

**Dispute Settlement Body Meeting
(22 February 2021)**

Hong Kong, China's Statements

Item 5. United States - Origin Marking Requirement

**A. Request for the Establishment of a Panel by Hong Kong, China
(WT/DS597/5)**

First intervention

- Thank you, Chair.
- Hong Kong, China requests, for the second time, the establishment of a panel to examine the United States' revised origin marking requirement which is inconsistent with various provisions under several WTO covered agreements.
- Despite Hong Kong, China's strong opposition, the United States implemented a revised origin marking requirement starting from 10 November 2020, under which imported goods produced in Hong Kong may no longer be marked to indicate "Hong Kong" as their origin, but must be marked to indicate "China".
- As Hong Kong, China pointed out at the last DSB meeting in January, the revised origin marking requirement is inconsistent with, among others, the fundamental WTO obligation to provide Most-Favoured-Nation (MFN) treatment to all Members. It also violates various provisions of the WTO covered agreements including the GATT 1994, the Agreement on Rules of Origin, and the Agreement on Technical Barriers to Trade as stated in our panel request. The revised requirement impairs Hong Kong, China's rightful and legitimate interest under the relevant WTO covered agreements.
- It remains Hong Kong, China's strong objection to the imposition of this arbitrary, unilateral, unnecessary and unjustifiable requirement. Hong Kong, China hereby, once again, requests that the DSB establish a panel with standard terms of reference to examine the matter. Pursuant to the Understanding on Rules and Procedures Governing the Settlement of Disputes of the WTO, a panel shall be established by the DSB at today's meeting.
- Thank you.

Second intervention

- Thank you, Chair. I just wish to respond briefly to the United States' remarks.
- While this is not the right forum for substantive debates on the interpretation and application of specific provisions in the WTO covered agreements, I would like to state for the record that Hong Kong, China disagrees with the United States' purported reliance on the security exceptions clause under Article XXI of the GATT 1994, and we consider them not applicable to the revised origin marking requirement at issue. In this regard, we consider it necessary and appropriate for a panel to be established to examine the present matter in accordance with the WTO Dispute Settlement Understanding.
- Thank you very much.

Item 8. Appellate Body Appointments: Proposal By Afghanistan; Angola; Argentina; Australia; Bangladesh; Benin; Plurinational State Of Bolivia; Botswana; Brazil; Burkina Faso; Burundi; Cabo Verde; Cameroon; Canada; Central African Republic; Chad; Chile; China; Colombia; Congo; Costa Rica; Côte D'Ivoire; Cuba; Democratic Republic Of Congo; Djibouti; Dominican Republic; Ecuador; Egypt; El Salvador; Eswatini; The European Union; Gabon; The Gambia; Ghana; Guatemala; Guinea; Guinea-Bissau; Honduras; Hong Kong, China; Iceland; India; Indonesia; Israel; Kazakhstan; Kenya; Republic Of Korea; Lesotho; Liechtenstein; Madagascar; Malawi; Malaysia; Maldives; Mali; Mauritania; Mauritius; Mexico; Republic Of Moldova; Morocco; Mozambique; Namibia; Nepal; New Zealand; Nicaragua; Niger; Nigeria; North Macedonia; Norway; Pakistan; Panama; Paraguay; Peru; Qatar; Russian Federation; Rwanda; Senegal; Seychelles; Sierra Leone; Singapore; South Africa; Switzerland; The Separate Customs Territory Of Taiwan, Penghu, Kinmen And Matsu; Tanzania; Thailand; Togo; Tunisia; Turkey; Uganda; Ukraine; United Kingdom; Uruguay; The Bolivarian Republic Of Venezuela; Viet Nam; Zambia And Zimbabwe (WT/DSB/W/609/Rev.19)

- Thank you, Chair.
- Hong Kong, China would like to express our continued support for Mexico's statement made on behalf of the co-sponsors, including Hong Kong, China.
- We would like to reiterate our concerns over the lack of progress in resolving the Appellate Body impasse; and to reiterate the importance of resuming the full functioning of the two-tier dispute settlement mechanism.
- The selection process of Appellate Body members should commence without any further delay. We urge Members to continue with the efforts and constructive engagement until a solution is found.
- Thank you.

**Hong Kong Economic and Trade Office in Geneva
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