

**ATTACHMENT – CHART A IN RESPONSE TO QUESTION 1(A) & (B)**

**Q1. (All Parties) China alleges that only two of the measures listed by the complainants in the context of their claims concerning minimum export prices were properly included in the complaining parties' consultation and/or Panel requests (see China's first written submission, paragraph 48). China further asserts that most of the challenged measures relating to minimum export prices have been repealed.**

- (a) Could the complainants comment in detail on the table in paragraph 39 of China's first written submission and inform the Panel whether any challenged measure is, in their view, included in the requests for consultation and/or in the panel requests.**
- (b) In addition, could the parties indicate which measures, if any, constitute amendments, extensions, replacement measures, renewal measures or implementing measures to those measures included in the complainants' Panel requests.**

**CHART A**

<b>Ref. # from Chn. FWS para. 39</b>	<b>MEP-Related Measure</b>	<b>Consult. Request</b>	<b>Panel Request</b>	<b>Comment</b>
none (ref'd here as "a")	Measures for the Administration over Foreign Trade and Economic Social Organizations (Ministry of Foreign Trade and Economic Cooperation, February 26, 1991)	XX		Included in the consultations and panel requests. This measure is discussed in the U.S. FWS at para. 208 (JE-101), as one of the bases on which China has asserted that it exercises plenary authority over its Chambers of Commerce.

Ref. # from Chn. FWS para. 39	MEP-Related Measure	Consult. Request	Panel Request	Comment
none (ref'd here as "b")	Notice Regarding Printing and Distribution of Several Regulations for Personnel Management of Chambers of Commerce for Importers and Exporters (Ministry of Foreign Trade and Economic Cooperation, September 23, 1994)	XX		Included in the consultations and panel requests. This measure is discussed in U.S. FWS at para. 208 (JE-102), as one of the bases on which China has asserted that it exercises plenary authority over its Chambers of Commerce.
none (ref'd here as "c")	Charter of the China Chamber of Commerce of Metals, Minerals and Chemicals Importers and Exporters	XX		Included in the consultations and panel requests. Discussed in U.S. FWS paras. 124, 144, 206, 209, 210, 213, 217, 308, and 350 (JE-86 and JE-87). It implements measures a and b.
1	Interim Regulations of the Ministry of Foreign Trade and Economic Cooperation on Punishment for Conduct at Exporting at Lower-than-Normal Price (Ministry of Foreign Trade and Economic Cooperation, March 20, 1996)	X	X	Included in the consultations and panel requests.
2	Measures for the Administration of the Organs for Issuing the Licenses of Import and Export Commodities (Ministry of Foreign Trade and Economic Cooperation, waijingmaopeiguanhanzi (1999) No. 68, September 21, 1999)	X	X	Included in the consultations and panel requests.

Ref. # from Chn. FWS para. 39	MEP-Related Measure	Consult. Request	Panel Request	Comment
3	Rules for Coordination with Respect to Customs Price Review of Export Products, (Ministry of Foreign Trade and Economic Cooperation guanzonghanzi No. 21, 1997)		X	As China explains in para. 849 of its FWS, this measure, together with measures 4 and 5, form one single measure. They are included in the panel request and implement measures a, b, c, and authorizes 13, 14, 6, and 7.
4	Notice of the Rules on Price Reviews of Export Products by the Customs, (Ministry of Foreign Trade and Economic Cooperation guanzonghanzi No. 21, 1997)		X	
5	Provisional Rules on Export Price Verification and Chop for Key Products Subject to Price Review (Ministry of Foreign Trade and Economic Cooperation guanzonghanzi No. 21, 1997)		X	
13	Notice for the Adjustment of the Catalogue of Export Products Subject to Price Review by Customs (Ministry of Foreign Trade and Economic Cooperation and the General Administration of Customs, waijingmaomaofa (2002) No. 187, May 1, 2002)	X		Included in the consultations request but not included in panel request because it appeared that this measure had been superseded by measure 14. This measure implements measures a, b, c, 3, 4, and 5.
14	Notice Regarding the Trial Administration of 36 Types of Products such as Citric Acid (Ministry of Commerce and General Administration of Customs, Notice (2003) No. 36, November 29, 2003)	X		Included in the consultations request but not included in panel request because, pursuant to measure 15, it appeared to have been repealed in 2008. This measure implements measures a, b, c, 3, 4, and 5.

Ref. # from Chn. FWS para. 39	MEP-Related Measure	Consult. Request	Panel Request	Comment
15	<i>Communication</i> (Ministry of Commerce and General Administration of Customs (2008) No. 33, May 26, 2008)			This measure is discussed in the U.S. FWS at paras. 227 and 360 in the context of noting that measures 13 and 14 appeared to have been repealed in 2008.
6	Notice Regarding Rules for Contract Declaration for Chemicals-Related Verification and Stamp Products (China Chamber of Commerce of Metals, Minerals and Chemicals Importers and Exporters Petroleum and Chemicals Products Department, December 30, 2003)		X	Included in the panel request. Implements measures a, b, c, and 3, 4, 5, and 14.
7	Online Verification and Certification Operating Steps (China Chamber of Commerce of Metals, Minerals and Chemicals Importers and Exporters)		X	Included in the panel request. Implements measures a, b, c, 3, 4, 5, 6, and 14.
8	Decision of the State Council on Various Questions on the Further Reform and Improvement of the Foreign Trade System (State Council, guofa (1990) No. 70, January 1, 1991)		X	This measure is discussed in the U.S. FWS at para. 211 (see footnote 296) as evidence that the Chinese government began tasking Chambers of Commerce with coordination and management of exports, including prices, beginning in the early 1990s. The United States notes that the reference in footnote 296 in its FWS should have been to exhibit JE-100 (instead of JE-111).

Ref. # from Chn. FWS para. 39	MEP-Related Measure	Consult. Request	Panel Request	Comment
9	“Various Provisions on the Strengthening of Export Product Coordination and Management” (Ministry of Foreign Economic Relations and Trade, jinchufa (1991) No. 52, February 22, 1991)		X	This measure is discussed in the U.S. FWS at para. 211 (see footnote 296) as evidence that the Chinese government began tasking Chambers of Commerce with coordination and management of exports, including prices, beginning in the early 1990s, and in the U.S. FWS at para. 217 (see footnote 311) as evidence that industry “self-discipline” is a key part of the CCCMC’s mission. The United States notes that the reference in footnote 296 in its FWS should have been to exhibit JE-99 (instead of JE-110).
10	CCCMC Export Coordination Measures			Implements measures a, b, and c.
11	CCCMC Bauxite Branch Coordination Measures			Implements measures a, b, c, 10, and d.
none (ref’d here as “d”)	Bauxite Branch Charter			Discussed in U.S. FWS at para. 217 (JE-112). Implements measures a, b, and c.
none (ref’d here as “e”)	MOFTEC Circular on Strengthening the Job in the Coordination of Export Commodities (1998)			This measure is discussed in the U.S. FWS, at para. 211 (JE-110), as evidence that Chambers of Commerce coordinated export matters, including prices, in the wake of the Asian financial crisis in 1998.

Ref. # from Chn. FWS para. 39	MEP-Related Measure	Consult. Request	Panel Request	Comment
12	“System of self-discipline”			This measure is discussed in the U.S. FWS at paras. 205, 216-217, 223, 229, 349, and 352-353 as a measure that China has represented that it uses in order to effect its regulatory policies on, <i>inter alia</i> , exports and export prices. It implements measures a, b, c, 1, and 10.