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## UNITED STATES – ADDITIONAL TARIFF MEASURES ON GOODS FROM CHINA

### COMMUNICATION FROM THE UNITED STATES

The following communication, dated 14 February 2025, was received from the delegation of the United States with the request that it be circulated to the Dispute Settlement Body (DSB).

On February 4, 2025, the United States received China's letter of the same date requesting consultations pursuant to Articles 1 and 4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU") and Article XXIII of the *General Agreement on Tariffs and Trade 1994* ("GATT 1994").

China's request concerns certain actions of the United States related to the President's Executive Order 14195 of February 1, 2025,<sup>1</sup> and the International Emergency Economic Powers Act relating to issues of national security. Issues of national security are political matters not susceptible to review or capable of resolution by WTO dispute settlement. Every Member of the WTO retains the authority to determine for itself those measures that it considers necessary to the protection of its essential security interests, as is reflected in the text of Article XXI of the GATT 1994.

China has already taken the unilateral decision that the U.S. actions cannot be justified under WTO rules, and on that basis imposed tariff measures on U.S. goods. Specifically, on February 4, 2025, China asserted that the U.S. actions breach WTO rules and announced additional tariffs of 10 or 15 percent on certain products of U.S. origin in response to the U.S. actions listed in the request for consultations.<sup>2</sup> It is hypocritical for China to invoke dispute settlement for an alleged breach of WTO rules while China itself apparently chooses to breach WTO rules by unilaterally determining that a breach has occurred.<sup>3</sup>

Without prejudice to the U.S. view that the actions cited by China are issues of national security not susceptible to review or capable of resolution by WTO dispute settlement, or whether each of the items in China's letter constitutes a "measure" within the meaning of Article 4 of the DSU, the United States accepts the request of China to enter into consultations. We stand ready to confer with officials from your mission on a mutually convenient date for consultations.

<sup>1</sup> See 90 Fed. Reg. 9121 (February 7, 2025), available at <https://www.federalregister.gov/documents/2025/02/07/2025-02408/imposing-duties-to-address-the-synthetic-opioid-supply-chain-in-the-peoples-republic-of-china>.

<sup>2</sup> Announcement of the State Council Tariff Commission on imposing additional tariffs on some imported goods originating from the United States, Tax Commission Announcement No. 1 of 2025 (February 4, 2025), available at [http://www.mof.gov.cn/zhengwuxinxi/caizhengxinwen/202502/t20250204\\_3955222.htm](http://www.mof.gov.cn/zhengwuxinxi/caizhengxinwen/202502/t20250204_3955222.htm).

<sup>3</sup> See DSU, Article 23.2 (where a Member seeks redress under the DSU, the Member "shall not make a determination to the effect that a violation has occurred, that benefits have been nullified or impaired or that the attainment of any objective of the covered agreements has been impeded, except through recourse to dispute settlement in accordance with the rules and procedures of this Understanding").