

CHINA – GRANTS, LOANS AND OTHER INCENTIVES

Request for Consultations by Guatemala

The following communication, dated 19 January 2009, from the delegation of Guatemala to the delegation of China and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

The Government of Guatemala hereby requests consultations with the Government of the People's Republic of China ("PRC") pursuant to Articles 1 and 4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*, Article XXII:1 of the *General Agreement on Tariffs and Trade 1994* ("GATT 1994"), Articles 4 and 30 of the *Agreement on Subsidies and Countervailing Measures* ("SCM Agreement"), and Article 19 of the *Agreement on Agriculture*, with regard to certain measures offering grants, loans, and other incentives to enterprises in China. As required by Article 4.2 of the SCM Agreement, a Statement of Available Evidence is attached to this request for consultations.

A. These grants, loans, and other incentives are reflected in the following measures, as well as in any amendments or any related or implementing measures:

I. The instruments below, that relate to the China World Top Brand Programme:

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;

CWTB-5. *Notice Concerning the Issuing of Opinions on Promoting the Brand-Driven Strategy & Its Incentive Measures*⁵;

¹ GZJZ [2005] No. 95.

² ZJZH [2006] No. 11.

³ ZJZH [2008] No. 23.

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

⁵ FFB [2007] No. 274.

- 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;
- 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;

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.

¹⁶ SFB [2005] No. 109.

¹⁷ SFB [2005] No. 115.

- 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. The instruments below, that relate to the Chinese Famous Export Brand Programme:

- 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;
- 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;

¹⁸ WZB [2006] No. 147.

¹⁹ Available at: http://www.zjwy.gov.cn/dzwk/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.

²⁷ Shang Mao [2005] No. 124.

²⁸ CZF [2005] No. 45.

- 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;
- 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;

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 YWJMJZ [2007] No. 1.

³⁵ Available at: <http://www.gddoftec.gov.cn/jsmyc/main/shownews.asp?newsid=299&channalid=16>.

³⁶ YWJMJH [2008] 31.

³⁷ YCF [2007] No. 64.

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

³⁹ Hang Zheng Ban [2007] No. 47.

- 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;
- 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;

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 Available at: http://zsj.jindong.gov.cn/news/ZCFG_9214/200811431343.html.

⁴⁸ JZW [2007] No. 93.

⁴⁹ NF [2007] No. 128.

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

- 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;
- 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;

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.

⁵⁹ WZF [2005] No. 9.

⁶⁰ Available at: http://www.zjwy.gov.cn/dzwk/wj_style.jsp?fileID=1312.

⁶¹ Xia Fu Ban [2006] No. 117.

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

- 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;
- 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;

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.

⁷¹ Economic Commission of Zhabei District, Shanghai (June 2007) available at: <http://www.shiso.gov.cn/Policy/ZBPolicydetail.aspx?id=77>.

⁷² HSMF [2008] No. 37.

⁷³ Available at: <http://www.lawinfochina.com/law/display.asp?db=1&id=2737&keyword=famous%20brand%20guangdong>.

⁷⁴ Available at: <http://www.lawinfochina.com/law/display.asp?db=1&id=2768&keyword=famous%20brand%20guangdong>.

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. The instruments below:

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 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;

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 Available at: http://zsj.jindong.gov.cn/news/ZCFG_9214/200811431343.html.

⁷⁸ SZF [2007] No. 66.

⁷⁹ ZCQZ [2005] No. 145.

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.

- 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;
- 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;

⁸⁵ Available at: <http://shandong.mofcom.gov.cn/aarticle/sjtongzhigg/200502/20050200018389.html>.

⁸⁶ LCQ [2006] No. 5.

⁸⁷ LWJMJCZ [2003] No. 180.

⁸⁸ LWJMJCZ [2003] No. 1037.

⁸⁹ SZF [2005] No. 9.

⁹⁰ Xia Fu Ban [2006] No. 117.

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

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.

- 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;
- 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. The measures listed in Section A above appear to provide enterprises in China with grants, loans, and other incentives that are contingent upon export performance. Accordingly, the measures appear to be inconsistent with Article 3 of the SCM Agreement. Additionally, to the extent that these measures provide subsidies for agricultural products, they appear to be inconsistent with Articles 3, 8, 9, and 10 of the Agreement on Agriculture. The measures also appear to be inconsistent with the China's obligations under paragraph 12.1 of Part I of its Accession Protocol¹⁰⁸, as well as

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 (June 2007) available at: <http://www.shiso.gov.cn/Policy/ZBPolicydetail.aspx?id=77>.

¹⁰³ Available at: <http://www.1128.org/html/dzzw/ggl/2008/08/doc45735.shtml>.

¹⁰⁴ Available at: 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.

paragraph 1.2 of Part I of its Accession Protocol (to the extent that it incorporates paragraph 234 of the Report of the Working Party on the Accession of China)¹⁰⁹, which forms part of the terms of accession agreed between the China and the WTO and is an integral part of the Marrakesh Agreement Establishing the World Trade Organization. Finally, the grants, loans, and other incentives appear to be inconsistent with Article III:4 of the GATT 1994 to the extent that the measures benefit products of Chinese origin but not imported products.

Guatemala looks forward to receiving your reply to the present request. I propose that a mutually convenient date and venue for these consultations be agreed between our two Missions.

¹⁰⁹ WT/MIN(01)/3.

Statement of Available Evidence
Pursuant to Article 4.2 of the SCM Agreement

This statement of available evidence relates to the nature and existence of the subsidies in question. The grants, loans and other incentives of concern are reflected in the following measures, as well as in any amendments or any related or implementing measures. The grants, loans and other incentives of concern are those that appear to have the character of prohibited subsidies as they are contingent upon export performance.

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;

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 December 2001).

¹¹⁵ Adopted at the 30th Meeting of the Standing Committee of the Seventh National People's Congress on 22 February 1993.

¹¹⁶ Issued by Document Guofa No. 24 [1999] of the State Council on 25 December 1999.

¹¹⁷ FFB [2007] No. 274.

¹¹⁸ FBF [2007] No. 53.

¹¹⁹ GZF [2007] No. 72.

¹²⁰ Gui Zheng Ban Fa [2007] No. 42.

12. *Several Related Policies on Implementation of Guiyang's Science and Technology Development Planning During the "Eleventh Five-Year Plan" (2006-2010)*¹²¹;
13. *Opinions of the Party Committee and People's Government of Jinhua City on Promoting the Building of "Jinhua Brand"*¹²²;
14. *Circular on 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;

¹²¹ ZFF [2006] No. 51.

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 Available at: http://www.zjwy.gov.cn/dzwwk/wj_style.jsp?fileID=1312.

¹³¹ Xiacaiqui [2007] No. 21.

¹³² DZF [2007] No. 102.

25. *Suggestions on Accelerating the Implementation of Brand Strategy*¹³³;
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;

¹³³ ZZF [2007] No. 81.

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 YWJMJZ [2007] No. 1.

¹⁴³ Available at: <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 Distribution 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 Available at: http://www.yzwjm.gov.cn/Article_Show.asp?ArticleID=1329.

¹⁵² Suwaijingmaomao 2007 No. 122.

¹⁵³ JZF [2007] No. 113.

¹⁵⁴ Available at: 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;
74. *Measures on Promoting the Development of the City Open Economy in 2006*¹⁸²;

¹⁷⁰ Dong Zheng Fa [2005] No. 25.

¹⁷¹ Available at: <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 (June 2007) available at: <http://www.shiso.gov.cn/Policy/ZBPolicydetail.aspx?id=77>.

¹⁷⁹ Available at: <http://www.lawinfochina.com/law/display.asp?db=1&id=2737&keyword=famous%20brand%20guangdong>.

¹⁸⁰ Available at: <http://www.lawinfochina.com/law/display.asp?db=1&id=2768&keyword=famous%20brand%20guangdong>.

¹⁸¹ Available at: <http://www.1128.org/html/dzzw/ggl/2008/08/doc45735.shtml>.

¹⁸² Available at: http://www.zh.gov.cn/English/Investment/Policy/200802/t20080218_19097.htm.

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 Heilongjian*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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¹⁸³ Available at: <http://www.maofa.sh.cn/shangbiao/pingpai.asp>.

¹⁸⁴ Available at: <http://ghs.ndrc.gov.cn/ghjd/115gyxj/010a.htm>.

¹⁸⁵ HSMF [2008] No. 37.

¹⁸⁶ Shang Mao Fa [2005] No. 332.