

# Articles

## PEOPLE'S REPUBLIC OF CHINA'S PROPOSALS FOR ANTI-DUMPING IN WTO/DDA RULES NEGOTIATIONS

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### ABSTRACT

*The WTO DDA rules negotiation on anti-dumping issues poses an important challenge to the People's Republic of China, which has become one of the largest victims of anti-dumping actions by trading partners and, at the same time, is a major user of anti-dumping measures. China's proposals in the DDA rules negotiations raise a wide variety of issues related to clarifying and improving WTO rules, primarily from an exporting country's perspective. In order to play a leading role in advocating a development agenda, China has tabled a series of constructive, specific proposals that would provide S&D treatments for developing countries. China faces several challenges in the rules negotiations: how to co-operate with the exporting countries group, whose goal is to clarify and improve current anti-dumping rules; how to continue to represent the interests of developing and least-developed countries; and at the same time, how to achieve its agenda while satisfying the concerns of recalcitrant*

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*major developed countries that want to preserve the basic concepts, principles, and effectiveness of the existing rules.*

**KEYWORDS:** *People's Republic of China; anti-dumping; Anti-dumping Agreement; Doha Development Agenda (DDA); rules negotiation; S&D treatment; developing countries; least-developed countries*

## I. INTRODUCTION

The WTO rules negotiation on anti-dumping issues, which is part of the Doha Development Agenda (DDA) negotiations, was launched by a negotiating mandate contained in the WTO Ministerial Declaration adopted at Doha in 2001,<sup>1</sup> and continued until it was temporarily suspended in July 2006. According to the mandate, the aim of the negotiations is to “clarify and improve disciplines” while “preserving the basic concepts, principles and effectiveness of these agreements” and “taking into account the needs of developing and least-developed participants.”<sup>2</sup> To achieve this aim, participants will choose the provisions that need clarification, including provisions about trade distorting practices, in the initial phase of the negotiations and attempt to clarify and improve them in the subsequent phase.<sup>3</sup>

The DDA negotiations have at least two objectives. First, the negotiations will not only deal with traditional issues, such as liberalization of trade in goods or services, but they will also attempt to clarify and improve WTO rules governing trade. The call for these negotiations shows that WTO needs to make its rules clear as it enters its second decade of operation.

Second, the negotiations are the result of a compromise among three groups of WTO members. The first group (Friends Group), an exporting countries group that includes many developing countries whose export companies are frequently subject to anti-dumping investigations, wants negotiations “aimed at clarifying and improving disciplines” under the Anti-dumping Agreement.<sup>4</sup> This group would like to fill some loopholes in

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<sup>1</sup> World Trade Organization, Ministerial Declaration of 14 November 2001, WT/MIN(01)/DEC/1, 41 I.L.M. 746 (2002).

<sup>2</sup> *Id.* ¶¶ 28-29.

<sup>3</sup> *Id.*

<sup>4</sup> Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, Apr 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, Legal