



Committee on Subsidies and Countervailing Measures

**MINUTES OF THE SPECIAL MEETING
HELD ON 27 APRIL 2021**

CHAIR: MR ERIK PHILIP GREGER SOLBERG (NORWAY)

1. The Committee on Subsidies and Countervailing Measures ("Committee") held a special meeting on 27 April 2021, convened in WTO/AIR/SCM/36 dated 16 April 2021.

2. The Committee adopted the following agenda:

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1 REVIEW OF 2019 NEW AND FULL SUBSIDY NOTIFICATIONS (G/SCM/N/343/...) NOT PREVIOUSLY REVIEWED

1.1 Chile (G/SCM/N/343/CHL/SUPPL.1)

3. No Member raised any questions or comments about this notification.
4. The Committee took note of the notification.

1.2 COLOMBIA (G/SCM/N/315/COL – G/SCM/N/343/COL)

5. No Member raised any questions or comments about this double-symbolled notification.
6. The Committee took note of the notification.

1.3 COSTA RICA (G/SCM/N/343/CRI AND G/SCM/N/343/CRI/CORR.1)

7. No Member raised any questions or comments about this notification.
8. The Committee took note of the notification.

1.4 GUATEMALA (G/SCM/N/343/GTM)

9. No Member raised any questions or comments about this notification.
10. The Committee took note of the notification.

1.5 HONDURAS (G/SCM/N/343/HND/SUPPL.2)

11. No Member raised any questions or comments about this notification.
12. The Committee took note of the notification.

1.6 ISRAEL (G/SCM/N/343/ISR AND G/SCM/N/343/ISR/SUPPL.1)

13. Written questions and answers regarding this notification can be found in:
 - G/SCM/Q2/ISR/17 – questions from Canada
 - G/SCM/Q2/ISR/18 – replies to Canada

14. Canada thanked Israel for its responses and noted that it had no further questions.

15. The Committee took note of the notification, statement, questions, and answers.

1.7 MALAYSIA (G/SCM/N/343/MYS)

16. Written questions and answers regarding this notification can be found in:

- G/SCM/Q2/MYS/22 – questions from Canada
- G/SCM/Q2/MYS/23 – question from Brazil
- G/SCM/Q2/MYS/24 – replies to Canada
- G/SCM/Q2/MYS/25 – reply to Brazil

17. Canada noted that it was still reviewing the replies.

18. Brazil thanked Malaysia for its answers regarding the total amount of the two programmes included in its new and full subsidy notification. Brazil emphasized its understanding that regarding the exemption programmes, it would be important to notify the amount of the revenue foregone by the government.

19. Malaysia took note of Brazil's comment and indicated that the request regarding the total amount of the revenue foregone would be discussed with its Geneva office, in order to provide the information as needed.

20. The Chair noted that given that the replies were submitted after the applicable deadline, the Committee would return to this notification at its next special meeting.

21. The Committee took note of the notification, statements, questions, and answers.

1.8 NAMIBIA (G/SCM/N/220/NAM - G/SCM/N/253/NAM - G/SCM/N/284/NAM - G/SCM/N/315/NAM - G/SCM/N/343/NAM)

22. No Member raised any questions or comments about these notifications.

23. The Committee took note of the notifications.

1.9 KINGDOM OF SAUDI ARABIA (G/SCM/N/343/SAU)

24. Written questions regarding this notification can be found in:

- G/SCM/Q2/SAU/4 – questions from Canada

25. The Kingdom of Saudi Arabia clarified that the notification in question was related to the period 2018-2019, whereas questions submitted by Canada were related to 2020. However, the Kingdom of Saudi Arabia would take the questions into consideration in its next notification, covering 2020.

26. Canada stated that it looked forward to the future responses from the Kingdom of Saudi Arabia.¹

27. The Chair noted that since the Kingdom of Saudi Arabia had not provided its written replies to questions from Canada, the Committee would return to this notification at its next special meeting.

28. The Committee took note of the notification, statements, questions, and answers.

¹ Replies to Canada were circulated in document G/SCM/Q2/SAU/5 dated 28 April 2021.

2 REVIEW OF 2017 NEW AND FULL SUBSIDY NOTIFICATIONS (G/SCM/N/315/...) NOT PREVIOUSLY REVIEWED

3 REVIEW OF 2015 NEW AND FULL SUBSIDY NOTIFICATIONS (G/SCM/N/284/...) NOT PREVIOUSLY REVIEWED

4 REVIEW OF 2013 NEW AND FULL SUBSIDY NOTIFICATIONS (G/SCM/N/253/...) NOT PREVIOUSLY REVIEWED

5 REVIEW OF 2011 NEW AND FULL SUBSIDY NOTIFICATIONS (G/SCM/N/220/...) NOT PREVIOUSLY REVIEWED

29. The Chair recalled that the previous items on the agenda covered the 2017 notifications of Colombia and Namibia and the 2015, 2013, and 2011 notifications of Namibia. Therefore, those notifications were not reviewed again and there were no additional notifications to be reviewed under agenda items 2, 3, 4, and 5.

6 CONTINUATION OF REVIEW OF 2019 NEW AND FULL SUBSIDY NOTIFICATIONS (G/SCM/N/343/...)

30. The Chair noted that agenda items 6 to 9 were for continuation of reviews of 2019, 2017, 2015, and 2009 new and full notifications, respectively. These reviews had started at prior meetings but had not yet been completed, due to late submission of questions or non-submission or late submission of written replies.

31. The Committee also considered under this agenda item the follow-up questions that had been submitted in respect of certain of those notifications.

32. The Chair recalled that the exchange of written questions and answers was the essence of the review process for those notifications, as per the Committee's agreed procedures. Failure to reply promptly to such questions undermined transparency, and thus frustrated the purpose of the review. All Members that had not yet responded to written questions concerning their subsidy notifications thus should submit their answers without further delay. However, the Chair noted that a number of delegations with notifications under the remaining agenda items had submitted written answers to the questions that were pending at the end of the last special meeting.

6.1 Chile (G/SCM/N/343/CHL)

33. Written questions and answers regarding this notification can be found in:

- G/SCM/Q2/CHL/29 - questions from the United States
- G/SCM/Q2/CHL/30 - replies to the United States

34. The United States thanked Chile for its responses and stated that it had no further questions.

35. Chile stated that the mentioned programmes had an institutional change, as indicated previously under item 1 of the agenda.

36. The Committee took note of the notification, statements, questions, and answers.

6.2 China (G/SCM/N/343/CHN AND G/SCM/N/343/CHN/CORR.1)

37. Written questions and answers regarding this notification can be found in:

- G/SCM/Q2/CHN/85 - questions from Canada
- G/SCM/Q2/CHN/86 - questions from the United States
- G/SCM/Q2/CHN/89 - questions from Australia
- G/SCM/Q2/CHN/90 - questions from the European Union
- G/SCM/Q2/CHN/91 - replies to Australia
- G/SCM/Q2/CHN/92 - replies to Canada

- G/SCM/Q2/CHN/93 – replies to the United States
- G/SCM/Q2/CHN/97 – follow-up questions from the United States
- G/SCM/Q2/CHN/99 – replies to follow-up questions from the United States
- G/SCM/Q2/CHN/101 – replies to the European Union

38. The Chair explained that China's written replies to the follow-up questions posed by the United States and the questions from the European Union, which could be found in documents G/SCM/Q2/CHN/99 and G/SCM/Q2/CHN/101, respectively, had been provided the day before the meeting.

39. China stated that it appreciated all concerns on China's notification. China added that it provided written responses to the questions posed before the last meeting as well as to those submitted before this meeting.

40. The United States noted that in response to numerous questions, China had responded that if a question about a program was not included in its notification, it would not answer the question, suggesting that a Member posing that question should ask it again under Article 25.8 of the SCM Agreement. Beyond undermining the transparency exercise of examining Members' subsidy notifications in this Committee, it appeared to the United States that China's approach would generally discourage Members from notifying their programmes and simply wait until Article 25.8 questions were posed, thereby shifting the whole process to Articles 25.8 and 25.9. The United States was of the opinion that due to the poor adherence to the notification obligation, the Committee would want more, not less transparency. The United States asked China to explain how its approach would lead to greater transparency.

41. Canada stated China had responded to most of the questions except one question pertaining to subsidy programmes that were not included in China's notification, stating that notifications were made based on China's understanding of the subsidy agreement. Canada would welcome further explanations from China regarding why, in its view, the question did not fall under the requirements of article 25 of the SCM Agreement. Canada added that it would submit a follow-up question in writing.

42. Australia thanked China for the replies and stated that it had no further comments at the time.

43. The European Union stated that it had no time to review China's replies. It would review the replies and raise follow-up questions if there were any. The European Union also thanked China for providing a list of names of certain schemes translated from Chinese. Regarding the issues raised by the United States and Canada, the European Union noted that when it had received replies to questions in October 2020, in eight out of 47 questions, China had said that the questions regarding subsidy notifications should focus on the notifications already submitted by Members. The European Union expressed concerns that this approach to questions regarding non-notified subsidies would seriously undermine the effectiveness of the review process and hinder Members to achieving full understanding of all the subsidies being granted. The process of posing questions was not to catch out Members, but rather to fill out the whole picture. The European Union had made supplementary notifications of subsidies over the years in response to questions from other Members regarding subsidies programmes that were overlooked in the notification process, creating a framework for greater and improved transparency. China should use this opportunity in future to reply in a more constructive and useful manner to questions on non-notified programmes.

44. With respect to the non-notified subsidy policies, China stated that other Members should raise concerns in accordance with Article 25.8 and 25.10 of the SCM Agreement, which did not in fact require notifying members to provide written replies regarding uncovered subsidies. If other Members demanded a notifying Member to make explanations with respect to the uncovered policies in the list of questions, it in essence would amount to imposing an obligation of written reply into the Article 25.8 and 25.10. Nevertheless, in order to show China's earnest effort to improve the transparency of its trade policies and to address the concerns of other Members, China shared the information it had verified with other Members in its written replies. For example, except one outstanding question, China answered the questions from Australia. In relation to the European Union's questions, China provided 90% of responses. China reiterated that questions should focus on notified policies and that it had tried its best to answer the questions.

45. Canada emphasized that it had not received any further responses to its questions, which were still outstanding. Canada stated that it looked forward to receiving those responses and that it would have follow-up questions to China in that regard.

46. The Chair noted that because the replies to the questions from the European Union and to the follow-up questions from the United States were submitted the day before the meeting, the Committee would return to this notification at its next special meeting.

47. The Committee took note of the notification, questions, answers, and statements.

6.3 European Union (G/SCM/N/343/EU/ADD.22 pertaining to Portugal)

48. Written questions regarding this notification can be found in:

- G/SCM/Q2/EU/59 – question from Australia

49. The European Union apologized for the delay in providing a written reply and made an initial remark that the amount granted in 2019 to fisheries sector by Portugal was EUR 182.000. Portugal had informed the European Union that for full transparency, it was preparing a supplementary notification on this matter to be submitted shortly.

50. Australia looked forward to receiving Portugal's supplementary response. Australia expressed its opinion that notification on fisheries subsidies was crucial, particularly considering the Ministerial Decision, so it appreciated that Portugal would present a supplementary notification.

51. The Chair noted that since the European Union had not provided its written answers to questions posed by Australia, the notification contained in document G/SCM/N/343/EU/Add.22 pertaining to Portugal would be on the agenda of the next special meeting of the Committee.

52. The Committee took note of the notification, questions, and statements.

6.4 Mexico (G/SCM/N/343/MEX)

53. Written questions and answers regarding this notification can be found in:

- G/SCM/Q2/MEX/32 – question from Canada
- G/SCM/Q2/MEX/33 – questions from New Zealand
- G/SCM/Q2/MEX/34 – questions from the United States
- G/SCM/Q2/MEX/35 – question from the Dominican Republic
- G/SCM/Q2/MEX/36 – reply to Canada
- G/SCM/Q2/MEX/37 – replies to the Dominican Republic
- G/SCM/Q2/MEX/38 – replies to New Zealand
- G/SCM/Q2/MEX/39 – partial replies to the United States

54. The Chair noted that in the week previous to the meeting, Mexico provided answers to questions posed by the Dominican Republic, New Zealand as well as partial replies to the United States which had been circulated in documents G/SCM/Q2/MEX/37 – 38, and 39, respectively.

55. Mexico stated that it remained available for any further questions.

56. New Zealand noted that it would review the replies and might ask follow-up questions with clarifications needed.

57. The United States stated that it would review the replies and come back to them at the Committee's next meeting.

58. The Chair noted that since Mexico submitted its written answers to questions from the Dominican Republic and New Zealand, as well as partial replies to the United States after the applicable deadline, this notification and those questions would be on the agenda of the next special meeting of the Committee.

59. The Committee took note of the notification, questions, answers, and statements.

6.5 Philippines (G/SCM/N/343/PHL/SUPPL.1)

60. Written questions and answers regarding this notification can be found in:

- G/SCM/Q2/PHL/15 – question from New Zealand
- G/SCM/Q2/PHL/16 – questions from the United States
- G/SCM/Q2/PHL/17 – replies to the United States
- G/SCM/Q2/PHL/18 – reply to New Zealand

61. The United States stated that it might have follow-up questions at the next meeting.

62. The Committee took note of the notification, questions, answers, and statement.

6.6 Russian Federation (G/SCM/N/343/RUS)

63. Written questions and answers regarding this notification can be found in:

- G/SCM/Q2/RUS/20 – questions from New Zealand
- G/SCM/Q2/RUS/21 – questions from the United States
- G/SCM/Q2/RUS/22 – replies to New Zealand

64. The Russian Federation stated that it was in the process of preparing responses to the questions from the United States and that it would submit them to the Secretariat as soon as they were finalized.

65. The United States noted that it looked forward to the written replies.

66. New Zealand thanked the Russian Federation for its responses.

67. The Chair noted that since the Russian Federation had not provided its written replies to questions from the United States, the Committee would return to this notification at its next special meeting.

68. The Committee took note of the notification, statements, questions, and answers.

6.7 United States (G/SCM/N/343/USA AND G/SCM/N/343/USA/CORR.1)

69. Written questions and answers regarding this notification can be found in:

- G/SCM/Q2/USA/77 – questions from Australia
- G/SCM/Q2/USA/79 – replies to Australia

70. The United States stated that it hoped the answers were satisfactory.

71. Australia stated that it was particularly appreciative of the replies regarding tax exemptions. According to Australia, this was a difficult area, but it was pleased with the replies.

72. The Committee took note of the notification, questions, answers, and statements.

6.8 Viet Nam (G/SCM/N/343/VNM)

73. Written questions and answers regarding this notification can be found in:

- G/SCM/Q2/VNM/7 and G/SCM/Q2/VNM/7/Corr.1 – questions from Chinese Taipei
- G/SCM/Q2/VNM/8 – replies to Chinese Taipei

74. Chinese Taipei stated that it had no follow-up questions at that point.

75. The Committee took note of the notification, questions, answers, and statement.

7 CONTINUATION OF REVIEW OF 2017 NEW AND FULL SUBSIDY NOTIFICATIONS (G/SCM/N/315/...)

76. The Chair noted that this agenda item was for continuation of reviews of 2017 new and full notifications started at prior meetings that had not yet been completed, due to late submission of questions or non-submission or late submission of written replies.

7.1 China (G/SCM/N/315/CHN)

77. Written questions and answers regarding this notification can be found in:

- G/SCM/Q2/CHN/79 – questions from the European Union
- G/SCM/Q2/CHN/87 – follow-up questions from the United States
- G/SCM/Q2/CHN/94 – replies to follow-up questions from the United States
- G/SCM/Q2/CHN/96 – partial replies to the European Union
- G/SCM/Q2/CHN/98 – second set of follow-up questions from the United States
- G/SCM/Q2/CHN/100 – replies to second set of follow-up questions from the United States
- G/SCM/Q2/CHN/102 – replies to the pending questions from the European Union

78. The Chair stated that China had provided its replies to the second set of follow-up questions from the United States as well as its to the pending questions from the European Union, the day before the meeting which could be found in documents G/SCM/Q2/CHN/100 and 102, respectively.

79. The European Union thanked China for the replies to its outstanding questions. As the replies had been received the day before the meeting, the European Union stated that it might ask follow-up questions.

80. The United States recalled that it had originally asked China whether it agreed that normative documents that establish or implement a subsidy programme at the subcentral level of government had to be published in the MOFCOM gazette, pursuant to China's protocol of accession. Following China's response that it was committed to enhancing transparency in practice, the United States questioned the meaning of this statement, as it believed that the transparency obligations in China's Protocol of Accession were critically important. In response, China had stated that its Ministry of Commerce published 80 issues of the China Foreign Trade and Economic Cooperation Gazette annually, which could be subscribed through mail and was also available on MOFCOM's website with more than 3.9 million-page views annually. In this context, the United States had asked China whether it accepted its obligation to publish the legal measures that establish and implement its subsidies programmes at all levels of government.

81. China stated that it appreciated the concerns expressed by the United States about China's transparency issues. In recent years, China improved transparency, having established a Gazette system. According to China, all measures, at central and subcentral government levels, were published in Commerce's Gazette and its efforts should be appreciated by Members.

82. The United States thanked China for its response at the meeting and asked China whether it agreed that normative documents that establish or implement a subsidy programme at the subcentral level of government must be published in the MOFCOM gazette, pursuant to China's protocol of accession.

83. China affirmed there were two channels available: one was the publication of the China Foreign Trade and Economic Cooperation Gazette, where China's policies were published, pursuant to its commitment in the protocol of accession. The other was the publication of the government gazette. China expressed its opinion that this would be sufficient to fulfil its commitments.

84. The Chair noted that since China had provided its replies to the pending questions posed by the European Union and its replies to the second set of follow-up questions by the United States the day before the meeting, the Committee would return to this notification at its next special meeting.

85. The Committee took note of the notification, questions, answers, and statements.

7.2 Mexico (G/SCM/N/315/MEX)

86. Written questions regarding this notification can be found in:

- G/SCM/Q2/MEX/34 – questions from the United States
- G/SCM/Q2/MEX/38 – partial replies to questions from the United States

87. Mexico stated that it had recently provided written answers and would be providing the pending answers as soon as possible. Mexico also affirmed that it remained available for any follow-up questions or comments.

88. The United States stated that it looked forward to Mexico's written responses.

89. The Chair noted that since Mexico provided only partial replies after the applicable deadline, the Committee would return to this notification at its next special meeting.

90. The Committee took note of the notification, questions, answers, and statements.

8 CONTINUATION OF REVIEW OF 2015 NEW AND FULL SUBSIDY NOTIFICATIONS (G/SCM/N/284/...)

8.1 China (G/SCM/N/220/CHN – G/SCM/N/253/CHN – G/SCM/N/284/CHN AND		
G/SCM/N/95/CHN/SUPPL.1	-	G/SCM/N/123/CHN/SUPPL.1
G/SCM/N/155/CHN/SUPPL.1	-	G/SCM/N/186/CHN/SUPPL.1
G/SCM/N/220/CHN/SUPPL.1	-	G/SCM/N/253/CHN/SUPPL.1
G/SCM/N/284/CHN/SUPPL.1)		

91. The Chair noted that the notifications in question cover 2003, 2005, 2007, 2009, 2011, 2013 and 2015 new and full notifications and would be taken up together under this agenda item.

92. Written questions and answers regarding this notification can be found in:

- G/SCM/Q2/CHN/88 – Follow-up questions from the United States
- G/SCM/Q2/CHN/95 – Replies to follow-up questions from the United States

93. The United States noted that it looked forward to China's answers to two remaining questions, to which China stated that it was still checking on further information.

94. The Committee took note of the notification, questions, answers, and statements.

9 CONTINUATION OF REVIEW OF 2009 NEW AND FULL NOTIFICATIONS (G/SCM/N/186/...)

9.1 Gabon (G/SCM/N/186/GAB)

95. Written questions regarding this notification can be found in:

- G/SCM/Q2/GAB/1 – question from the United States
- G/SCM/Q2/GAB/2 – question from Turkey

96. **Gabon was not present at the time.** Oral answers were not provided at the meeting, **nor had written answers been received to date.**

97. The Chair noted that because Gabon has not yet submitted its replies, the Committee would return to this notification at its next special meeting.

98. The Committee took note of the notification, questions, and statement.

99. The Chair reminded the delegations that had not yet replied to questions that they had received in connection with this or previous meetings to provide their written responses as soon as possible,

so that the Committee could conclude the review of the notifications at its fall special meeting. He also reminded Members that had not yet done so to submit their 2019 new and full subsidy notifications as soon as possible, as the deadline was already almost two years in the past.

100. All Members were required to submit their 2021 new and full notifications, not later than 30 June 2021. The Members that already had made those notifications were to be commended. All other Members should redouble their efforts to notify on time, which would greatly enhance the transparency function of subsidy notification and review.

101. For new and full notifications to be placed on the agenda of the fall special meeting, the Chair reminded the delegations that these notifications would have to be circulated in all three working languages not later than 28 June 2021. Given the time needed for translation, this left a narrow window to notify in time for review in the fall. The Secretariat stood ready to offer any assistance in this regard.

102. The Chair also informed delegations wishing to receive written answers to any questions regarding notifications reviewed at the present meeting that they should submit their questions in writing, to both the Member concerned and to the Secretariat. Similarly, the written answers must be submitted directly to the Member that posed the question, and to the Secretariat. The Chair emphasized that it was the responsibility of the Members submitting questions and answers to provide them directly to the other Member concerned, at the time it submitted it to the Secretariat for circulation to all Members concerned.

103. Finally, the Chair informed the delegations that after the week's Rules Committee cluster, the Secretariat would circulate the usual triple-symbolled document in G/SCM/W/582 containing all of the deadlines for documents to be submitted.

104. The meeting was closed.
