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CHINE – DONS, PRÊTS ET AUTRES INCITATIONS

Demande de consultations présentée par les États-Unis

La communication ci-après, datée du 19 décembre 2008 et adressée par la délégation des États-Unis à la délégation de la Chine et au Président de l'Organe de règlement des différends, est distribuée conformément à l'article 4:4 du Mémoire d'accord sur le règlement des différends.

Les autorités de mon pays m'ont chargé de demander l'ouverture de consultations avec le gouvernement de la République populaire de Chine conformément aux articles 1^{er} et 4 du *Mémoire d'accord sur les règles et procédures régissant le règlement des différends*, à l'article XXII:1 de l'*Accord général sur les tarifs douaniers et le commerce de 1994* ("GATT de 1994"), aux articles 4 et 30 de l'*Accord sur les subventions et les mesures compensatoires* ("Accord SMC") et à l'article 19 de l'*Accord sur l'agriculture*, au sujet de certaines mesures accordant aux entreprises en Chine des dons, prêts et autres incitations. Comme le prescrit l'article 4.2 de l'Accord SMC, un exposé des éléments de preuve disponibles est joint à la présente demande de consultations.

A. Ces dons, prêts et autres incitations figurent dans les mesures suivantes, ainsi que toutes modifications, mesures connexes ou mesures d'application:

I. Les instruments ci-après, qui se rapportent au programme China World Top Brands:

- CWTB-1. *Circular on Carrying Out Evaluation of Products to Be Recognized as China World Top Brand*¹;
- CWTB-2. *Circular on Application of China World Top Brands in 2006*²;
- CWTB-3. *Circular on Application of China World Top Brands in 2008*³;
- CWTB-4. *Measures for the Administration of Chinese Name-Brand Products*⁴;

¹ GZJZ [2005] No. 95.

² ZJZH [2006] No. 11.

³ ZJZH [2008] No. 23.

⁴ AQSIQ Order No. 12 (29 décembre 2001).

- CWTB-5. *Notice Concerning the Issuing of Opinions on Promoting the Brand-Driven Strategy & Its Incentive Measures*⁵;
- CWTB-6. *Notices Concerning Printing and Distributing the Implementation Regulation on Economic Development Fund Supporting Industrial Technology Progress in Futian District Shenzhen*⁶;
- CWTB-7. *Notices of Gansu Provincial People's Government Concerning Printing and Distributing Incentive Methods for Enterprises Entitled with Famous Brand Products in Gansu Province*⁷;
- CWTB-8. *Notice on Methods of Implementing Brand Praise and Incentive for Industrial Enterprises in Guangxi Zhuang Autonomous Region*⁸;
- CWTB-9. *Several Related Policies on Implementation of Guiyang's Science and Technology Development Planning During the "Eleventh Five-Year Plan" (2006-2010)*⁹;
- CWTB-10. *Opinions of the Party Committee and People's Government of Jinhua City on Promoting the Building of "Jinhua Brand"*¹⁰;
- CWTB-11. *Circular of Jiujiang Municipal People's Government on Adjusting and Enriching the Incentive Policy for Creating a City of Brand*¹¹;
- CWTB-12. *Circular on Printing and Distributing the Method of Nanhai District, Foshan City for Supporting and Awarding Independent Innovation, Brand Drive and Enterprise IPO*¹²;
- CWTB-13. *Opinions of Nanping Municipal People's Government on Supporting Development of Key Industrial Enterprise*¹³;
- CWTB-14. *Opinions on Promoting Fast and Healthy Development of Characteristic Manufacturing Industry through Implementing Industrial Upgrading Projects*¹⁴;
- CWTB-15. *Circular of Sichuan Provincial People's Government on Printing and Distributing the "Opinions on Forcefully Pressing Ahead Industrial Brands Strategy in Sichuan"*¹⁵;

⁵ FFB [2007] No. 274.

⁶ FBF [2007] No. 53.

⁷ GZF [2007] No. 72.

⁸ Gui Zheng Ban Fa [2007] No. 42.

⁹ ZFF [2006] No. 51.

¹⁰ SW [2006] No. 21.

¹¹ JZW [2007] No. 93.

¹² NF [2007] No. 128.

¹³ Nan Zheng Zong [2007] No. 219.

¹⁴ QWF [2007] No. 20.

¹⁵ CFF [2007] No. 38.

- CWTB-16. *Circular on Forwarding the Detailed Reward Rules for the Strategy of Drive with Top Brands in Suzhou City*¹⁶;
- CWTB-17. *Circular on Forwarding the Policy Measures for Pushing on the Strategy of Drive with Top Brands*¹⁷;
- CWTB-18. *Notice Issued by the Office of Wenzhou Municipal Government for the Distribution of Quality & Branding Award Management Measures in Wenzhou*¹⁸;
- CWTB-19. *Opinions of Wuyi County Party Committee and People's Government on Further Encouraging and Promoting the Development of SMEs*¹⁹;
- CWTB-20. *Notices Concerning Printing and Distributing the Implementing Regulations Issued by the Bureau of Finance and the Economic Development Administration of Xiamen to Support the Development of High Quality Well-Known Products in Xiamen*²⁰;
- CWTB-21. *Suggestions on Supporting Key Industrial Enterprises Issued by the People's Government of Yandu District, Yancheng City*²¹;
- CWTB-22. *Suggestions on Accelerating the Implementation of Brand Strategy*²²;
- CWTB-23. *Circular on Ensuring Proper Use and Management of Guangdong Brand Development Fund*²³;
- CWTB-24. *Notice of Issuing the Directive on Supporting the Development of Name Brands for Export.*²⁴

II. Les instruments ci-après, qui se rapportent au programme Chinese Famous Export Brands:

- FXB-1. *Circular of the General Office of the State Bureau of Quality Supervision, Inspection and Quarantine for Issuing the "Measures for the Control of Evaluation of Chinese Famous-Brand Products (for Trial Implementation)"*²⁵;
- FXB-2. *Notice of General Office of Ministry of Commerce Concerning Recommending Candidates of "Chinese Export Famous Brands"*²⁶;

¹⁶ SFB [2005] No. 109.

¹⁷ SFB [2005] No. 115.

¹⁸ WZB [2006] No. 147.

¹⁹ Disponible à l'adresse suivante: http://www.zjwy.gov.cn/dzwm/wj_style.jsp?fileID=1312.

²⁰ Xiacaiqui [2007] No. 21.

²¹ DZF [2007] No. 102.

²² ZZF [2007] No. 81.

²³ YCF [2007] No. 64.

²⁴ Shang Mao [2005] No. 124.

²⁵ Guozhijian [2001] No. 32.

²⁶ SBMH [2007] No. 25.

- FXB-3. *Notice of Issuing the Directive on Supporting the Development of Name Brands for Export*²⁷;
- FXB-4. *Circular of Changxing County People's Government on Further Promoting Foreign Trade Development*²⁸;
- FXB-5. *Opinions of Deqing County People's Government on Strengthening the Building of Advanced Manufacturing Bases*²⁹;
- FXB-6. *Circular on Printing and Distributing the Policy Opinions for Accelerating Innovative Development of Industrial Economy*³⁰;
- FXB-7. *Notice Concerning the Issuing of Opinions on Promoting the Brand-Driven Strategy & Its Incentive Measures*³¹;
- FXB-8. *Circular on Printing and Distributing the "Provisional Regulation on the Use of Fujian Export Brand Development Fund"*³²;
- FXB-9. *Circular of the Foreign Trade and Economic Cooperation Department of Fujian Province on Recommending Candidate Enterprise for the 2008-2009 "Famous Export Brands the Foreign Trade and Economic Cooperation Department of Fujian Province Mainly Cultivates and Develops [Foreign Trade and Economic Cooperation Department of Fujian Province]"*³³;
- FXB-10. *Circular on Printing and Distributing the Opinions on Recognizing "Famous Export Brands the Foreign Trade and Economic Cooperation Department of Guangdong Province Mainly Cultivates and Develops"*³⁴;
- FXB-11. *Suggestions on the "Export Brands Particularly Cultivated and Developed by the Department of Foreign Trade and Economic Cooperation Department of Guangdong Province" (Revised Edition)*³⁵;
- FXB-12. *Notices Concerning Alternative Name List Supplementary to the Export Brands Particularly Cultivated and Developed by the Department of Foreign Trade and Economic Cooperation of Guangdong Province*³⁶;
- FXB-13. *Circular on Ensuring Proper Use and Management of Guangdong Brand Development Fund*³⁷;

²⁷ Shang Mao [2005] No. 124.

²⁸ CZF [2005] No. 45.

²⁹ DZF [2008] No. 29.

³⁰ CZF [2007] No. 54.

³¹ FFB [2007] No. 274.

³² MCW [2007] No. 17.

³³ MWJMF [2008] No. 31.

³⁴ YWJMJJ [2007] No. 1.

³⁵ Disponible à l'adresse suivante: <http://www.gddoftec.gov.cn/jsmyc/main/shownews.asp?newsid=299&channalid=16>.

³⁶ YWJMJJH [2008] 31.

³⁷ YCF [2007] No. 64.

- FXB-14. *Notice Regarding Support Policies to Promote the Development of Our City's Foreign Trade and Economic Cooperation for 2005*³⁸;
- FXB-15. *Notice of the Administrative Office of the Hangzhou Municipal People's Government on Revision of the Evaluation and Selection Requirements and Award Measures for the "Golden Dragon Awards" in Hangzhou's Foreign Trade Export*³⁹;
- FXB-16. *Directives of the Administrative Office of the Hangzhou Municipal People's Government on Promoting the Development of Independent Export Brands*⁴⁰;
- FXB-17. *Circular of the Provincial Department of Commerce, Development and Reform Commission, Economic Commission, Department of Finance, Department of Science and Technology, Bureau of State Tax, Administration for Industry and Commerce, Bureau of Quality and Technical Supervision, and Entry-Exit Inspection and Quarantine Bureau of Heilongjiang Province and Harbin Customs on Printing and Distributing the "Guiding Opinions of Heilongjiang Province on Supporting the Development of Famous Export Brands"*⁴¹;
- FXB-18. *Circular on Printing and Distributing the Newly Revised "Method for Selection of Henan Famous Export Brands"*⁴²;
- FXB-19. *Guiding Opinions on Supporting the Development of Henan (Famous) Export Brands in the "11th Five-Year Plan" Period*⁴³;
- FXB-20. *Notice Regarding Selection of 2007-2008 "Jiangsu Province Export Brands for Focused Cultivation and Development"*⁴⁴;
- FXB-21. *Opinion on Promoting Better and Quicker Development of Private Economy*⁴⁵;
- FXB-22. *Opinion of the Party Committee and People's Government of Jinhua City on Promoting the Building of "Jinhua Brand"*⁴⁶;
- FXB-23. *Opinions of Jindong District Party Committee and People's Government of Jinhua City on Accelerating Industrial and Export-Oriented Economic Development*⁴⁷;

³⁸ Hang Wai Jing Mao Ji Cai [2005] No. 225; Hang Cai Qi Er [2005] No. 602.

³⁹ Hang Zheng Ban [2007] No. 47.

⁴⁰ Hang Zheng Ban [2007] No. 10.

⁴¹ Hei Shang Lian Fa [2006] No. 1.

⁴² Yu Shang Mao [2008] No. 1.

⁴³ Yushangmao [2006] No. 13.

⁴⁴ Suwaijingmaomao 2007 No. 122.

⁴⁵ JZF [2007] No. 113.

⁴⁶ SW [2006] No. 21.

⁴⁷ Disponible à l'adresse suivante: http://zsj.jindong.gov.cn/news/ZCFG_9214/200811431343.html.

- FXB-24. *Circular of Jiujiang Municipal People's Government on Adjusting and Enriching the Incentive Policy for Creating a City of Brand*⁴⁸;
- FXB-25. *Circular on Printing and Distributing the Method of Nanhai District, Foshan City for Supporting and Awarding Independent Innovation, Brand Drive and Enterprise IPO*⁴⁹;
- FXB-26. *Notice of the Department of Commerce and Department of Finance of Ningxia Hui Autonomous Region on Printing and Issuing the Administrative Measures of Ningxia Hui Autonomous Region for the Awarding and Promoting of Brand Export Commodities*⁵⁰;
- FXB-27. *Notice of the People's Government of Quanzhou Fengze District on Issuing Regulations Concerning the Support to Key Enterprises*⁵¹;
- FXB-28. *Opinion on Promoting Fast and Healthy Development of Characteristic Manufacturing Industry through Implementing Industrial Upgrading Projects*⁵²;
- FXB-29. *Notice on Printing and Distribution of 2006 Policies for Encouraging the Development of Foreign Trade & Economic Cooperation in Shandong*⁵³;
- FXB-30. *Opinions of Shaoxing Municipal People's Government on Further Encouraging the Development of Open Economy in Urban Areas*⁵⁴;
- FXB-31. *Circular of Sichuan Provincial People's Government on Printing and Distributing the "Opinions on Forcefully Pressing Ahead Industrial Brands Strategy in Sichuan"*⁵⁵;
- FXB-32. *Circular on Forwarding the Detailed Reward Rules for the Strategy of Drive with Top Brands in Suzhou City*⁵⁶;
- FXB-33. *Circular on Forwarding the Policy Measures for Pushing on the Strategy of Drive with Top Brands*⁵⁷;
- FXB-34. *Circular on Forwarding the Opinions of Foreign Trade Office of Tianjin Municipal Government on Accelerating Development of Proprietary Export Brands of Tianjin City*⁵⁸;

⁴⁸ JZW [2007] No. 93.

⁴⁹ NF [2007] No. 128.

⁵⁰ Ning Shang (Gui Cai) FA [2006] No. 159.

⁵¹ Quanfengzhengzong [2008] No. 22.

⁵² QWF [2007] No. 20.

⁵³ LCQ [2006] No. 5.

⁵⁴ SZF [2007] No. 66.

⁵⁵ CFF [2007] No. 38.

⁵⁶ SFB [2005] No. 109.

⁵⁷ SFB [2005] No. 115.

⁵⁸ JZF [2007] No. 005.

- FXB-35. *Circular of Wuxing District People's Government of Huzhou City on Further Encouraging Foreign Trade Development*⁵⁹;
- FXB-36. *Opinion of Wuyi County Party Committee and People's Government on Further Encouraging and Promoting the Development of SMEs*⁶⁰;
- FXB-37. *Measures for Managing Xiamen 's Key Export Enterprise Assistance Fund*⁶¹;
- FXB-38. *Notice from the Xiamen Trade Development Bureau and the Xiamen Finance Bureau on the publishing of Measures for Managing Xiamen's Key Export Enterprise Assistance Fund Implementation Plan*⁶²;
- FXB-39. *CPC Committee of Yinzhou District, Ningbo City People's Government of Yinzhou District, Ningbo City Opinions on Promoting Economic Development of Yinzhou District*⁶³;
- FXB-40. *Notices on Publication of Interim Procedures on Management of Zhejiang Province Export Brands Fund*⁶⁴;
- FXB-41. *Notice Concerning Relevant Policies on Promotion of Foreign Trade & Economic Development in 2005*⁶⁵;
- FXB-42. *Suggestions on Accelerating the Implementation of Brand Strategy*⁶⁶;
- FXB-43. *Notice Issued by the Office of Wenzhou Municipal Government for the Distribution of Quality & Branding Award Management Measures in Wenzhou*⁶⁷;
- FXB-44. *Opinions on Accelerating Open Economy of Organizations Directly Under Municipal Government*⁶⁸;
- FXB-45. *Opinion of Nanping Municipal People's Government on Supporting Development of Key Industrial Enterprises*⁶⁹;
- FXB-46. *Circular on Printing and Distributing the Interim Measures of Yangzhou City for Administration of the Incentive Fund for Famous-brand Export Products*⁷⁰;

⁵⁹ WZF [2005] No. 9.

⁶⁰ *Disponible à l'adresse suivante:* http://www.zjwy.gov.cn/dzwwk/wj_style.jsp?fileID=1312.

⁶¹ Xia Fu Ban [2006] No. 117.

⁶² Xiamen Trade Development Gui Cai [2006] No. 268.

⁶³ YYD [2008] No. 1.

⁶⁴ ZCQZ [2006] No. 207.

⁶⁵ ZCQZ [2005] No. 145.

⁶⁶ ZZF [2007] No. 81.

⁶⁷ WZB [2006] No. 147.

⁶⁸ LZF [2004] No. 38.

⁶⁹ Nan Zheng Zong [2007] No. 219.

⁷⁰ YCQ [2007] No. 23; YWJMM [2007] No. 008.

- FXB-47. *Implementing Rules of Support Policies for Patented Brands of Service Outsourcing Companies by Zhabei District*⁷¹;
- FXB-48. *Notices for Evaluation and Rewards of 2008-2009 Export Brand Particularly Cultivated and Developed in Heilongjiang*⁷²;
- FXB-49. *Measures for the Administration of Famous-brand (Industrial) Products of Guangdong Province*⁷³;
- FXB-50. *Measures for the Administration of Famous-Brand (Agricultural) Products of Guangdong Province*⁷⁴;
- FXB-51. *Circular of Ministry of Commerce, China Export & Credit Insurance Corporation Concerning Utilizing Export Credit Insurance to Support the Development of Name Brand Export.*⁷⁵

III. Les instruments ci-après:

- L-1. *Notice Regarding Support Policies to Promote the Development of Our City's Foreign Trade and Economic Cooperation for 2005*⁷⁶;
- L-2. *Opinions of Jindong District Party Committee and People's Government of Jinhua City on Accelerating Industrial and Export-Oriented Economic Development*⁷⁷;
- L-3. *Opinions of Shaoxing Municipal People's Government on Further Encouraging the Development of Open Economy in Urban Areas*⁷⁸;
- L-4. *Notice Concerning Relevant Policies on Promotion of Foreign Trade & Economic Development in 2005*⁷⁹;
- L-5. *Circular of the Provincial Department of Commerce, Development and Reform Commission, Economic Commission, Department of Finance, Department of Science and Technology, Bureau of State Tax, Administration for Industry and Commerce, Bureau of Quality and Technical Supervision, and Entry-Exit Inspection and Quarantine Bureau of Heilongjiang Province and Harbin Customs on Printing and Distributing the "Guiding Opinions of*

⁷¹ Economic Commission of Zhabei District, Shanghai (juin 2007) Disponible à l'adresse suivante: <http://www.shiso.gov.cn/Policy/ZBPolicydetail.aspx?id=77>.

⁷² HSMF [2008] No. 37.

⁷³ Disponible à l'adresse suivante: <http://www.lawinfochina.com/law/display.asp?db=1&id=2737&keyword=famous%20brand%20guangdong>.

⁷⁴ Disponible à l'adresse suivante: <http://www.lawinfochina.com/law/display.asp?db=1&id=2768&keyword=famous%20brand%20guangdong>.

⁷⁵ Shang Mao Fa [2005] No. 332

⁷⁶ Hang Wai Jing Mao Ji Cai [2005] No. 225; Hang Cai Qi Er [2005] No. 602.

⁷⁷ Disponible à l'adresse suivante: http://zsj.jindong.gov.cn/news/ZCFG_9214/200811431343.html.

⁷⁸ SZF [2007] No. 66.

⁷⁹ ZCQZ [2005] No. 145.

- Heilongjiang Province on Supporting the Development of Famous Export Brands*⁸⁰;
- L-6. *Opinions on Accelerating Open Economy of Organizations Directly Under Municipal Government*⁸¹;
- L-7. *Circular of Nanchang Municipal People's Government on Printing and Distributing the Interim Measures for Administration of Nanchang Foreign Trade Development Fund*⁸²;
- L-8. *Trial Opinions of Jiangdong District, Ningbo City on Promoting Steady Foreign Trade Development*⁸³;
- L-9. *Opinions of Jiangdong District, Ningbo City on Promoting Steady Foreign Trade Development*⁸⁴;
- L-10. *2005 Policies for Encouraging the Development of Foreign Trade & Economic Cooperation in Shandong*⁸⁵;
- L-11. *Notice on Printing and Distribution of 2006 Policies for Encouraging the Development of Foreign Trade & Economic Cooperation in Shandong*⁸⁶;
- L-12. *Notice on Printing and Distribution of 2003 Policies for Encouraging and Expanding Foreign Trade Export to Shandong*⁸⁷;
- L-13. *2004 Policies for Encouraging the Development of Foreign Trade & Economic Cooperation in Shandong*⁸⁸;
- L-14. *Circular of Wuxing District People's Government on Further Encouraging the Development of Open Economy in Urban Areas*⁸⁹;
- L-15. *Measures for Managing Xiamen 's Key Export Enterprise Assistance Fund*⁹⁰;
- L-16. *Notice from the Xiamen Trade Development Bureau and the Xiamen Finance Bureau on the publishing of Measures for Managing Xiamen's Key Export Enterprise Assistance Fund Implementation Plan*⁹¹;

⁸⁰ Hei Shang Lian Fa [2006] No. 1.

⁸¹ LZF [2004] No. 38.

⁸² Hong Fu Fa [2007] No. 31.

⁸³ DZF [2004] No. 13.

⁸⁴ Dong Zheng Fa [2005] No. 25.

⁸⁵ Disponible à l'adresse suivante: <http://shandong.mofcom.gov.cn/aarticle/sjtzongzhigg/200502/20050200018389.html>.

⁸⁶ LCQ [2006] No. 5.

⁸⁷ LWJMJ CZ [2003] No. 180.

⁸⁸ LWJMJ CZ [2003] No. 1037.

⁸⁹ SZF [2005] No. 9.

⁹⁰ Xia Fu Ban [2006] No. 117.

⁹¹ Xiamen Trade Development Gui Cai [2006] No. 268.

- L-17. *Opinions on Further Accelerating the Development of Open Economy*⁹²;
- L-18. *CPC Committee of Yinzhou District, Ningbo City People's Government of Yinzhou District, Ningbo City Opinions on Promoting Economic Development of Yinzhou District*⁹³;
- L-19. *Notices on Publication of Interim Procedures on Management of Zhejiang Province Export Brands Fund*⁹⁴;
- L-20. *Circular on Changxing County People's Government on Further Promoting Foreign Trade Development*⁹⁵;
- L-21. *Notices Concerning Printing and Distributing the Implementation Regulation on Economic Development Fund Supporting Industrial Technology Progress in Futian District Shenzhen*⁹⁶;
- L-22. *Notice Issued by the Office of Wenzhou Municipal Government for the Distribution of Quality & Branding Award Management Measures in Wenzhou*⁹⁷;
- L-23. *Notice of the Administrative Office of the Hangzhou Municipal People's Government on Revision of the Evaluation and Selection Requirements and Award Measures for the "Golden Dragon Awards" in Hangzhou's Foreign Trade Export*⁹⁸;
- L-24. *Directives of the Administrative Office of the Hangzhou Municipal People's Government on Promoting the Development of Independent Export Brands*⁹⁹;
- L-25. *Notice of the People's Government of Quanzhou Fengze District on Issuing Regulations Concerning the Support to Key Enterprises*¹⁰⁰;
- L-26. *Notice on Recommending of Alternative Name List for 2005-2006 "Export Brand Merchandise in Shanghai"*¹⁰¹;
- L-27. *Implementing Rules of Support Policies for Patented Brands of Service Outsourcing Companies by Zhabei District*¹⁰²;

⁹² XZF [2007] No. 1.

⁹³ YYD [2008] No. 1.

⁹⁴ ZCQZ [2006] No. 207.

⁹⁵ CZF [2005] No. 45.

⁹⁶ FBF [2007] No. 53.

⁹⁷ WZB [2006] No. 147.

⁹⁸ Hang Zheng Ban [2007] No. 47.

⁹⁹ Hang Zheng Ban [2007] No. 10.

¹⁰⁰ Quanfengzhengzong [2008] No. 22.

¹⁰¹ HJMMC [2005] No. 143.

¹⁰² Economic Commission of Zhabei District, Shanghai (juin 2007) *Disponible à l'adresse suivante:*
<http://www.shiso.gov.cn/Policy/ZBPolicydetail.aspx?id=77>.

- L-28. *Notice of Shanghai Municipal Commission of Foreign Trade and Economic Cooperation for Carrying out Confirmation of 2007-2008 "Export Brands in Shanghai"*¹⁰³;
- L-29. *Measures on Promoting the Development of the City Open Economy in 2006*¹⁰⁴;
- L-30. *Notices for Evaluation and Rewards of 2008-2009 Export Brand Particularly Cultivated and Developed in Heilongjiang*¹⁰⁵;
- L-31. *Notice Regarding Support Policies to Promote the Development of Our City's Foreign Trade and Economic Cooperation for 2005*¹⁰⁶;
- L-32. *Notice Regarding Selection of 2007-2008 "Jiangsu Province Export Brands for Focused Cultivation and Development"*¹⁰⁷.

B. Il apparaît que les mesures figurant dans la section A accordent des dons, prêts et autres incitations aux entreprises en Chine à condition que celles-ci satisfassent à certains critères en matière de résultats à l'exportation. En conséquence, il apparaît que les mesures sont incompatibles avec l'article 3 de l'Accord SMC. En outre, dès lors que les mesures accordent des subventions aux produits agricoles, il apparaît qu'elles sont incompatibles avec les articles 3, 9 et 10 de l'Accord sur l'agriculture. Il apparaît également que les mesures sont incompatibles avec les obligations incombant à la Chine au titre du paragraphe 12.1 de la partie I de son Protocole d'accession¹⁰⁸, ainsi que du paragraphe 1.2 de la partie I de son Protocole d'accession (dans la mesure où il incorpore le paragraphe 234 du rapport du Groupe de travail de l'accession de la Chine¹⁰⁹), qui fait partie des modalités d'accession convenues entre la Chine et l'OMC et fait partie intégrante de l'Accord de Marrakech instituant l'Organisation mondiale du commerce. Enfin, il apparaît que les dons, prêts et autres incitations sont incompatibles avec l'article III:4 du GATT de 1994, dès lors que les mesures bénéficient aux produits d'origine chinoise mais pas aux produits importés.

Nous attendons votre réponse à la présente demande et souhaitons qu'une date mutuellement acceptable puisse être fixée pour les consultations.

¹⁰³ Disponible à l'adresse suivante: <http://www.1128.org/html/dzzw/ggl/2008/08/doc45735.shtml>.

¹⁰⁴ Disponible à l'adresse suivante: http://www.zh.gov.cn/English/Investment/Policy/200802/t20080218_19097.htm.

¹⁰⁵ HSMF [2008] No. 37.

¹⁰⁶ Hang Wai Jing Mao Ji Cai [2005] No. 225; Hang Cai Qi Er [2005] No. 602.

¹⁰⁷ Suwaijingmaomao 2007 No. 122.

¹⁰⁸ WT/L/432.

¹⁰⁹ WT/MIN(01)/3.

Exposé des éléments de preuve disponibles

1. *Circular of the General Office of the State Bureau of Quality Supervision, Inspection and Quarantine for Issuing the "Measures for the Control of Evaluation of Chinese Famous-Brand Products (for Trial Implementation)"*¹¹⁰;
2. *Circular on Carrying Out Evaluation of Products to Be Recognized as China World Top Brand*¹¹¹;
3. *Circular on Application of China World Top Brands in 2006*¹¹²;
4. *Circular on Application of China World Top Brands in 2008*¹¹³;
5. *Measures for the Administration of Chinese Name-Brand Products*¹¹⁴;
6. *Product Quality Law of the People's Republic of China*¹¹⁵;
7. *Decision of the State Council Concerning Several Issues on Further Strengthening Product Quality Work*¹¹⁶;
8. *Notice Concerning the Issuing of Opinions on Promoting the Brand-Driven Strategy & Its Incentive Measures*¹¹⁷;
9. *Notice Concerning Printing and Distributing the Implementation Regulation on Economic Development Fund Supporting Industrial Technology Progress in Futian District Shenzhen*¹¹⁸;
10. *Notice of Gansu Provincial People's Government Concerning Printing and Distributing Incentive Methods for Enterprises Entitled with Famous Brand Products in Gansu Province*¹¹⁹;
11. *Notice on Methods of Implementing Brand Praise and Incentive for Industrial Enterprises in Guangxi Zhuang Autonomous Region*¹²⁰;
12. *Several Related Policies on Implementation of Guiyang's Science and Technology Development Planning During the "Eleventh Five-Year Plan" (2006-2010)*¹²¹;

¹¹⁰ Guozhijian [2001] No. 32.

¹¹¹ GZJZ [2005] No. 95.

¹¹² ZJZH [2006] No. 11.

¹¹³ ZJZH [2008] No. 23.

¹¹⁴ AQSIQ Order No. 12 (29 décembre 2001).

¹¹⁵ Adoptée à la 30^{ème} réunion du Comité permanent de la septième Assemblée populaire nationale le 22 février 1993.

¹¹⁶ Publiée sous couvert du document Guofa n° 24 [1999] du Conseil d'État le 25 décembre 1999.

¹¹⁷ FFB [2007] No. 274.

¹¹⁸ FBF [2007] No. 53.

¹¹⁹ GZF [2007] No. 72.

¹²⁰ Gui Zheng Ban Fa [2007] No. 42.

¹²¹ ZFF [2006] No. 51.

13. *Opinions of the Party Committee and People's Government of Jinhua City on Promoting the Building of "Jinhua Brand"*¹²²;
14. *Circular of Jiujiang Municipal People's Government on Adjusting and Enriching the Incentive Policy for Creating a City of Brand*¹²³;
15. *Circular on Printing and Distributing the Method of Nanhai District, Foshan City for Supporting and Awarding Independent Innovation, Brand Drive and Enterprise IPO (NF [2007] No. 128)*;
16. *Opinions of Nanping Municipal People's Government on Supporting Development of Key Industrial Enterprise*¹²⁴;
17. *Opinions on Promoting Fast and Healthy Development of Characteristic Manufacturing Industry through Implementing Industrial Upgrading Projects*¹²⁵;
18. *Circular of Sichuan Provincial People's Government on Printing and Distributing the "Opinions on Forcefully Pressing Ahead Industrial Brands Strategy in Sichuan"*¹²⁶;
19. *Circular on Forwarding the Detailed Reward Rules for the Strategy of Drive with Top Brands in Suzhou City*¹²⁷;
20. *Circular on Forwarding the Policy Measures for Pushing on the Strategy of Drive with Top Brands*¹²⁸;
21. *Notice Issued by the Office of Wenzhou Municipal Government for the Distribution of Quality & Branding Award Management Measures in Wenzhou*¹²⁹;
22. *Opinions of Wuyi County Party Committee and People's Government on Further Encouraging and Promoting the Development of SMEs*¹³⁰;
23. *Notice Concerning Printing and Distributing the Implementing Regulations Issued by the Bureau of Finance and the Economic Development Administration of Xiamen to Support the Development of High Quality Well-Known Products in Xiamen*¹³¹;
24. *Suggestions on Supporting Key Industrial Enterprises Issued by the People's Government of Yandu District, Yancheng City*¹³²;
25. *Suggestions on Accelerating the Implementation of Brand Strategy*¹³³;

¹²² SW [2006] No. 21.

¹²³ JZW [2007] No. 93.

¹²⁴ Nan Zheng Zong [2007] No. 219.

¹²⁵ QWF [2007] No. 20.

¹²⁶ CFF [2007] No. 38.

¹²⁷ SFB [2005] No. 109.

¹²⁸ SFB [2005] No. 115.

¹²⁹ WZB [2006] No. 147.

¹³⁰ Disponible à l'adresse suivante: http://www.zjwy.gov.cn/dzwwk/wj_style.jsp?fileID=1312.

¹³¹ Xiacaigui [2007] No. 21.

¹³² DZF [2007] No. 102.

¹³³ ZZF [2007] No. 81.

26. *Circular on Ensuring Proper Use and Management of Guangdong Brand Development Fund*¹³⁴;
27. *Notice of Issuing the Directive on Supporting the Development of Name Brands for Export*¹³⁵;
28. *Notice of General Office of Ministry of Commerce Concerning Recommending Candidates of "Chinese Export Famous Brands"*¹³⁶;
29. *Circular of Changxing County People's Government on Further Promoting Foreign Trade Development*¹³⁷;
30. *Opinions of Deqing County People's Government on Strengthening the Building of Advanced Manufacturing Bases*¹³⁸;
31. *Circular on Printing and Distributing the Policy Opinions for Accelerating Innovative Development of Industrial Economy*¹³⁹;
32. *Circular on Printing and Distributing the "Provisional Regulation on the Use of Fujian Export Brand Development Fund"*¹⁴⁰;
33. *Circular of the Foreign Trade and Economic Cooperation Department of Fujian Province on Recommending Candidate Enterprise for the 2008-2009 "Famous Export Brands the Foreign Trade and Economic Cooperation Department of Fujian Province Mainly Cultivates and Develops"*¹⁴¹;
34. *Circular on Printing and Distributing the Opinions on Recognizing "Famous Export Brands the Foreign Trade and Economic Cooperation Department of Guangdong Province Mainly Cultivates and Develops"*¹⁴²;
35. *Suggestions on the "Export Brands Particularly Cultivated and Developed by the Department of Foreign Trade and Economic Cooperation Department of Guangdong Province" (Revised edition)*¹⁴³;
36. *Notice Concerning Alternative Name List Supplementary to the Export Brands Particularly Cultivated and Developed by the Department of Foreign Trade and Economic Cooperation of Guangdong Province*¹⁴⁴;

¹³⁴ YCF [2007] No. 64.

¹³⁵ Shang Mao [2005] No. 124.

¹³⁶ SBMH [2007] No. 25.

¹³⁷ CZF [2005] No. 45.

¹³⁸ DZF [2008] No. 29.

¹³⁹ CZF [2007] No. 54.

¹⁴⁰ MCW [2007] No. 17.

¹⁴¹ MWJMF [2008] No. 31.

¹⁴² YWJMJJ [2007] No. 1

¹⁴³ Disponible à l'adresse suivante: <http://www.gddoftec.gov.cn/jsmyc/main/shownews.asp?newsid=299&channalid=16>.

¹⁴⁴ YWJMJJH [2008] 31.

37. *Notice Regarding Support Policies to Promote the Development of Our City's Foreign Trade and Economic Cooperation for 2005*¹⁴⁵;
38. *Notice of the Administrative Office of the Hangzhou Municipal People's Government on Revision of the Evaluation and Selection Requirements and Award Measures for the "Golden Dragon Awards" in Hangzhou's Foreign Trade Export*¹⁴⁶;
39. *Directives of the Administrative Office of the Hangzhou Municipal People's Government on Promoting the Development of Independent Export Brands*¹⁴⁷;
40. *Circular of the Provincial Department of Commerce, Development and Reform Commission, Economic Commission, Department of Finance, Department of Science and Technology, Bureau of State Tax, Administration for Industry and Commerce, Bureau of Quality and Technical Supervision, and Entry-Exit Inspection and Quarantine Bureau of Heilongjiang Province and Harbin Customs on Printing and Distributing the "Guiding Opinions of Heilongjiang Province on Supporting the Development of Famous Export Brands"*¹⁴⁸;
41. *Circular on Printing and Distributing the Newly Revised "Method for Selection of Henan Famous Export Brands"*¹⁴⁹;
42. *Guiding Opinions on Supporting the Development of Henan (Famous) Export Brands in the "11th Five-Year Plan" Period*¹⁵⁰;
43. *Circular on Carrying Out Survey on the Brand Building Status of the Enterprises with Provincial Famous Export Brands*¹⁵¹;
44. *Notice Regarding Selection of 2007-2008 "Jiangsu Province Export Brands for Focused Cultivation and Development"*¹⁵²;
45. *Opinions on Promoting Better and Quicker Development of Private Economy*¹⁵³;
46. *Opinions of Jindong District Party Committee and People's Government of Jinhua City on Accelerating Industrial and Export-Oriented Economic Development*¹⁵⁴;
47. *Status for the Support and Cultivation of Famous Export Brands in Jiangxi Province*¹⁵⁵;
48. *Notice of the Department of Commerce and Department of Finance of Ningxia Hui Autonomous Region on Printing and Issuing the Administrative Measures of Ningxia Hui Autonomous Region for the Awarding and Promoting of Brand Export Commodities*¹⁵⁶;

¹⁴⁵ Hang Wai Jing Mao Ji Cai [2005] No. 225; Hang Cai Qi Er [2005] No. 602.

¹⁴⁶ Hang Zheng Ban [2007] No. 47.

¹⁴⁷ Hang Zheng Ban [2007] No. 10.

¹⁴⁸ Hei Shang Lian Fa [2006] No. 1.

¹⁴⁹ Yu Shang Mao [2008] No. 1.

¹⁵⁰ Yushangmao [2006] No. 13.

¹⁵¹ Disponible à l'adresse suivante: http://www.yzwjm.gov.cn/Article_Show.asp?ArticleID=1329.

¹⁵² Suwaijingmaomao 2007 No. 122.

¹⁵³ JZF [2007] No. 113.

¹⁵⁴ Disponible à l'adresse suivante: http://zsj.jindong.gov.cn/news/ZCFG_9214/200811431343.html.

¹⁵⁵ Special Commissioner's Office in Shanghai (19-04-2007)

¹⁵⁶ Ning Shang (Gui Cai) FA [2006] No. 159.

49. *Notice of the People's Government of Quanzhou Fengze District on Issuing Regulations Concerning the Support to Key Enterprises*¹⁵⁷;
50. *Notice on Printing and Distribution of 2006 Policies for Encouraging the Development of Foreign Trade & Economic Cooperation in Shandong*¹⁵⁸;
51. *Opinions of Shaoxing Municipal People's Government on Further Encouraging the Development of Open Economy in Urban Areas*¹⁵⁹;
52. *Circular on Forwarding the Opinions of Foreign Trade Office of Tianjin Municipal Government on Accelerating Development of Proprietary Export Brands of Tianjin City*¹⁶⁰;
53. *Circular of Wuxing District People's Government of Huzhou City on Further Encouraging Foreign Trade Development*¹⁶¹;
54. *Measures for Managing Xiamen's Key Export Enterprise Assistance Fund*¹⁶²;
55. *Notice from the Xiamen Trade Development Bureau and the Xiamen Finance Bureau on the publishing of Measures for Managing Xiamen's Key Export Enterprise Assistance Fund Implementation Plan*¹⁶³;
56. *CPC Committee of Yinzhou District, Ningbo City People's Government of Yinzhou District, Ningbo City Opinions on Promoting Economic Development of Yinzhou District*¹⁶⁴;
57. *Notice on Publication of Interim Procedures on Management of Zhejiang Province Export Brands Fund*¹⁶⁵;
58. *Notice Concerning Relevant Policies on Promotion of Foreign Trade & Economic Development in 2005*¹⁶⁶;
59. *Opinions on Accelerating Open Economy of Organizations Directly Under Municipal Government*¹⁶⁷;
60. *Circular of Nanchang Municipal People's Government on Printing and Distributing the Interim Measures for Administration of Nanchang Foreign Trade Development Fund*¹⁶⁸;
61. *Trial Opinions of Jiangdong District, Ningbo City on Promoting Steady Foreign Trade Development*¹⁶⁹;

¹⁵⁷ Quanfengzhengzong [2008] No. 22.

¹⁵⁸ LCQ [2006] No. 5.

¹⁵⁹ SZF [2007] No. 66.

¹⁶⁰ JZF [2007] No. 005.

¹⁶¹ WZF [2005] No. 9.

¹⁶² Xia Fu Ban [2006] No. 117.

¹⁶³ Xiamen Trade Development Gui Cai [2006] No. 268.

¹⁶⁴ YYD [2008] No. 1.

¹⁶⁵ ZCQZ [2006] No. 207.

¹⁶⁶ ZCQZ [2005] No. 145.

¹⁶⁷ LZF [2004] No. 38.

¹⁶⁸ Hong Fu Fa [2007] No. 31.

¹⁶⁹ DZF [2004] No. 13.

62. *Opinions of Jiangdong District, Ningbo City on Promoting Steady Foreign Trade Development*¹⁷⁰;
63. *2005 Policies for Encouraging the Development of Foreign Trade & Economic Cooperation in Shandong*¹⁷¹;
64. *Notice on Printing and Distribution of 2003 Policies for Encouraging and Expanding Foreign Trade Export to Shandong*¹⁷²;
65. *2004 Policies for Encouraging the Development of Foreign Trade & Economic Cooperation in Shandong*¹⁷³;
66. *Opinions on Further Accelerating the Development of Open Economy*¹⁷⁴;
67. *Circular on Changxing County People's Government on Further Promoting Foreign Trade Development*¹⁷⁵;
68. *Circular on Printing and Distributing the Interim Measures of Yangzhou City for Administration of the Incentive Fund for Famous-brand Export Products*¹⁷⁶;
69. *Notice on Recommending of Alternative Name List for 2005-2006' "Export Brand Merchandise in Shanghai"*¹⁷⁷;
70. *Implementing Rules of Support Policies for Patented Brands of Service Outsourcing Companies by Zhabei District*¹⁷⁸;
71. *Measures for the Administration of Famous-brand (Industrial) Products of Guangdong Province*¹⁷⁹;
72. *Measures for the Administration of Famous-Brand (Agricultural) Products of Guangdong Province*¹⁸⁰;
73. *Notice of Shanghai Municipal Commission of Foreign Trade and Economic Cooperation for Carrying out Confirmation of 2007-2008 "Export Brands in Shanghai"*¹⁸¹;

¹⁷⁰ Dong Zheng Fa [2005] No. 25.

¹⁷¹ Disponible à l'adresse suivante: <http://shandong.mofcom.gov.cn/aarticle/sjtongzhigg/200502/20050200018389.html>.

¹⁷² LWJMJCZ [2003] No. 180.

¹⁷³ LWJMJCZ [2003] No. 1037.

¹⁷⁴ XZF [2007] No. 1.

¹⁷⁵ CZF [2005] No. 45.

¹⁷⁶ YCQ [2007] No. 23; YWJMM [2007] No. 008.

¹⁷⁷ HJMMC [2005] No. 143.

¹⁷⁸ Economic Commission of Zhabei District, Shanghai (juin 2007) Disponible à l'adresse suivante: <http://www.shiso.gov.cn/Policy/ZBPolicydetail.aspx?id=77>.

¹⁷⁹ Disponible à l'adresse suivante: <http://www.lawinfochina.com/law/display.asp?db=1&id=2737&keyword=famous%20brand%20guangdong>.

¹⁸⁰ Disponible à l'adresse suivante: <http://www.lawinfochina.com/law/display.asp?db=1&id=2768&keyword=famous%20brand%20guangdong>.

¹⁸¹ Disponible à l'adresse suivante: <http://www.1128.org/html/dzzw/ggl/2008/08/doc45735.shtml>.

74. *Measures on Promoting the Development of the City OpenEconomy in 2006*¹⁸²;
 75. *Shanghai Export Brands List of Awardees in 2005-2006*¹⁸³;
 76. *11th Five Year Plan Guidelines*¹⁸⁴;
 77. *Notices for Evaluation and Rewards of 2008-2009 Export Brand Particularly Cultivated and Developed in Heilongjiang*¹⁸⁵;
 78. *Circular of Ministry of Commerce, China Export & Credit Insurance Corporation Concerning Utilizing Export Credit Insurance to Support the Development of Name Brand Export.*¹⁸⁶
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¹⁸² Disponible à l'adresse suivante: http://www.zh.gov.cn/English/Investment/Policy/200802/t20080218_19097.htm.

¹⁸³ Disponible à l'adresse suivante: <http://www.maofa.sh.cn/shangbiao/pingpai.asp>.

¹⁸⁴ Disponible à l'adresse suivante: <http://ghs.ndrc.gov.cn/ghjd/115gyxj/010a.htm>.

¹⁸⁵ HSMF [2008] No. 37.

¹⁸⁶ Shang Mao Fa [2005] No. 332.