

CHINA - MEASURES RELATED TO THE EXPORTATION OF VARIOUS RAW MATERIALS

Reports of the Appellate Body

WT/DS394/AB/R, WT/DS395/AB/R, WT/DS398/AB/R* **

*Adopted by the Dispute Settlement Body
on 22 February 2012*

China, *Appellant, Appellee*
 United States, *Other Appellant, Appellee*
 European Union¹, *Other Appellant, Appellee*
 Mexico, *Other Appellant, Appellee*
 Argentina, *Third Participant*
 Brazil, *Third Participant*
 Canada, *Third Participant*

Present:
 Ramírez-Hernández,
 Presiding Member
 Hillman, Member
 Oshima, Member

* The Appellate Body is issuing these Reports in the form of a single document constituting three separate Appellate Body Reports: WT/DS394/AB/R; WT/DS395/AB/R; and WT/DS398/AB/R. The cover page, preliminary pages, Sections I through VIII and the Annexes are common to all three Reports. The page header throughout the document bears three document symbols, WT/DS394/AB/R, WT/DS395/AB/R, and WT/DS398/AB/R, with the following exceptions: Section IX on pages US-145 and US-146, which bears the document symbol for and contains the Appellate Body's findings and conclusions in the Appellate Body Report WT/DS394/AB/R; Section IX on pages EU-145 and EU-146, which bears the document symbol for and contains the Appellate Body's findings and conclusions in the Appellate Body Report WT/DS395/AB/R; and Section IX on pages MEX-145 and MEX-146, which bears the document symbol for and contains the Appellate Body's findings and conclusions in the Appellate Body Report WT/DS398/AB/R.

** The correction notified in WT/DS394/R/Corr.1, WT/DS395/R/Corr.1 and WT/DS398/R/Corr.1 has been made in this report.

¹ This dispute began before the entry into force of the *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community* (done at Lisbon, 13 December 2007) on 1 December 2009. On 29 November 2009, the World Trade Organization (the "WTO") received a Verbal Note (WT/L/779) from the Council of the European Union and the Commission of the European Communities stating that, by virtue of the *Treaty of Lisbon*, as of 1 December 2009, the "European Union" replaces and succeeds the "European Community". On 13 July 2010, the WTO received a second Verbal Note (WT/Let/679) from the Council of the European Union confirming that, with effect from 1 December 2009, the European Union replaced the European Community and assumed all the rights and obligations of the European Community in respect of all Agreements for which the Director-General of the World Trade Organization is the depositary and to which the European Community is a signatory or a contracting party. We understand the reference in the Verbal Notes to the "European Community" to be a reference to the "European Communities". Thus, although the European Communities was a party in the Panel proceedings, it is the European Union that filed a Notice of Appeal in this dispute after the entry into force of the *Treaty of Lisbon*, and we will thus refer to the European Union in this Report in its capacity as appellee and other appellant.

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India, <i>Third Participant</i>	
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