signed by over 70 members.

China joined the "Friends of Micro, Small and Medium-sized Enterprises", and shared with other members its proposals that support MSMEs.

As an advocate of multilateral discussions on e-commerce in the WTO, China joined "Friends of E-commerce for Development (FED)". At the informal ministerial meeting on e-commerce held in Davos, in January 2019, China and 75 other WTO members signed the Joint Statement on Electronic Commerce.

4. Has your jurisdiction engaged in the WTO dispute settlement system in the past 5 years? If so, in which disputes and in

which capacity (as a party to a dispute or as a third party)?

From January 2018 to October 2023, China had brought 8 disputes to the WTO, meanwhile had been complained against in 11 disputes, and also had been involved as the third party in 45 cases. The detailed case information is shown in the tables below.

China as complaint		
Case number	Respondent	Case title
DS543	United States	Tariff Measures on Certain Goods from China
DS544	United States	Certain Measures on Steel and Aluminium Products
DS562	United States	Safeguard Measure on Imports of Crystalline Silicon Photovoltaic Products
DS563	United States	Certain Measures Related to Renewable Energy
DS565	United States	Tariff Measures on Certain Goods from China II
DS587	United States	United States — Tariff measures on certain goods from China III
DS603	Australia	Anti-Dumping and Countervailing Duty Measures on Certain Products from China
DS615	United States	Measures on Certain Semiconductor and other Products, and Related Services and Technologies

China as respondent		
Case number	Complaint	Case title
DS519	United States	Subsidies to Producers of Primary Aluminium
DS542	United States	Certain Measures Concerning the Protection of Intellectual Property Rights
DS549	United States	United States — Certain Measures on the Transfer of Technology
DS558	United States	Additional Duties on Certain Products from the United States
DS568	Brazil	Certain Measures Concerning Imports of Sugar
DS589	Canada	Measures Concerning the Importation of Canola Seed from Canada

DS598	Australia	Anti-dumping and countervailing duty measures on barley from Australia
DS601	Japan	Anti-Dumping measures on stainless steel products from Japan
DS602	Australia	Anti-Dumping and Countervailing Duty Measures on Wine from Australia
DS610	European Union	Measures Concerning Trade in Goods
DS611	European Union	Enforcement of intellectual property rights

China as third party			
Case number	Complaint	Respondent	Case title
DS536	Viet nam	United States	Anti-Dumping Measures on Fish Fillets from Viet nam
DS537	Australia	Canada	Measures Governing the Sale of Wine
DS538	United Arab Emirates	Pakistan	Anti-Dumping Measures on Biaxially Oriented Polypropylene Film from the United Arab Emirates
DS539	Korea, Republic of	United States	Anti-dumping and Countervailing Duties on Certain Products and the Use of Facts Available
DS541	United States	India	Export Related Measures
DS545	Korea, Republic of	United States	Safeguard measure on imports of crystalline silicon photovoltaic products
DS546	Korea, Republic of	United States	Safeguard measure on imports of large residential washers
DS547	India	United States	Certain Measures on Steel and Aluminium Products
DS548	European Union	United States	Certain Measures on Steel and Aluminium Products
DS550	Canada	United States	Certain Measures on Steel and Aluminium Products
DS551	Mexico	United States	Certain Measures on Steel and Aluminium Products
DS552	Norway	United States	Certain Measures on Steel and Aluminium Products
DS553	Japan	Korea, Republic of	Sunset Review of Anti-Dumping Duties on Stainless Steel Bars
DS554	Russian Federation	United States	Certain Measures on Steel and Aluminium Products
DS556	Switzerland	United States	Certain Measures on Steel and Aluminium Products
DS557	United States	Canada	Additional Duties on Certain Products from the United States
DS559	United States	European Union	Additional Duties on Certain Products from the United States
DS560	United States	Mexico	Additional Duties on Certain Products from the United States
DS561	United States	Turkey	Additional Duties on Certain Products from the United States
DS564	Turkey	United States	Certain Measures on Steel and Aluminium Products
DS566	United States	Russian Federation	Additional Duties on Certain Products from the United States
DS567	Qatar	Saudi Arabia, Kingdom of	Measures concerning the Protection of Intellectual Property Rights

DS573	Thailand	Turkey	Additional duties on imports of air conditioning machines from Thailand
DS576	United Arab Emirates	Qatar	Certain measures concerning goods from the United Arab Emirates
DS577	European Union	United States	Anti-dumping and countervailing duties on ripe olives from Spain
DS578	Tunisia	Morocco	Definitive Anti-Dumping Measures on School Exercise Books from Tunisia
DS579	Brazil	India	Measures Concerning Sugar and Sugarcane
DS580	Australia	India	Measures Concerning Sugar and Sugarcane
DS581	Guatemala	India	Measures Concerning Sugar and Sugarcane
DS582	European Union	India	Tariff Treatment on Certain Goods in the Information and Communications Technology Sector
DS583	European Union	Turkey	Certain Measures concerning the Production, Importation and Marketing of Pharmaceutical Products
DS584	Japan	India	Tariff Treatment on Certain Goods
DS585	United States	India	Additional duties on certain products from the United States
DS588	Chinese Taipei	India	Tariff Treatment on Certain Goods in the Information and Communications Technology Sector
DS590	Korea, Republic of	Japan	Measures Related to the Exportation of Products and Technology to Korea
DS591	European Union	Colombia	Anti-Dumping Duties on Frozen Fries from Belgium, Germany and the Netherlands
DS592	European Union	Indonesia	Measures Relating to Raw Materials
DS593	Indonesia	European Union	Certain measures concerning palm oil and oil palm crop-based biofuels
DS595	Turkey	European Union	Safeguard Measures on Certain Steel Products
DS597	Hong Kong, China	United States	Origin Marking Requirement
DS599	Costa Rica	Panama	Measures concerning the importation of certain products from Costa Rica
DS600	Malaysia	European Union and Certain Member States	Certain measures concerning palm oil and oil palm crop-based biofuels
DS604	European Union	Russian Federation	Certain Measures Concerning Domestic and Foreign Products and Services
DS605	Costa Rica	Dominican Republic	Anti-dumping measures on corrugated steel bars
DS616	Indonesia	European Union	Countervailing and Anti-Dumping Duties on Stainless Steel Cold-Rolled Flat Products from Indonesia

5. Has your jurisdiction expressed any views on reform of the WTO, in particular, the dispute settlement system and the Appellate Body?

On May 13, 2019, China officially submitted the China's Proposal on WTO Reform.

The three basic principles advocated by China regarding WTO reform are: First, the reform shall preserve such core values of the multilateral trading system as non-discrimination and openness, with a view to creating a stable and predictable environment for international trade. Second, the reform shall safeguard the development interests of developing Members. In particular, it is imperative to eliminate development deficit in the existing WTO rules, resolve the difficulties encountered by developing Members in their integration into economic globalization and help attain the Sustainable Development Goals of United Nations 2030 Agenda. Third, the reform shall follow the practice of decision-making by consensus. The specific issues subject to reform, work agenda and final results should

be agreed upon after extensive consultations, on the basis of mutual respect, broad participation and dialogues on an equal footing.

China believes the necessary reform of the WTO should cover the following four areas for concrete actions: First, resolving the crucial and urgent issues threatening the existence of the WTO, Second, increasing WTO's relevance in global economic governance; Third, improving the operational efficiency of the WTO, and Fourth, enhancing the inclusiveness of the multilateral trading system.

6. What are the key bilateral and/or regional free trade agreements (FTAs) in force for your jurisdiction and from which dates did they enter into force?

By the end of October 2023, the following free trade agreements [FTAs] signed by China have entered into force:

- Regional Comprehensive Economic Partnership (RCEP)
- China-Cambodia FTA
- China-Mauritius FTA
- China-Maldives FTA
- China-Georgia FTA
- China-Australia FTA
- China-Korea FTA
- China-Switzerland FTA
- China-Iceland FTA
- China-Costa Rica FTA
- China-Peru FTA
- China-Singapore FTA
- China-New Zealand FTA
- China-Chile FTA
- China-Pakistan FTA
- China-ASEAN FTA
- Mainland and Hong Kong Closer Economic and Partnership Arrangement
- Mainland and Macao Closer Economic and Partnership

Arrangement

It is particularly worth mentioning that, the RCEP, which became effective on January 1, 2022, marks the successful launch of the world's largest free trade area and is a new milestone for East Asian economic integration.

In addition, thanks to the China-ASEAN FTA, which took full effect on January 1, 2010, ASEAN has been China's largest trading partner for three consecutive years.

7. Is your jurisdiction currently negotiating any FTAs (or signed any FTAs that have not yet entered into force) and, if any, with which jurisdictions? What are your jurisdiction's priorities in those negotiations (e.g. consolidating critical mineral supply chains, increasing trade in financial services, etc.)? For both FTAs under negotiation and signed FTAs, when are they expected to enter into force?

China has signed the China-Ecuador FTA, the China-Nicaragua FTA, and the China-Serbia FTA in 2023, which are yet to come into force. There is no official information released regarding the expected effective dates of these three FTAs.

In 2022 and 2023, the negotiating and progressing FTAs include China-GCC(the Gulf Cooperation Council) FTA and China-Israel FTA. According to official reports, China and the GCC held in-depth discussions on trade in goods, trade in services, investment, rules of origin, customs procedures and trade facilitation. At the end of March 2023, Israel held the eighth round talk with China about China-Israel FTA, in which cover the issues such as trade in goods, rules of origin, customs procedures and trade facilitation, sanitary and phytosanitary measures, trade remedies, e-commerce, environment, intellectual property, competition, government procurement, dispute resolution, and legal proceedings.. There is no official information released regarding the signing and expected effective dates of China-GCC FTA and China-Israel FTA.

8. Which five countries are the biggest trading partners for your jurisdiction in relation to each of exports and imports and which goods or services are particularly important to your jurisdiction's external trade relationships?

Taking 2022 as an example, China's biggest five trading

partners are ASEAN, the European Union, the United States, South Korea, and Japan in order. Machinery and electrical equipment accounts for 49.1% of the total import and export value of merchandise.

9. What are the three most important domestic and three most important international developments that are likely to have the biggest impact on your jurisdiction's trade profile and priorities?

In April 2023, the State Council of China issued "the Opinions on Promoting the Scale Stability and Structure Optimization of Foreign Trade". In this document, the comprehensive resumption of China's offline exhibitions and the facilitation of entry and exit of cross-border business personnel were specifically mentioned.

The spokesperson of the Ministry of Commerce (MOFCOM) stated at a press conference in March 2023 that the external environment is becoming increasingly uncertain, global inflation is still at a high level, the growth momentum of the world economy and trade is weakening, and external repression is constantly rising. These challenges have become important factors affecting the trend of foreign trade.

10. Has your jurisdiction taken any specific domestic measures to address sustainability issues in international supply chains, for example in relation to forced labour, human rights and environmental issues? Is it seeking to address these issues in any FTAs or other international agreements?

According to the Labor Law of the People's Republic of China, Laborers shall have equal right to employment and choice of occupation, the right to remuneration for labor, to rest and vacations, to protection of occupational safety and health, to training in vocational skills, to social insurance and welfare, to submission of labor disputes for settlement and other rights relating to labor stipulated by law. Laborers also shall have the right to participate in, and organize, trade unions in accordance with the law. The authorities shall take various measures to promote employment, develop vocational education, lay down labor standards, regulate social incomes, perfect social insurance system, coordinate labor relationship, and gradually raise the living standard of laborers.

The Constitution of the People's Republic of China

stipulates that the state respects and safeguards human rights.

China has successively formulated a series of laws related to environmental protection, such as the Environmental Protection Law, the Marine Environmental Protection Law, and the Environmental Impact Assessment Law. In September 2020, President Xi officially announced at the general debate of the 75th United Nations General Assembly: "China will increase its national independent contribution, adopt stronger policies and measures, strive to peak its carbon dioxide emissions before 2030, and strive to achieve carbon neutrality before 2060."

In June 2023, China submitted proposals related to trade and environmental policies to the WTO. China proposed to fully leverage the supervisory and deliberative functions of the WTO and hold multilateral thematic discussions on environmental policies that have a significant impact on trade.

11. Is your jurisdiction taking any specific domestic measures to promote near-shoring/on-shoring for strategic goods (i.e. domestic subsidies, import tariffs, or export restrictions)? Is it seeking to address these issues in any FTAs or other international agreements?

As an economic lever, import tariffs are used as a tool to implement national economic policies, which is a common practice throughout the world. The same goes for China in this regard. But according to official information, China's overall tariff level has been reduced to 7.3% in 2023.

According to the Foreign Trade Law of the People's Republic of China, In some circumstances, the state may restrict or prohibit the import or export of the relevant goods and technologies, such as: where it is necessary to restrict or prohibit the import or export for safeguarding national security, public interests or ethics; where the short domestic supply or the need to effectively conserve exhaustible natural resources makes it necessary to restrict or prohibit the export; and so on.

12. What is the legal regime governing trade sanctions in your country? Has it evolved in response to ongoing geopolitical developments, such as the on-going crisis

in Ukraine?

The Anti-foreign Sanctions Law of the People's Republic of China, which has been adopted and come into effect on June 10, 2021, empowers the relevant departments of the State Council to prohibit or restrict certain organizations or individuals from conducting transactions, cooperation or other activities with domestic entities. In addition, MOFCOM has also formulated "the Provisions on the List of Unrelated Entities" and "the Rules on Counteracting Unjustified Extra-territorial Application of Foreign Legislation and Other Measures".

Relevant official of the Standing Committee of the National People's Congress pointed out that the formulation of the Anti-foreign Sanctions Law is because of the need to safeguard national sovereignty, security and development interests, and the need to coordinate the promotion of domestic rule of law and foreign-related rule of law.

13. Does your jurisdiction use trade remedies and, if so, what remedies are most commonly used? And in which jurisdictions and on which products are they most commonly applied?

China has taken measures to impose anti-dumping or countervailing duties on products originating from certain customs territory, most commonly including the United States, the European Union, Japan, and so on. In recent years, products of chemical or allied industries have been relatively frequently targeted by trade remedies in China.

14. What is the key legislation relating to anti-dumping duties, countervailing duties and safeguards? What are the authorities responsible for investigating and deciding whether these remedies are applied?

The Foreign Trade Law of the People's Republic of China provides a chapter on foreign trade remedies. Based on the Foreign Trade Law, the following administrative regulations formulated by the State Council have made more specific provisions on anti-dumping duties, countervailing duties, and safeguards, which are: the Anti-Dumping Regulation of the People's Republic of China, the Countervailing Regulation of the People's Republic of China, Regulations of the People's Republic of China on Safeguard Measures.

The MOFCOM shall be responsible for the investigation

on and determination of damage; while the investigation on the damage to a domestic industry relating to agricultural products shall be conducted by the MOFCOM in collaboration with the Ministry of Agriculture.

The levy of the anti-dumping duties or countervailing duties shall be proposed by the MOFCOM and be decided on by the Tariff Policy Committee under the State Council upon the proposition of the MOFCOM, and shall be announced by the MOFCOM.

If the safeguard measure is to raise tariffs, the MOFCOM shall, on the basis of the review and pursuant to the provisions of the present Regulation, suggest to keep, cancel or accelerate the pace of relaxing the measure of raising of tariffs, and the Tariff Policy Committee of the State Council shall make a decision according to the suggestion of the MOFCOM and the MOFCOM shall announce it. If the safeguard measure is to limit the quantity or by other means, the MOFCOM shall, according to the result of review and according to the provisions of the present Regulation, decide to keep, cancel or accelerate the pace of relaxing the measure of limiting the quantity and announce it.

15. What is the process for a domestic business and/or industry to seek trade remedies (i.e. key documentation, evidence required, etc.)? How can foreign producers participate in trade remedies investigations in your jurisdiction?

The filing and investigation procedures for trade remedy measures are basically similar, and the following are examples of anti-dumping procedures:

An application for anti-dumping investigations shall include the following contents and shall be supported by the following evidential materials: 1) Relevant information about the applicant; 2) The known producers, exporters and importers of the imported product that is applied for investigations; 3) A complete account of the import product that is applied for investigations and the domestic product of the same type as well as a comparison between the two; 4) The act and scale of dumping; 5) The damages suffered by the domestic industry; 6) The causal relationship between the dumping acts and the damages suffered; 7) Other issues that the applicant believes of necessity to be specified.

With regard to the description of the imported product that is applied for investigations and the domestic product of the same type as well as the comparison between the two, the applicant shall provide the

following evidential materials: 1) A detailed description of the imported product that is applied for investigations, including the name, type, specifications, purpose of use, market situation, etc and the tariff code of the People's Republic of China; 2) The country (region) of origin or the country (region) of export of the imported product that is applied for investigations; 3) A detailed description of the domestic product of the same type, including the name, type, specifications, purpose of use, market situation, etc of the said product; 4) A comparison between the imported product that is applied for investigations and the domestic product of the same type, including the physical features, chemical features, production techniques, substitutability, prices, purpose of use, etc of the said products.

Where any interested party (including but not limit to foreign producers, exporters) applies for answering the anti-dumping investigation of industry injury, it shall file an application to the MOFCOM within 20 days from the day when an announcement on the initiation of anti-dumping investigation of industry injury is made, and shall go through relevant registration formalities. At the same time, the applicant shall offer the information concerning its productive capacity, output, inventories, construction and expansion plans, the volume and amount of the product exported to China, the volume and amount of the product imported by the import business operators.

At the request of the interested parties, the MOFCOM may, upon the approval of the relevant country (region), dispatch persons to the country (region) to conduct investigations on the productive capacity, investments in expanding production, inventories, place of origin or entrepot, the connection among the enterprises and other information related to the product.

At the request of an interested party, or whenever the MOFCOM considers it necessary, a hearing of industry injury may be held.

16. Does your jurisdiction have any special regulations or procedures regarding investigation of possible circumvention or evasion of trade remedies? What are the consequences of circumventing or evading trade remedies?

The MOFCOM may take appropriate measures to prevent the acts of evading anti-dumping and/or countervailing measures.

If the so-called circumvention or evasion measures result in underpayment of tariffs (duties), these circumvention

or evasion may be identified as smuggling. If so, the perpetrator will be subject to administrative or criminal penalties.

17. What are the substantive legal tests in your jurisdiction for the application of remedies? Does your jurisdiction apply a lesser duty rule and/or a public interest test in anti-dumping investigations? Are there any other notable features of your jurisdiction's trade remedies regime?

Take anti-dumping investigation as an example, in China, the MOFCOM shall take such means as questionnaires, sampling, hearing, technical authentication, on-the-spot investigation and so on to make an industry injury investigation. The determination of an actual injury shall be based on the clearly foreseeable and imminent situation, in which if no measures are taken, an actual injury will occur. The determination of a risk of actual injury shall be based on facts, rather than simply on complaints, conjectures or the least possibility.

Moreover, when determining a risk of actual injury, investigations shall be made but not limited to the factors as follows: 1) Significant increase rate showing a likely actual increase of dumped imports; 2) The capability of the exporters to use fully and freely or of potential actual increase, which shows a likely actual increase of dumped exports entering the market of the importing members. In the use of this indicator, one should consider the factor whether there are any other export markets that may take in any additional exports; 3) Whether the imported product are being imported in prices of significant depression or suppression of prices of domestic like product, which is likely to cause an increase of the demands of imports; 4) The inventories of the products under investigation.

China's anti-dumping regime embodies the principles of public interest, such as: The levying of anti-dumping duties shall be consistent with public interest; and where the MOFCOM considers the pricing commitments made by the exporters are acceptable and consistent with the public interests, it may decide to suspend or terminate the anti-dumping investigations, instead of taking any provisional anti-dumping measure or levying anti-dumping duties.

However, the lesser duty rule is not be applied in China's anti-dumping regime.

18. Is there a domestic right of appeal against the authority's decisions? What is the applicable procedure?

After the investigation, where anyone refuses to accept the final award or refuses to accept the decision on whether levying the anti-dumping and/or countervailing duties as well as the decision on the retrospective levy, he/she may apply for administrative review in accordance with the law, or bring a lawsuit to the people's court in accordance with the law.

Where the authorities decide to take safeguard measures, these decisions cannot be appealed.

19. Has your jurisdiction's imposition of any trade remedies been challenged at the WTO? If so, what was the outcome? A general explanation of trends can be provided for jurisdictions involved in significant trade remedies dispute settlement.

The following are cases where China has been complained in the WTO due to trade remedy issues, as well as the latest news on these cases until the end of October 2023.

Case No.	Complaint	Case title	Latest news
DS407	European Union	Provisional Anti-Dumping Duties on Certain Iron and Steel Fasteners from the European Union	On 7 May 2010, the European Union requested consultations with China regarding China's provisional anti-dumping duties on certain iron or steel fasteners from the European Union.
DS414	United States	Countervailing and Anti-Dumping Duties on Grain Oriented Flat-rolled Electrical Steel from the United States	On 31 August 2015, the DSB adopted the compliance panel report. On 31 August 2015, China informed the DSB that the anti-dumping and countervailing duty measures on imports of "GOES" from the US expired on 10 April 2015.
DS425	European Union	Definitive Anti-Dumping Duties on X-Ray Security Inspection Equipment from the European Union	At the DSB meeting on 26 February 2014, China said that its Ministry of Commerce had published a notice and launched a re-investigation on the X-ray security inspection equipment from the European Union and that the anti-dumping duty at issue was terminated. Thus, it had fully complied with the DSB recommendations and rulings.
DS427	United States	Anti-Dumping and Countervailing Duty Measures on Broiler Products from the United States	On 28 February 2018, the DSB adopted the compliance panel report. The Panel found that China acted inconsistently with Articles 3.1 and 3.5 of the Anti-Dumping Agreement and Articles 15.1 and 15.5 of the SCM Agreement. In its demonstration of a causal link between the subject imports and injury to the domestic industry, MOFCOM relied on a defective consideration of price effects.
DS440	United States	Anti-Dumping and Countervailing Duties on Certain Automobiles from the United States	On 18 June 2014, the DSB adopted the panel report, in which the panel recommended that the DSB request China to bring its relevant measures into conformity with its obligations under the Anti-Dumping and SCM Agreements.
DS454	Japan	Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes ("HP-SSST") from Japan	At the DSB meeting on 25 November 2015, China stated that it intended to implement the DSB's recommendations and rulings in a manner that respects its WTO obligations and that it would need a reasonable period of time to do so. On 19 February 2016, Japan and China informed the DSB that they had agreed that the reasonable period of time for China shall be 9 months and 25 days from the date of adoption of the Appellate Body and panel reports.
DS460	European Union	Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes ("HP-SSST") from the European Union	At the DSB meeting on 25 November 2015, China stated that it intended to implement the DSB's recommendations and rulings in a manner that respects its WTO obligations and that it would need a reasonable period of time to do so. On 19 February 2016, the European Union and China informed the DSB that they had agreed that the reasonable period of time for China shall be 9 months and 25 days from the date of adoption of the Appellate Body and panel reports.
DS483	Canada	Anti-Dumping Measures on Imports of Cellulose Pulp from Canada	The Panel found that MOFCOM failed to demonstrate a causal relationship between the dumped imports and the injury to the domestic industry consistently with the Anti-Dumping Agreement. On 11 September 2018, Canada requested consultations with China pursuant to the DSU with respect to certain measures adopted by China imposing anti-dumping duties on imports of cellulose pulp from Canada.
DS598	Australia	Anti-dumping and countervailing duty measures on barley from Australia	On 11 August 2023, Australia and China notified the DSB, pursuant to Article 3.6 of the DSU, that they had reached a mutually agreed solution to the matter raised in this dispute. On 24 August 2023, the panel circulated its report to the Members that a solution has been reached.
DS601	Japan	Anti-Dumping measures on stainless steel products from Japan	The panel found that MOFCOM's determination was inconsistent with the Anti-Dumping Agreement. On 29 August 2023, Japan received China's communication concerning its intention to implement the recommendations and rulings of the DSB.
DS602	Australia	Anti-Dumping and Countervailing Duty Measures on Wine from Australia	On 6 October 2022, the Chair of the panel informed the DSB that the panel did not expect to issue its final report to the parties before mid-2023.

20. What authorities are responsible for enforcing customs laws and regulations and what is their role?

The General Administration of Customs (GAC), which is a directly affiliated agency of the State Council, and local customs offices are responsible for implementing customs laws.

China Customs exercises the following responsibilities: customs control, anti-smuggling, trade statistics compilation, customs valuation and duty collection, performs health checks at points of entry, takes sanitary and phytosanitary measures to safeguard the country, protects imported and exported food safety, inspects imported and exported consumer products and bulk commodities, and so on.

21. Can importers apply for binding rulings from the customs authority in advance of an import transaction? How can customs decisions be challenged?

Prior to the actual import and export of goods, an applicant may apply for an advance ruling on the following customs affairs: 1) the classification of imported or exported goods; 2) the place of origin of imported or exported goods or their qualification for originating from their place of origin; 3) factors relating to and the valuation method for the duty-paid value of imported goods; and 4) other customs affairs prescribed by the GAC.

The period of validity of a decision on advance ruling shall be three years.

Where an applicant imports or exports goods under the same circumstance as those specified in a decision on advance ruling within its period of validity, the declaration for such goods shall be subject to this decision on advance ruling, and the customs shall approve it.

Where an applicant refuses to accept the decision on advance ruling, it may file an application for administrative reconsideration with the GAC; if it still refuses to accept the decision of reconsideration, it may bring administrative litigation to the people's court in accordance with the law.

22. Where can information be found about import tariffs and other customs charges?

The Tariff Policy Commission of the State Council

updates China's import and export tariffs annually, which are published on websites such as of the Ministry of Finance and the MOFCOM.

In addition, detailed tariffs and vessel tonnage dues information can be easily found on the website of the GAC. The website is: <http://online.customs.gov.cn/>.

23. Does your jurisdiction have any of the following features: a. Authorised Economic Operator (AEO) or equivalent programme? b. Mutual recognition arrangements (MRAs) with other jurisdictions in relation to their AEO programmes? c. Suspension of duties on any goods imports (for example, for goods for which there is no domestic production)? d. Allowing goods imports valued below a certain amount to enter duty free (de minimis shipments)?

a. If the customs classifies an enterprise as an advanced authorized enterprise, which is an AEO of China Customs, according to the criteria and procedures, it shall implement convenient management measures for the enterprise.

b. China Customs shall cooperate with the customs of other countries or regions in the mutual recognition of AEO in accordance with applicable international treaties, agreements, and the Measures, and provide the corresponding clearance facilitation for the mutually recognized AEO. As of the end of October 2023, China Customs has signed AEO Mutual Recognition Agreements (MRAs) with the competent authorities of over 50 countries or regions.

c. To expand imports, stimulate import potential and optimize the structure of imports, China will implement provisional import tax rates that are lower than the most-favored-nation (MFN) tariff rates. The provisional import tax rate for some specific goods is zero.

d. The following import and export goods are duty-free: 1) Where the customs duty of goods under a single invoice is not more than CNY50; 2) The articles that are for advertising purposes or to be used as samples and therefore of no commercial value; 3) The materials gratuitously donated by foreign governments or international organizations; 4) The goods damaged prior to the customs clearance; 5) The fuel, materials, food and drinks necessary for the journey and carried by the means of transport that enter into or exit China; 6) Other goods exempt from duties as provided for in law.

24. What free trade zones and facilities such as bonded warehouses are available in your jurisdiction?

Since 2013, China has established 21 Pilot Free Trade Zones (PFTZs), including Anhui, Beijing, Chongqing, Fujian, Guangdong, Guangxi, Hainan, Hebei, Heilongjiang, Henan, Hubei, Hunan, Jiangsu, Liaoning, Shaanxi, Shandong, Shanghai, Sichuan, Tianjin, Yunnan and Zhejiang.

In addition, the State Council has approved over 170 Special Customs Supervision Areas that implement special tax policies and management policies, most of which are named comprehensive bonded zones (CBZs). These Special Customs Supervision Areas have functions such as processing and manufacturing, international trade, logistics distribution, bonded warehousing, testing and maintenance, research and design, product display, and so on.

25. What are the domestic scrutiny and transparency arrangements before and during negotiations for a trade agreement? What domestic ratification procedures are required once a trade agreement is concluded?

The Ministry of Foreign Affairs or the departments concerned under the State Council (for example, the MOFCOM) after consultation with the Ministry of Foreign Affairs, shall make a recommendation and work out the draft of the Chinese side and submit it to the State Council for examination and decision. With respect to agreements concerning specific business affairs, with the consent of the State Council, the draft agreement of the Chinese side shall be examined and decided upon by the departments concerned under the State Council or in consultation with the Ministry of Foreign Affairs when necessary.

Chinese authorities rarely disclose specific details about the process of negotiating trade agreements, only providing a brief introduction of talks with other countries and regions.

The ratification of so called "important agreements" shall be decided upon by the Standing Committee of the National People's Congress. They shall be submitted by the Ministry of Foreign Affairs or by the department concerned under the State Council (for example, the MOFCOM) in conjunction with the Ministry of Foreign Affairs to the State Council for examination. It shall then be submitted by the State Council to the Standing

Committee of the National People's Congress for decision on ratification. The President of PRC shall ratify it pursuant to the decision of the Standing Committee of the National People's Congress.

Concerning agreements that do NOT fall into the category of "important agreements", they shall be submitted by the Ministry of foreign Affairs or the departments concerned under the State Council in conjunction with the Ministry of Foreign Affairs to the State Council for approval. After the agreements approved, in the case of a bilateral one, the Ministry of Foreign Affairs shall execute the formalities for the exchange of the instruments of approval with the other contracting party or for mutual notification by diplomatic notes of the approval. In the case of a multilateral one, the Ministry of Foreign Affairs shall execute the formalities for the deposit of the instrument of approval with the depositary state or international organization concerned. The instrument of approval shall be signed by the Premier of the State Council, but may also be signed by the Minister of Foreign Affairs.

26. What are the domestic procedures for local traders to request the government take action against measures of other jurisdictions that are inconsistent with WTO and/or FTA rules?

The Overseas Commercial Complaint Service Center for Chinese Enterprises of the MOFCOM (hereinafter referred to as the Complaint Service Center) is responsible for

gratuitously providing overseas commercial complaint services to Chinese enterprises.

A claimant can put forward relevant requests to the Complaint Service Center by the following means:

- 1) Entering the website of 12335.mofcom.gov.cn;
- 2) Dialing the hot line of the Complaint Service Center by 12335;
- 3) Sending faxes by 12335;
- 4) Mailing letters; and
- 5) Visits and interviews.

To complain about the unfair policies, measures or market barriers of any foreign government or organization, a claimant shall submit the following materials: 1) Materials that explain the basic information about the claimant; 2) Basic information about the party against whom the complaint is made; 3) Policy, measure or market barrier being complained and relevant certification materials; 4) Facts (time, place, course, degree, etc.) that the legitimate rights and interests of the complainant are damaged or illegally injured by the policy, measure or market barrier being complained about, or the possibility analysis that the legitimate rights and interests of the complainant may be damaged or illegally injured; 5) Clear and specific claims; and 6) Other materials that are required by the Complaint Service Center.

With respect to a complaint about unfair policies, measures or market barriers of any foreign government or organization, the Complaint Service Center shall forward it to the MOFCOM for handling within 3 working days upon acceptance, and notify the conditions on forwarding the complaint to the claimant.

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