

World Trade Organization

Panel Proceedings

***Türkiye - Measures Concerning Electric Vehicles and Other Types of
Vehicles from China***

WT/DS629

Third Party Oral Statement

by

Norway

at the Third Party Session of the Panel

Geneva, 24 September 2025

(As delivered)

Mr Chair, Members of the Panel,

1. Norway welcomes this opportunity to present its views on the issues raised in these panel proceedings. Norway did not present a written third party submission to the Panel. Without taking a position on the facts of this dispute, Norway will in this statement set out its observations on two issues of relevance to this dispute: 1) The interpretation of a Member's Schedule of Concessions under Article II of the GATT 1994; 2) The legal standards arising from the terms "necessary" in subparagraph (b) and "relating to" in subparagraph (g) under Article XX of the GATT 1994.
2. As the work of the Dispute Settlement Mechanism directly concerns the upholding of the rules based international order, we also find it appropriate and pertinent to address the situation in Ukraine.
3. Norway condemns in the strongest possible terms the Russian Federation's illegal war of aggression against Ukraine. Norway demands Russia to end its hostilities and withdraw its forces immediately and unconditionally from Ukraine's internationally recognised territory.
4. Turning to the present dispute, China claims that *Türkiye*'s additional duties on electric vehicles are inconsistent with Article II:1(b), first sentence, of the GATT 1994, as they exceed the bound rates set out in *Türkiye*'s Schedule of Concessions. Consequently, China also considers the duties inconsistent with Article II:1(a).¹ *Türkiye* responds that a Member cannot be regarded as having bound itself, at the end of the Uruguay Round, with respect to vehicles incorporating a technology that barely existed at that time and had no commercial relevance in the automobile sector.²

¹ China's first written submission, para. 144.

² *Türkiye*'s first written submission, para 2.15.

(As delivered)

5. In support of its position, Türkiye relies on the panel in *EC – Computer Equipment*, which stated that "the protection of legitimate expectations in respect of tariff treatment of a bound item is one of the most important functions of Article II."³
6. According to Türkiye, WTO Members cannot claim to have legitimate expectations that Türkiye is bound with respect to products whose technological prominence and commercial significance are of a fundamentally different nature, both qualitatively and quantitatively, than was the case at the time Türkiye entered into its WTO tariff commitments.⁴
7. However, as Australia points out in its third party written submission, the Appellate Body in *EC – Computer Equipment* rejected reliance on such reasoning. The Appellate Body emphasised that a Member's Schedule forms an integral part of the GATT 1994 pursuant to Article II:7. The tariff concessions contained therein are treaty obligations, the interpretation of which must be conducted exclusively in accordance with the general rules of treaty interpretation set out in the Vienna Convention.⁵
8. In Norway's view, an interpretation which would allow a product segment to be released from binding commitments merely because of subsequent technological advancement would seriously undermine the predictability of the multilateral trading system.
9. As confirmed by the the panel in *India – Tariff Treatment*,⁶ it is essential to distinguish between, on the one hand, technological advancements leading to genuinely "new products" not captured by the tariff lines at the six-digit level as inscribed in Members' Schedules, and, on the other hand, technological advancements representing developments of products that fall within existing

³ Panel Report, EC – Computer Equipment, para. 8.23.

⁴ Türkiye's first written submission, para. 2.15.

⁵ Appellate Body Report, EC – Computer Equipment, para. 84.

⁶ Panel Report, India - Tariffs on ICT Goods (EU), para. 7.63.

(As delivered)

commitments. Norway is not of the view that the development of new technologies or new products as such modifies the scope of tariff concessions in a Member's WTO Schedule.

10. Norway will in the following comments address the legal tests arising from the terms “necessary” in Article XX(b) and “relating to” in Article XX(g) of the GATT 1994.
11. Türkiye argues that despite the textual differences between Article XX(b) and (g), the legal tests under these two subparagraphs are, in practice, very similar. Both the “necessity” test and the “relating to” test are said to require, in essence, that the measure at issue bears a genuine relationship to the policy objective pursued. In this regard Türkiye refers to Appellate Body findings in *Brazil – Retreaded Tyres* with respect to Article XX(b) and *China – Raw Materials* with respect to Article XX(g), both of which highlight the need for a “genuine relationship of ends and means”.⁷
12. The European Union, in its third-party submission, appears to concur with Türkiye insofar as it considers the “necessity” standard under Article XX(b) to be more exacting than the “relating to” standard under Article XX(g). On this basis, Türkiye argues that compliance with Article XX(b) necessarily entails compliance with Article XX(g).
13. Norway takes a different view. In Norway’s assessment the different subparagraphs of Article XX establish individualised legal tests, which must be applied separately. Prior Appellate Body jurisprudence confirms that. Although the tests may be conceptually similar, the choice of wording in each subparagraph entails distinct legal standards.
14. Norway agrees to the extent that the “necessity” standard in subparagraphs (a) and (b) establishes a higher threshold than the “relating to” standard in subparagraph (g). Both formulations require that a measure bear a genuine relationship to the objective pursued. However, under subparagraphs (a) and (b), this relationship is only one

⁷ Türkiye’s first written submission, para 2.46.

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element of the overall necessity test, which also involves a process of weighing and balancing. By contrast, subparagraph (g) requires no more than a demonstration of a genuine relationship between the measure and the conservation objective.

15. Norway further considers that a measure may legitimately pursue multiple objectives. Where a Member invokes more than one of the subparagraphs of Article XX, the measure must be assessed against each of the applicable tests individually. The fact that a measure fails to meet the test under one subparagraph should not, in itself, preclude it from being justified under another.
16. This concludes Norway's statement here today. Thank you.