



20 September 2023

(23-6242)

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Original: English

**CHINA – ADDITIONAL DUTIES ON CERTAIN PRODUCTS
FROM THE UNITED STATES**

**NOTIFICATION OF AN APPEAL BY CHINA UNDER ARTICLE 16
OF THE UNDERSTANDING ON RULES AND PROCEDURES
GOVERNING THE SETTLEMENT OF DISPUTES (DSU)**

The following communication, dated 18 September 2023, addressed to the Chairperson of the Dispute Settlement Body, is being circulated to Members at the request of the delegation of China.

Pursuant to Article 16 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), China hereby notifies the Dispute Settlement Body of its decision to appeal to the Appellate Body certain issues of law covered in the Report of the Panel in *China – Additional Duties on Certain Products from the United States* (WT/DS558/R and WT/DS558/R/Add.1) and legal interpretations developed by the Panel.

Measures with constituent features of safeguards measures should not be allowed to escape the WTO safeguards disciplines by self-declaration of the Member imposing such measures under Article XXI of the GATT 1994. Members' rights to take rebalancing measures against such measures should be upheld in order to secure the integrity of the WTO legal system, consistent with relevant provisions of the Safeguards Agreement. In addition, complaining Members' obligations under Article 6.2 of the DSU, and the due process rights of the responding parties to have the problems presented to them clearly in the Panel Request, should not be taken lightly, and thus the clear legal basis of the measures at issue should not be allowed to be simply neglected in the Panel Request.

China regrets that currently no division of the Appellate Body can be established to hear this appeal in accordance with Article 17.1 of the DSU, for reasons known to all Members. In this exceptional circumstance, and in the interests of fairness and orderly procedure in the conduct of the appeal, China will await further instructions from the division, when it may eventually be composed, or the Appellate Body, regarding any further steps to be taken by China in this appeal.
