

Dispute Settlement Body Meeting on 29 June 2020

Statement by Hong Kong, China

Item 13: Multi-party Interim Appeal Arbitration Arrangement Pursuant to Article 25 of the DSU

- Thank you, Chair. Hong Kong, China fully endorses the communication by MPIA participants (JOB/DSB/1/Add.12) issued on 30 April and the joint statement delivered by the European Union (EU) on behalf of all MPIA participants just now. The statement and the communication highlight our commitments to preserving a functioning dispute settlement system in the WTO with binding decisions, and independent and impartial appellate reviews where necessary.
- The current crisis in the Appellate Body is a big challenge faced by all WTO Members. While Hong Kong, China is committed to working with other Members to find a long-term solution as a matter of priority, we believe an interim arrangement that is consistent with the provisions in the DSU (Dispute Settlement Understanding) is necessary to preserve the rights and obligations of WTO members and enable continued operation of our rules-based multilateral trading system.
- The joint statement delivered by the EU has outlined the main features of the MPIA and pointed out that the MPIA is developed on the basis of Article 25 of the DSU, which provides for the use of arbitration within the WTO as an alternative means of dispute settlement.
- The MPIA itself is a contingency measure. It does not aim to replace the Appellate Body of the WTO, nor would it prejudice members' positions in our future discussions to resolve the crisis in the Appellate Body.
- We would encourage other WTO Members who endorse the principles set out in the MPIA to consider joining this interim arrangement. The more participants joining the MPIA, the more useful this interim arrangement would be in preserving the dispute settlement pillar of the WTO functions, and in demonstrating our commitment to ensuring certainty and stability in the rules-based multilateral trading system led by the WTO.
- Thank you very much.

Item 15: Appellate Body Appointments

- Hong Kong, China would like to thank Mexico for delivering the statement on behalf of the co-sponsors. We have reiterated our concerns with the lack of progress on resolving the crisis as well as the importance of the Appellate Body to the multilateral trading system during the discussion under item 13 of this meeting. We strongly consider that the selection process of Appellate Body members should commence without delay in order to resume the normal functioning of the Appellate Body as soon as possible. We urge Members to continue with the efforts and constructive engagement until a solution is found.
- Thank you, Chair.

Hong Kong Economic and Trade Office in Geneva
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