



Annual Report for 2007

# APPELLATE BODY

January 2008



WORLD TRADE  
ORGANIZATION



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## ABBREVIATIONS USED IN THIS ANNUAL REPORT

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<b>Abbreviation</b>	<b>Description</b>
ADB	Asian Development Bank
<i>Anti-Dumping Agreement</i>	<i>Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994</i>
ATC	<i>Agreement on Textiles and Clothing</i>
CRCICA	Cairo Regional Centre for International Commercial Arbitration
DRAMs	Dynamic random access memories
DSB	Dispute Settlement Body
DSU	<i>Understanding on Rules and Procedures Governing the Settlement of Disputes</i>
GATS	<i>General Agreement on Trade in Services</i>
GATT 1994	<i>General Agreement on Tariffs and Trade 1994</i>
ICC	International Criminal Court
ICJ	International Court of Justice
ICSID	International Centre for Settlement of Investment Disputes
Import Licensing	<i>Agreement on Import Licensing Procedures</i>
JIA	Japanese investigating authorities
MERCOSUR	Mercado Común del Sur (Southern Common Market)
OCTG	Oil country tubular goods
OECD	Organisation for Economic Co-operation and Development
Repertory	<i>WTO Appellate Body Repertory of Reports and Awards 1995–2006</i>
<i>SCM Agreement</i>	<i>Agreement on Subsidies and Countervailing Measures</i>
SPS	<i>Agreement on the Application of Sanitary and Phytosanitary Measures</i>
TBT	<i>Agreement on Technical Barriers to Trade</i>
TRIMs	<i>Agreement on Trade-Related Investment Measures</i>
TRIPS	<i>Agreement on Trade-Related Aspects of Intellectual Property Rights</i>
UNCTAD	United Nations Conference on Trade and Development
UNCTC	United Nations Centre on Transnational Corporations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNIDO	United Nations Industrial Development Organization
USDOC	United States Department of Commerce
<i>Working Procedures</i>	<i>Working Procedures for Appellate Review, WT/AB/WP/5, 4 January 2005</i>
WTO	World Trade Organization
<i>WTO Agreement</i>	<i>Marrakesh Agreement Establishing the World Trade Organization</i>

## WORLD TRADE ORGANIZATION APPELLATE BODY ANNUAL REPORT FOR 2007

### I. INTRODUCTION

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This Annual Report provides a summary of the activities undertaken in 2007 by the Appellate Body and its Secretariat.

Dispute settlement in the WTO is regulated by the *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU), which is one of the agreements annexed to the *Marrakesh Agreement Establishing the World Trade Organization (WTO Agreement)*. According to Article 3.2 of the DSU, “[t]he dispute settlement system of the WTO is a central element in providing security and predictability to the multilateral trading system.” Article 3.2 further provides that the dispute settlement system “serves to preserve the rights and obligations of Members under the covered agreements, and to clarify the existing provisions of those agreements in accordance with customary rules of interpretation of public international law.” The dispute settlement system is administered by the Dispute Settlement Body (DSB), which is composed of all WTO Members.

A WTO Member may have recourse to the procedures established in the DSU if it “considers that any benefits accruing to it directly or indirectly under the covered agreements are being impaired by measures taken by another Member”.<sup>1</sup> The DSU procedures apply to disputes arising under any of the covered agreements, which are listed in Appendix 1 to the DSU and include the WTO Agreement and all the multilateral agreements annexed to it relating to trade in goods, trade in services, and the protection of intellectual property rights, as well as the DSU itself. The application of the DSU to disputes under the plurilateral agreements annexed to the WTO Agreement is subject to the terms of these agreements, or decisions by the parties to these agreements setting out the terms for the application to the individual agreement.

In general terms, proceedings under the DSU may be divided into three stages. In the first stage, Members are required to hold consultations in an effort to reach a mutually agreeable solution to the matter in dispute. If the consultations are not successful, the dispute may advance to a second, adjudicative stage. The complaining Member may request the DSB to establish a panel to examine the matter. The panel’s function is to “make an objective assessment of the matter before it, including an objective assessment of the facts of the case and the applicability of and conformity with the relevant covered agreements, and make such other findings as will assist the DSB in making the recommendations or in giving the rulings provided for in the covered agreements.”<sup>2</sup> The panel process includes written and oral submissions by the main parties and also by third parties that have notified their interest in the dispute to the DSB. At the end of the process, the panel sets out its legal findings in its report, which is circulated to all WTO Members in the three official languages of the WTO (English, French, Spanish).

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<sup>1</sup> Article 3.3 of the DSU.

<sup>2</sup> Article 11 of the DSU.

Article 17 of the DSU stipulates that a standing Appellate Body will be established by the DSB. The Appellate Body is composed of seven Members each appointed to a four-year term, with a possibility to be reappointed once. The expiration dates of terms are staggered, ensuring that not all Members begin and complete their terms at the same time. Members of the Appellate Body must be persons of recognized authority; with demonstrated expertise in law, international trade, and the subject matter of the covered agreements generally; and not be affiliated with any government. Members of the Appellate Body should broadly represent the membership of the WTO. Appellate Body Members elect a Chairperson to serve a one-year term, which can be extended for an additional one year period. The Chairperson is responsible for the overall direction of Appellate Body business.

Each appeal is heard by a Division of three Appellate Body Members. The process for the selection of Divisions is designed to ensure randomness, unpredictability, and opportunity for all Members to serve, regardless of their national origin. To ensure consistency and coherence in decision-making, Divisions exchange views with the other four Members of the Appellate Body before finalizing Appellate Body reports. The conduct of Members of the Appellate Body and its staff is regulated by the Rules of Conduct for the DSU. These Rules emphasize that Appellate Body Members shall be independent, impartial, and avoid any appearance of conflict of interest. Any party to the dispute may appeal the panel report to the Appellate Body. WTO Members that were third parties at the panel stage may also participate in the appellate proceedings, but they may not appeal the panel report. The appeal is limited to issues of law covered in the panel report and legal interpretations developed by the panel. Appellate proceedings are conducted in accordance with the procedures established in the DSU and the *Working Procedures for Appellate Review*<sup>3</sup>, and include the filing of written submissions by the participants and the third participants and an oral hearing. The Appellate Body report is circulated to WTO Members in the three official languages within 90 days of the date when the appeal was initiated, and becomes public immediately upon circulation to Members.<sup>4</sup> In its report, the Appellate Body may uphold, modify, or reverse the legal findings and conclusions of the panel.

Panel and Appellate Body reports must be adopted by WTO Members acting collectively through the DSB. Under the reverse consensus rule, a report is adopted by the DSB unless all WTO Members formally object to its adoption.<sup>5</sup>

The final stage follows the adoption by the DSB of a panel or Appellate Body report that includes a finding of inconsistency of a measure of the responding Member with its WTO obligations. Article 21.3 of the DSU provides that the responding Member should in principle comply immediately. However, where immediate compliance is “impracticable”, the responding Member shall have a reasonable period of time in which to do so. The “reasonable period of time” may be determined by the DSB, by agreement between the parties, or through arbitration. If the parties disagree “as to existence or consistency with a covered agreement of measures taken to comply”, the matter may be referred to the original panel in what is known as “Article 21.5 compliance proceedings”. The report of the panel in the Article 21.5 compliance proceedings may be appealed. Panel and Appellate Body reports in Article 21.5 compliance proceedings must also be adopted by the DSB.

If the responding Member does not bring its WTO-inconsistent measure into compliance within a reasonable period of time, the complaining Member may request negotiations with the responding

<sup>3</sup> WT/AB/WP/5.

<sup>4</sup> Shorter timeframes may apply in disputes involving prohibited subsidies. (See Rule 31 of the *Working Procedures*)

<sup>5</sup> Articles 16.4 and 17.14 of the DSU.

Member with a view to developing mutually acceptable compensation. Compensation is voluntary and subject to acceptance by the complaining Member, and must also be consistent with the WTO agreements. If no satisfactory compensation is agreed, the complaining Member may request authorization from the DSB to suspend the application of concessions or other obligations under the WTO agreements to the Member concerned. The level of the suspension of concessions or other obligations authorized by the DSB shall be equivalent to the level of the nullification or impairment resulting from the WTO-inconsistent measure. The responding Member may request arbitration if it objects to the level of suspension proposed or considers there is non-compliance with other requirements in the DSU. Compensation and the suspension of concessions or other obligations are temporary measures; neither is to be preferred to full implementation.<sup>6</sup>

A party to a dispute may request good offices, conciliation, or mediation at any time.<sup>7</sup> In addition, under Article 25 of the DSU, WTO Members may have recourse to arbitration as an alternative to the regular procedures set out in the DSU and described above.<sup>8</sup> Recourse to arbitration and the procedures to be followed are subject to mutual agreement of the parties.

## II. COMPOSITION OF THE APPELLATE BODY

The Appellate Body is a standing body composed of seven Members appointed by the DSB for a term of four years with the possibility of being reappointed once for another four-year term. The composition of the Appellate Body in 2007 and the respective terms of office of its Members are set out in Table 1.

TABLE 1: COMPOSITION OF THE APPELLATE BODY IN 2007

Name	Nationality	Term(s) of office
Georges Michel Abi-Saab	Egypt	2000–2004 2004–2008
Luiz Olavo Baptista	Brazil	2001–2005 2005–2009
Arumugamangalam Venkatachalam Ganesan	India	2000–2004 2004–2008
Merit E. Janow	United States	2003–2007
Giorgio Sacerdoti	Italy	2001–2005 2005–2009
Yasuhei Taniguchi	Japan	2000–2003 2003–2007
David Unterhalter	South Africa	2006–2009

<sup>6</sup> Article 22.1 of the DSU.

<sup>7</sup> Article 5 of the DSU.

<sup>8</sup> There has been only one recourse to Article 25 of the DSU and it was not in lieu of panel or Appellate Body proceedings but, rather, in the implementation stage of a dispute after it had been adjudicated by a panel. The purpose of that arbitration was to set an amount of compensation pending full compliance by the responding Member. (See Award of the Arbitrators, *US – Section 110(5) Copyright Act (Article 25.3)*)

Giorgio Sacerdoti served as Chairman of the Appellate Body from 17 December 2006 to 16 December 2007.<sup>9</sup> On 16 December 2007, Appellate Body Members elected, pursuant to Rule 5(1) of the *Working Procedures*, Luiz Olavo Baptista to serve as Chairman of the Appellate Body from 18 December 2007 to 17 December 2008.<sup>10</sup>

Yasuhei Taniguchi's second term of office expired on 10 December 2007. Merit E. Janow, whose first term of office expired on the same day, informed the DSB that she would not seek reappointment to a second term. The second terms of office of A.V. Ganesan and Georges Abi-Saab will expire on 31 May 2008.

On 20 June 2007, the DSB agreed to undertake a single selection process for appointing Appellate Body Members to the two positions for which the terms of office would expire in December 2007 and the two positions for which the terms of office will expire in May 2008<sup>11</sup>, following a similar approach agreed by the DSB in the 2003 selection process and based on standard procedures for selection of Appellate Body Members.<sup>12</sup> The DSB established a Selection Committee, which, in accordance with the procedures contained in document WT/DSB/1, consisted of the Director-General and the 2007 Chairs of the DSB, General Council, Goods Council, Services Council, and TRIPS Council. The DSB set 31 August 2007 as the deadline for WTO Members to nominate candidates. Nine nominations were received: Benin, Japan, Korea, Pakistan, and the Philippines nominated one candidate each, and China and the United States each nominated two candidates. The Selection Committee held interviews with the nominated candidates and received the views of delegations. On 27 November 2007, upon the recommendation of the Selection Committee, the DSB appointed Lilia R. Bautista (Philippines) and Jennifer Hillman (United States) to begin their terms of office on 11 December 2007, and appointed Shotaro Oshima (Japan) and Yuejiao Zhang (China) to begin their terms of office on 1 June 2008.<sup>13</sup> Ms Bautista and Ms Hillman were sworn in on 17 December 2007.

Lilia R. Bautista was born in the Philippines on 16 August 1935 and was recently consultant to the Philippine Judicial Academy, which is the training school for Philippine justices, judges, and lawyers. She is also a member of several corporate boards.

Ms Bautista was the Chairperson of the Securities and Exchange Commission of the Philippines from 2000 to 2004. Between 1999 and 2000, she served as Senior Undersecretary and Special Trade Negotiator at the Department of Trade and Industry in Manila. From 1992 to 1999, she was the Philippine Permanent Representative in Geneva to the United Nations, the WTO, the World Health Organization, the International Labour Organization, and other international organizations. During her assignment in Geneva, she chaired several bodies, including the WTO Council for Trade in Services. Her long career in the Philippine Government also included posts as Legal Officer in the Office of the President, Chief Legal Officer of the Board of Investments, and acting Trade Minister from February to June 1992. Ms Bautista earned her Bachelor of Laws Degree and a Masters Degree in Business Administration from the University of the Philippines. She was conferred the degree of Master of Laws by the University of Michigan as a Dewitt Fellow.

<sup>9</sup> WT/DSB/41.

<sup>10</sup> WT/DSB/45.

<sup>11</sup> WT/DSB/M/234.

<sup>12</sup> WT/DSB/1.

<sup>13</sup> PRESS/501.

Jennifer Hillman was born in the United States on 29 January 1957 and serves as a Fellow and Adjunct Professor of Law at the Georgetown University Law Center's Institute of International Economic Law. Her work focuses on the WTO dispute settlement system, the WTO agreements related to trade remedies, and WTO jurisprudence related to trade remedies.

From 1998 to 2007, she served as a member of the United States International Trade Commission—an independent, quasi-judicial agency responsible for making determinations in anti-dumping and countervailing proceedings, and conducting safeguard investigations. From 1995 to 1997, she served as Chief Legal Counsel to the United States Trade Representative, overseeing the legal developments necessary to complete the implementation of the Uruguay Round Agreement. From 1993 to 1995, she was responsible for negotiating all United States bilateral textile agreements prior to the adoption of the *Agreement on Textiles and Clothing*. Ms Hillman has a Bachelor of Arts and Master of Education from Duke University, North Carolina, and a Juris Doctor degree from Harvard Law School in Cambridge, Massachusetts.

Shotaro Oshima was born in Japan on 20 September 1943 and is a law graduate from the University of Tokyo, with almost 40 years experience as a diplomat in Japan's Foreign Service, most recently as Ambassador to the Republic of Korea.

From 2002 to 2005, Mr. Oshima was Japan's Permanent Representative to the WTO, during which time he served as Chair of the General Council and of the Dispute Settlement Body. Prior to his time in Geneva, he served as Deputy Foreign Minister responsible for economic matters and was designated as Prime Minister Koizumi's Personal Representative to the G-8 Summit in Canada in June 2002. In the same year he served as the Prime Minister's Personal Representative to the United Nations World Summit on Sustainable Development in South Africa. From 1997 to 2000, he served as Director-General for Economic Affairs in the Ministry of Foreign Affairs, responsible for formulating and implementing major policy initiatives in Japan's external economic relations.

Yuejiao Zhang was born in China on 25 October 1944 and is Professor of Law at Shantou University in China. She is an arbitrator on China's International Trade and Economic Arbitration Commission and practices law as a private attorney. She also serves as Vice-President of China's International Economic Law Society.

Ms Zhang served as a Board Director to the West African Development Bank from 2005 to 2007. Between 1998 and 2004, she held various senior positions at the Asian Development Bank (ADB), including as Assistant General Counsel, Co-Chair of the Appeal Committee, and Director-General of the ADB. Prior to this, she held several positions in government and academia in China, including as Director-General of Law and Treaties at the Ministry of Foreign Trade and Economic Cooperation (1984–1997), where she was involved in drafting many of China's trade laws such as the Foreign Trade Law, the Anti-Dumping Regulation, and the Anti-Subsidy Regulation. From 1987 to 1996, she was one of China's chief negotiators on intellectual property and was involved in the preparation of China's patent law, trademark law, and copyright law. She also served as the chief legal counsel for China's WTO accession. Between 1982 and 1985, Ms Zhang worked as legal counsel at the World Bank. She was a Member of the Governing Council of UNIDROIT (International Institute for the Unification of Private Law) from 1987 to 1999 and a Board Member of IDLO (International Development Law Organization) from 1988 to 1999. Ms Zhang has a Bachelor of Arts from China High Education College, a Bachelor of Arts from Rennes University of France, and a Master of Laws from Georgetown University Law Center.

Biographical notes on current Appellate Body Members are provided in Annex 1. A list of former Appellate Body Members and Chairpersons is provided in Annex 2.

The Appellate Body receives legal and administrative support from the Appellate Body Secretariat, in accordance with Article 17.7 of the DSU. The Secretariat currently comprises a Director and a team of nine lawyers, one administrative assistant, and three support staff. Werner Zdouc is the Director of the Appellate Body Secretariat.

### III. APPEALS

Under Rule 20(1) of the *Working Procedures*, an appeal is commenced by giving notice in writing to the DSB and filing a Notice of Appeal with the Appellate Body Secretariat. Rule 23(1) of the *Working Procedures* allows a party to the dispute other than the initial appellant to join the appeal, or appeal on the basis of other alleged errors, by filing a Notice of Other Appeal.

Four appeals were filed in 2007, three of which included an “other appeal”. Two appeals related to original proceedings and two appeals related to panel proceedings brought pursuant to Article 21.5 of the DSU. Information about these appeals is provided in Table 2.

TABLE 2: APPEALS FILED IN 2007

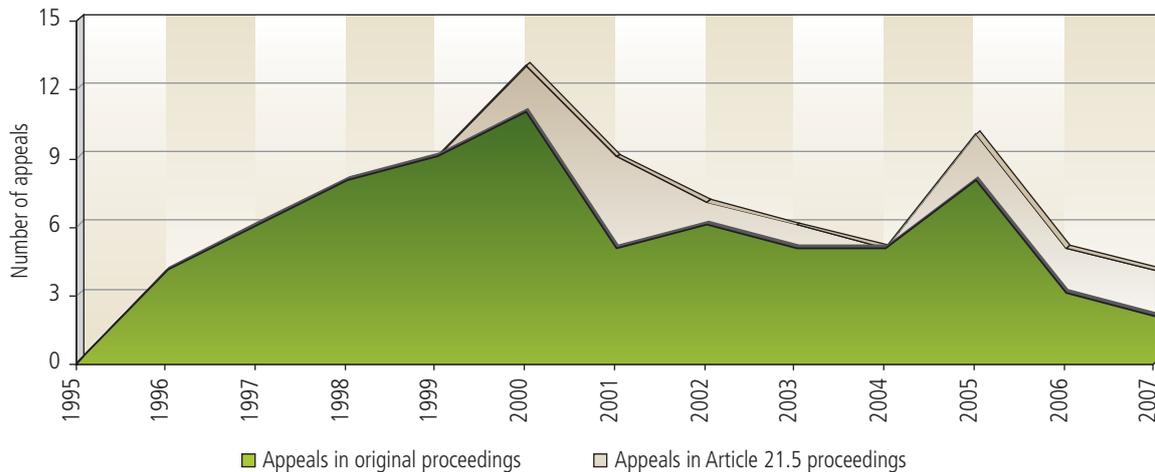
Panel reports appealed	Date of appeal	Appellant <sup>a</sup>	Document number	Other appellant <sup>b</sup>	Document number
<i>US – Oil Country Tubular Goods Sunset Reviews (Article 21.5 – Argentina)</i>	12 January 2007	United States	WT/DS268/19	Argentina	WT/DS268/20
<i>Chile – Price Band System (Article 21.5 – Argentina)</i>	5 February 2007	Chile	WT/DS207/22	Argentina	WT/DS207/23
<i>Japan – DRAMs (Korea)</i>	30 August 2007	Japan	WT/DS336/8	Korea	WT/DS336/9
<i>Brazil – Retreaded Tyres</i>	3 September 2007	European Communities	WT/DS332/9	---	---

<sup>a</sup> Pursuant to Rule 20 of the *Working Procedures*.

<sup>b</sup> Pursuant to Rule 23(1) of the *Working Procedures*.

Information on the number of appeals filed each year since 1995 is provided in Annex 3. Figure 1 shows the ratio of appeals dealing with original disputes to appeals dealing with complaints brought pursuant to Article 21.5 of the DSU.

FIGURE 1: APPEALS IN ORIGINAL PROCEEDINGS AND APPEALS IN ARTICLE 21.5 PROCEEDINGS 1996–2007



Two of the appeals filed in 2007 concerned panel reports circulated to WTO Members in 2006.<sup>14</sup> Ten panel reports were circulated in 2007. The 60-day deadlines for adoption of three of the ten panel reports circulated in 2007 do not expire until 2008.<sup>15</sup> In total, four of a possible nine panel reports were appealed in 2007.<sup>16</sup>

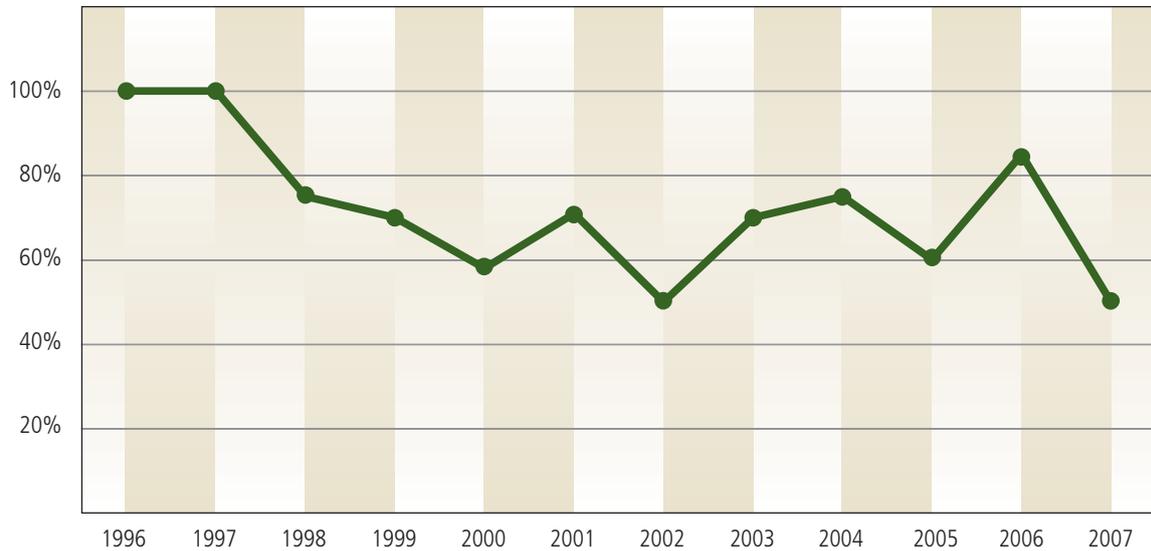
Figure 2 shows the percentage of panel reports appealed by year of adoption since 1996. No panel reports were appealed in 1995. The overall average of panel reports that have been appealed from 1995 to 2007 is 67 per cent.

<sup>14</sup> The Panel Reports in *US – Oil Country Tubular Goods Sunset Reviews (Article 21.5 – Argentina)* and *Chile – Price Band System (Article 21.5 – Argentina)* were circulated to WTO Members on 30 November 2006 and 8 December 2006 and appealed on 12 January 2007 and 5 February 2007, respectively.

<sup>15</sup> The Panel Reports in *EC – Salmon (Norway)*, *US – Upland Cotton (Article 21.5 – Brazil)*, and *US – Stainless Steel (Mexico)* were circulated to WTO Members on 16 November 2007 and 18 and 20 December 2007, respectively.

<sup>16</sup> The Panel Reports in *US – Shrimp (Ecuador)*, *US – Gambling (Article 21.5 – Antigua and Barbuda)*, *Mexico – Steel Pipes and Tubes*, *Korea – Certain Paper (Article 21.5 – Indonesia)*, and *Turkey – Rice* were circulated and adopted by the DSB during the course of 2007, and were not appealed.

FIGURE 2: PERCENTAGE OF PANEL REPORTS APPEALED 1996–2007 \*



\* Figure 2 is based on year of adoption, which may not necessarily coincide with the year in which a panel report was circulated or appealed.

#### IV. APPELLATE BODY REPORTS

Five Appellate Body reports were circulated during 2007, one of which related to a Notice of Appeal filed in 2006.<sup>17</sup> As of the end of 2007, the Appellate Body had circulated a total of 84 reports. Table 3 provides further information on the Appellate Body reports circulated in 2007.

TABLE 3: APPELLATE BODY REPORTS CIRCULATED IN 2007

Case	Document number	Date circulated	Date adopted by DSB
<i>US – Zeroing (Japan)</i>	WT/DS322/AB/R	9 January 2007	23 January 2007
<i>US – Oil Country Tubular Goods Sunset Reviews (Article 21.5 – Argentina)</i>	WT/DS268/AB/RW	12 April 2007	11 May 2007
<i>Chile – Price Band System (Article 21.5 – Argentina)</i>	WT/DS207/AB/RW	7 May 2007	22 May 2007
<i>Japan – DRAMs (Korea)</i>	WT/DS336/AB/R	28 November 2007	17 December 2007
<i>Brazil – Retreaded Tyres</i>	WT/DS332/AB/R	3 December 2007	17 December 2007

<sup>17</sup> The Notice of Appeal in *US – Zeroing (Japan)* was filed on 11 October 2006.

### A. Agreements Covered

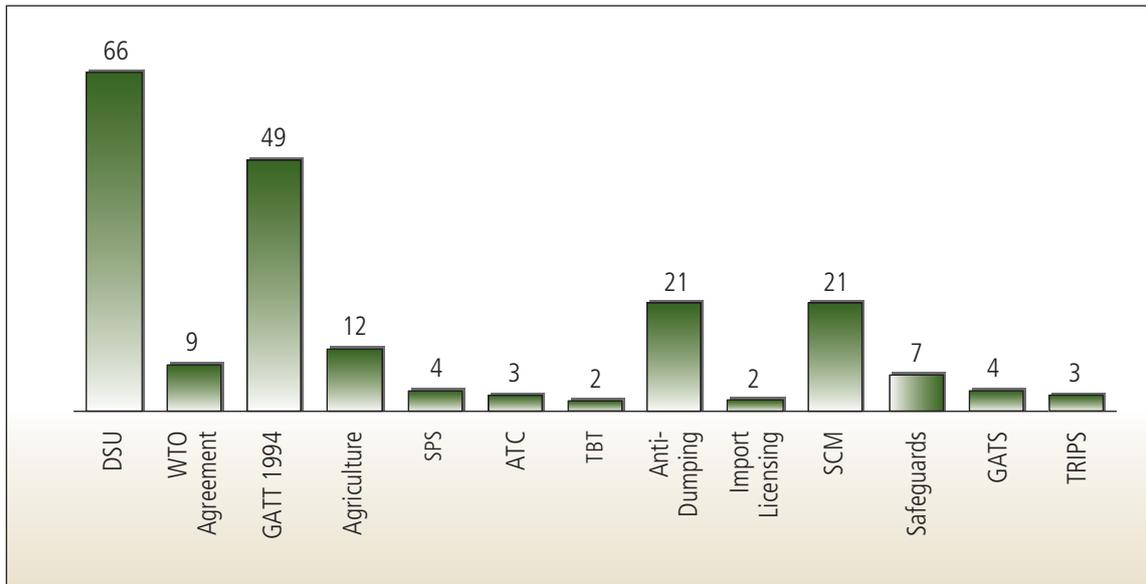
The following table shows which WTO agreements were addressed in the five Appellate Body reports circulated in 2007.

TABLE 4: WTO AGREEMENTS ADDRESSED IN APPELLATE BODY REPORTS CIRCULATED IN 2007

Case	Document number	WTO agreements covered
<i>US – Zeroing (Japan)</i>	WT/DS322/AB/R	<i>Anti-Dumping Agreement</i> GATT 1994 DSU
<i>US – Oil Country Tubular Goods Sunset Reviews (Article 21.5 – Argentina)</i>	WT/DS268/AB/RW	<i>Anti-Dumping Agreement</i> DSU
<i>Chile – Price Band System (Article 21.5 – Argentina)</i>	WT/DS207/AB/RW	<i>Agreement on Agriculture</i> DSU
<i>Japan – DRAMs (Korea)</i>	WT/DS336/AB/R	<i>SCM Agreement</i> DSU
<i>Brazil – Retreaded Tyres</i>	WT/DS332/AB/R	GATT 1994 DSU

Figure 3 shows the number of times specific WTO agreements have been addressed in the 84 Appellate Body reports circulated from 1996 through 2007.

FIGURE 3: WTO AGREEMENTS ADDRESSED IN APPEALS 1996–2007



Annex 5 contains a breakdown by year of the frequency with which the specific WTO agreements have been addressed in appeals from 1996 through 2007.

## B. Findings and Conclusions

The Appellate Body's findings and conclusions in the five Appellate Body reports circulated in 2007 are summarized below.

### ■ Appellate Body Report, *US – Zeroing (Japan)*, WT/DS322/AB/R

This dispute concerned a methodology commonly referred to as “zeroing” used in the context of calculating a dumping margin for a product on the basis of a series or multiple groups of transactions. When the methodology is applied, the results of comparisons for which the export price exceeds the normal value are treated as zero in the process of aggregating comparison results.

The Appellate Body upheld the panel's finding that the United States' zeroing procedures constituted a measure that can be challenged as such in WTO dispute settlement proceedings. The Appellate Body rejected the claim that the panel did not assess objectively the issue of whether a single rule or norm exists by virtue of which the United States Department of Commerce (USDOC) applies zeroing regardless of the basis upon which export price and normal value are compared, and regardless of the type of proceeding in which margins of dumping are calculated.

The Appellate Body reversed the panel's finding that the United States did not act inconsistently with Articles 2.1, 2.4, and 2.4.2 of the *Anti-Dumping Agreement* and Articles VI:1 and VI:2 of the GATT 1994 by maintaining zeroing procedures when calculating margins of dumping on the basis of transaction-to-transaction comparisons in original investigations. The Appellate Body explained that dumping and margins of dumping can only be found to exist in relation to the product under investigation. This means that neither dumping nor margins of dumping can be found to exist at the level of an individual transaction and that an investigating authority must consider the results of all of the comparisons of normal value and export price, including those in which export price exceeds normal value. Based on these considerations, the Appellate Body found that the United States had acted inconsistently with Article 2.4.2 by maintaining procedures by virtue of which it disregards comparison results in which export prices exceed normal value when calculating margins of dumping on the basis of the transaction-to-transaction methodology in original investigations. The Appellate Body also found that zeroing is inconsistent with the “fair comparison” requirement of Article 2.4 of the *Anti-Dumping Agreement*, because disregarding results of comparisons in which export price is above normal value artificially inflates the magnitude of dumping, resulting in higher margins of dumping, and making positive determinations of dumping more likely.

In addition, the Appellate Body reversed the panel's finding that the United States did not act inconsistently with Articles 2.1, 2.4, 9.1-9.3, and 9.5 of the *Anti-Dumping Agreement* and Articles VI:1 and VI:2 of the GATT 1994 by maintaining zeroing procedures in periodic reviews (in which the USDOC determines an importer's final duty liability for the period reviewed, as well as a cash deposit rate to be applied to future entries of the product)<sup>18</sup> and new shipper reviews (in which the USDOC determines an individual dumping margin for an exporter or producer that did not export the product

<sup>18</sup> Article 9.3.1 of the *Anti-Dumping Agreement* provides that, “[w]hen the amount of the anti-dumping duty is assessed on a retrospective basis, the determination of the final liability for payment of anti-dumping duties shall take place as soon as possible, normally within 12 months, and in no case more than 18 months, after the date on which a request for a final assessment of the amount of the anti-dumping duty has been made.” Reviews conducted pursuant to Article 9.3.1 are sometimes referred to as “periodic reviews”.

during the original period of investigation).<sup>19</sup> The Appellate Body found, instead, that the United States had acted inconsistently with Articles 9.3 and 9.5 of *the Anti-Dumping Agreement*, Article VI:2 of the GATT 1994, and with the “fair comparison” requirement of Article 2.4 of *the Anti-Dumping Agreement*, because zeroing in periodic reviews and new shipper reviews results in anti-dumping duties being collected from importers in excess of the exporter’s or foreign producer’s margin of dumping. For the same reasons, the Appellate Body also reversed the panel’s finding that the United States did not act inconsistently with Articles 2.1, 2.4, 9.1-9.3, and 9.5 of *the Anti-Dumping Agreement* and Articles VI:1 and VI:2 of the GATT 1994 by applying zeroing in the 11 periodic review determinations at issue in the appeal. The Appellate Body found, instead, that the United States had acted inconsistently with Articles 2.4 and 9.3 of *the Anti-Dumping Agreement* and with Article VI:2 of the GATT 1994 by applying zeroing in the periodic reviews at issue.

The Appellate Body also reversed the panel’s finding that the United States did not act inconsistently with Articles 2 and 11 of *the Anti-Dumping Agreement* in two specific sunset reviews at issue (in which the USDOC determined whether termination of the anti-dumping duty was likely to lead to a continuation or recurrence of dumping and injury).<sup>20</sup> The Appellate Body noted the panel’s factual finding that, in making its likelihood-of-dumping determinations, the USDOC had relied on margins of dumping calculated in previous periodic reviews with the use of zeroing. In the light of its previous finding that zeroing procedures in periodic reviews are inconsistent with Articles 2.4 and 9.3 of *the Anti-Dumping Agreement* and with Article VI:2 of the GATT 1994, the Appellate Body found that the United States had acted inconsistently with Article 11.3 of *the Anti-Dumping Agreement* when it relied, in the underlying sunset review determinations, on margins of dumping calculated in previous proceedings with the use of zeroing.

#### ■ Appellate Body Report, *US – Oil Country Tubular Goods Sunset Reviews (Article 21.5 – Argentina)*, WT/DS268/AB/RW

This appeal concerned two measures taken by the United States to comply with the recommendations and rulings of the DSB resulting from the original proceedings in *US – Oil Country Tubular Goods Sunset Reviews*. The first measure consisted of amendments made to the United States’ regulatory provisions regarding waivers by exporters of their right to participate in the part of a sunset review<sup>21</sup> conducted by the USDOC. Under Section 751(c)(4)(B) of the United States Tariff Act of 1930, the USDOC must make an affirmative finding of likelihood of dumping for any exporters that waive their right to participate. This company-specific finding is then taken into account when the USDOC makes its order-wide determination of likelihood of dumping with respect to all exporters from a country that is the subject of an anti-dumping duty order. The second measure consisted of a re-determination, pursuant to Section 129 of the Uruguay Round Agreements Act, of the likelihood that imports of oil country tubular goods (OCTG) from Argentina would be dumped if the anti-dumping duty order were revoked or the investigation were terminated.

<sup>19</sup> Article 9.5 of the *Anti-Dumping Agreement* makes it clear that, upon request, investigating authorities “shall promptly carry out a review for the purpose of determining individual margins of dumping” for exporters or foreign producers that did not ship the subject product during the period of investigation. Reviews conducted pursuant to Article 9.5 are sometimes referred to as “new shipper reviews”.

<sup>20</sup> Article 11.3 of the *Anti-Dumping Agreement* provides that “any definitive anti-dumping duty shall be terminated on a date not later than five years from its imposition ... unless the authorities determine, in a review initiated before that date ... that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury”. Reviews conducted pursuant to Article 11.3 are sometimes referred to as “sunset reviews”.

<sup>21</sup> Footnote 20 above explains what are «sunset reviews».

In considering the WTO-consistency of the United States' "amended" waiver provisions, the Appellate Body found that a company-specific finding is no longer based on a mere assumption but, rather, on "positive evidence" in the form of a statement by the waiving exporter indicating that it is likely to dump if the order were revoked or the investigation were terminated. The Appellate Body noted that the amended waiver provisions do not preclude the USDOC from considering other evidence on the record of the sunset review before making an order-wide determination. For these reasons, the Appellate Body reversed the panel's finding that the amended waiver provisions were as such inconsistent with Article 11.3 of the *Anti-Dumping Agreement*. In the light of this finding, the Appellate Body did not consider it necessary to examine whether the panel failed to make an objective assessment of the matter before it, as required by Article 11 of the DSU.

Regarding the Section 129 Determination, the Appellate Body upheld the panel's conclusion that it could properly examine, in the compliance proceedings under Article 21.5, the USDOC's finding that imports of OCTG declined after imposition of the anti-dumping duty order, which was one of the two factual bases of the Section 129 Determination. The USDOC's finding on import volumes had been made in the original sunset review and was incorporated into the re-determination under Section 129. Consequently, the Appellate Body let stand the panel's conclusion that the USDOC's finding of a decline in import volumes lacked a sufficient factual basis, contrary to the requirements of Article 11.3 of the *Anti-Dumping Agreement*. The United States did not appeal the panel's finding that the other basis for the USDOC's likelihood-of-dumping determination—that there was "likely past dumping"—also failed to meet the requirements of Article 11.3 of the *Anti-Dumping Agreement*.

In addition, the Appellate Body upheld the panel's finding that the USDOC did not act inconsistently with the United States' obligations under Articles 11.3 and 11.4 of the *Anti-Dumping Agreement* by developing a new evidentiary basis pertaining to the initial sunset review period for purposes of its Section 129 Determination. The Appellate Body also found that the panel did not fail to make an objective assessment of the matter before it, as required by Article 11 of the DSU, by considering certain provisions of the DSU as appropriate context.

Finally, the Appellate Body rejected Argentina's claim that the panel did not properly fulfil its duties under Articles 11 and 12.7 of the DSU when it declined to suggest, pursuant to Article 19.1 of the DSU, that the United States implement its recommendations by terminating the anti-dumping duty order on Argentine OCTG. The Appellate Body itself also declined to make such a suggestion.

#### ■ **Appellate Body Report, Chile – Price Band System (Article 21.5 – Argentina), WT/DS207/AB/RW**

These proceedings under Article 21.5 of the DSU concerned amendments made to Chile's price band system in 2003 as they relate to imports of wheat and wheat flour to Chile. The price band system consisted of upper and lower price band thresholds, on the one hand, and reference prices (set in relation to certain international prices), on the other. When the reference price is below the lower band threshold, a specific duty is imposed in addition to the applied tariff. When the reference price is between the lower and upper band thresholds, only the applied tariff is imposed. When the reference price is above the upper band threshold, a rebate is deducted from the amount of the applied tariff. The operation of the measure at issue and the composition of its constituent elements differed from the original price band system in several respects.

Argentina challenged the amended price band system under Article 4.2 of the *Agreement on Agriculture*. This provision requires Members to convert certain non-tariff market access barriers (including variable import levies, minimum import prices, and similar border measures) into ordinary customs duties.

The Appellate Body upheld the panel's findings and conclusions that Chile's amended price band system, as applied to imports of wheat and wheat flour, was inconsistent with Article 4.2 of the *Agreement on Agriculture*. The Appellate Body found that the panel correctly identified the meaning of footnote 1 and Article 4.2, and properly applied these provisions to the measure at issue, taking account of its design and structure as well as of evidence relating to its operation. Consequently, the Appellate Body held that the panel did not err in finding that the measure at issue shares sufficient characteristics with "variable import levies" and "minimum import prices" to constitute a border measure "similar to" these two categories of measures within the scope of footnote 1. The Appellate Body further upheld the panel's finding that, by maintaining a measure required to be converted into ordinary customs duties, Chile was acting inconsistently with Article 4.2 of the *Agreement on Agriculture* and had not implemented the recommendations and rulings of the DSB in the original proceedings.

In addition, the Appellate Body rejected Chile's claim that the panel erred in its allocation of the burden of proof, allegedly by proceeding on the assumption that the amended price band system was inconsistent and requiring Chile to prove its consistency with the *Agreement on Agriculture*. The Appellate Body noted that the panel's analysis in the proceedings under Article 21.5 of the DSU was conducted against the background provided by the original proceedings and the resulting DSB rulings, and that, in this context, it was appropriate for the panel to make comparisons between the original and the amended price band systems. The Appellate Body found that the panel had properly analyzed the arguments and evidence put forward by Argentina in establishing its *prima facie* case that the measure at issue was WTO-inconsistent, and had assessed Chile's arguments and evidence submitted to rebut that case. Finally, the Appellate Body rejected Chile's claim that the panel failed to comply with its duties under Article 11 of the DSU to conduct an objective assessment of the matter before it, and under Article 12.7 of the DSU to set out a basic rationale for its findings.

#### ■ Appellate Body Report, *Japan – DRAMs (Korea)*, WT/DS336/AB/R

This dispute concerned the WTO-consistency of the imposition of countervailing duties by Japan on imports of dynamic random access memories (DRAMs) from a Korean DRAMs manufacturer, Hynix Semiconductor, Inc.

On the issue of whether the Japanese investigating authorities (JIA) properly found that the Government of Korea "entrusted or directed" certain of Hynix's creditors to provide financial contributions to Hynix in the December 2002 debt restructuring programme, within the meaning of Article 1.1(a)(1)(iv) of the *SCM Agreement*, the Appellate Body found that the panel acted inconsistently with Article 11 of the DSU and reversed the panel's finding because, unlike the JIA, the panel failed to consider whether the evidence in its totality supported a finding of "entrustment or direction".

On the issue of "benefit", the Appellate upheld, albeit for different reasons, the panel's finding that the JIA calculated the amount of benefit conferred on Hynix by the October 2001 and December 2002 debt restructuring programmes inconsistently with Articles 1.1(b) and 14 of the *SCM Agreement*. The Appellate Body found that the panel did not identify the proper benchmark for calculating the

amount of benefit. Nonetheless, the Appellate Body found that the panel did not err in finding that the JIA's approach to calculating the amount of benefit erroneously overstated it. The Appellate Body reversed the panel's finding that the "methods used" by the JIA to calculate the amount of benefit were not "provided for" in Japan's national legislation or implementing regulations, as required under Article 14 of the *SCM Agreement*, since the panel had erred in treating two mathematical formulae as the "methods used" by the JIA to calculate the amount of the subsidy in terms of benefit to the recipient.

The Appellate Body upheld the panel's finding that the JIA did not act inconsistently with Articles 12.7 and 12.9 of the *SCM Agreement* by designating certain financial institutions that were creditors of Hynix as "interested parties". The Appellate Body found that investigating authorities have certain discretion as to which entities to designate as interested parties in an investigation and that, in the circumstances of the present case, the JIA did not overstep these bounds.

The Appellate Body upheld the panel's finding that the modification of loan repayment terms (including extensions of the maturities of existing loans, reductions of the interest rates on existing loans, and conversion of interest to principal) and debt-to-equity swaps constituted "direct transfers of funds" within the meaning of Article 1.1(a)(1)(i).

As regards the issue of causation of injury, the Appellate Body agreed with the panel that there is no additional requirement to examine the "effects of the subsidies" as distinguished from the "effects of the subsidized imports". The Appellate Body upheld the panel's finding that the JIA did not act inconsistently with Articles 15.5 and 19.1 of the *SCM Agreement* by not establishing separately that the allegedly subsidized imports were, "through the effects of subsidies", causing injury within the meaning of the *SCM Agreement*. The Appellate Body also upheld the panel's finding that Japan acted inconsistently with Article 19.4 of the *SCM Agreement* by levying countervailing duties on imports that the JIA itself had found were not subsidized at the time of duty imposition. The Appellate Body stated that a countervailing duty cannot be imposed if the investigating authority has made a finding in the course of its investigation as to the duration of the subsidy and, according to that finding, the subsidy is no longer in existence at the time that the Member makes a final determination to impose a countervailing duty.

As a separate matter, regarding the treatment of business confidential information by panels, the Appellate Body stated that, while a panel must not disclose information which is by its nature confidential, a panel, in deciding to redact such information from its report at the request of one or both of the parties, should bear in mind the rights of third parties and other WTO Members under various provisions of the DSU, such as Articles 12.7 and 16, and must make efforts to ensure that the public version of its report is understandable.

#### ■ Appellate Body Report, *Brazil – Retreaded Tyres*, WT/DS332/AB/R

This dispute concerns certain measures taken by Brazil restricting the importation and marketing of retreaded tyres (the import ban on retreaded tyres). The panel found that the import ban was inconsistent with Article XI:1 of the GATT 1994. The Appellate Body upheld the panel's finding that Brazil's import ban on retreaded tyres was a measure "necessary to protect human, animal or plant life or health" provisionally justified under paragraph (b) of Article XX. The import ban on retreaded tyres is apt to produce a material contribution to the objective of reducing risks arising from the accumulation of waste tyres in Brazil. These risks include the transmission of dengue, yellow fever,

and malaria, through mosquitoes for which waste tyres filled with rainwater serve as a breeding ground, as well as toxic emissions caused by tyre fires. As a result of the ban, imported retreaded tyres would be substituted by new tyres that have a longer lifespan, or by tyres retreaded in Brazil from local casings, and thus the number of waste tyres in Brazil would be reduced. Therefore, it was also likely to bring a material contribution to the achievement of Brazil's objective to reduce the exposure to risks arising from the accumulation of waste tyres, as a key element in its comprehensive strategy to deal with waste tyres.

The Appellate Body also found that the panel did not err in rejecting the alternatives to the import ban on retreaded tyres identified by the European Communities. Measures to reduce the number of waste tyres accumulating in Brazil, such as a better enforcement of Brazil's collection and disposal schemes and of its import ban on used tyres, already figure as elements of Brazil's comprehensive strategy to deal with waste tyres. The panel did not err in rejecting as alternatives to the import ban on retreaded tyres, measures that are complementary to it. Disposal methods identified by the European Communities, such as landfilling, stockpiling, co-incineration, and material recycling, are not as effective as preventive action avoiding the generation of additional waste tyres because they are only remedial in character, carry risks of their own, and are capable of disposing of only a limited number of waste tyres.

The Appellate Body further ruled that the panel did not err in conducting the process of "weighing and balancing" the relevant factors and alternatives that was required to support its conclusion that the import ban on retreaded tyres was necessary under paragraph (b) of Article XX. The panel properly weighed the contribution of the import ban on retreaded tyres to the achievement of the legitimate health objective against its trade restrictiveness, in the light of the importance of the interests at stake, and properly compared it with the possible alternatives identified by the European Communities.

The Appellate Body also found that the panel did not fail to conduct an objective assessment of the facts, as required by Article 11 of the DSU in assessing whether the import ban on retreaded tyres contributed to the achievement of the legitimate objective pursued, and in its analysis of alternatives. The Appellate Body reasoned that the panel's findings in these respects were supported by the evidence properly before it, and that the European Communities did not demonstrate that the panel exceeded the bounds of its discretion as the trier of facts in its assessment of that evidence.

The Appellate Body reversed the panel's finding that the exemption from the import ban provided by Brazil to retreaded tyres originating in MERCOSUR countries did not result in the import ban being applied inconsistently with the chapeau of Article XX. The Appellate Body found instead that the MERCOSUR exemption resulted in the import ban on retreaded tyres being applied by Brazil in a manner that constituted "arbitrary or unjustifiable discrimination" prohibited by the chapeau of Article XX. The Appellate Body considered that the rationale articulated by Brazil to explain the discrimination arising from the exemption of MERCOSUR countries from the application of the import ban—a ruling by a MERCOSUR tribunal that the import ban was inconsistent with the prohibition of new trade restrictions under MERCOSUR law—bore no relationship to the accomplishment of the legitimate objective pursued by the import ban under Article XX(b), and even goes against this objective.

The Appellate Body also reversed the panel's finding that imports of used tyres under court injunctions did not result in "arbitrary discrimination", and resulted in "unjustifiable discrimination" and a "disguised restriction on international trade" within the meaning of the chapeau of Article XX only to the extent that imports of used tyres occurred in volumes that "significantly undermined" the

objectives of the import ban. The Appellate Body found instead that the imports of used tyres under court injunctions resulted in the import ban on retreaded tyres being applied by Brazil inconsistently with the requirements of the chapeau of Article XX. The Appellate Body rejected the quantitative approach applied by the panel to conclude that imports of used tyres resulted in unjustifiable discrimination, because it focused exclusively on the effects of discrimination, when the analysis under the chapeau should focus instead on the cause or rationale of the discrimination. Because imports of used tyres under court injunctions bear no relationship with the accomplishment of the legitimate objectives pursued by the import ban, and even go against this objective, they result in the import ban on retreaded tyres being applied in a manner that constitutes “arbitrary or unjustifiable discrimination” prohibited by the chapeau of Article XX.

Having found that the exemption provided by Brazil to retreaded tyres originating in MERCOSUR countries and the imports of used tyres under court injunctions resulted in the import ban on retreaded tyres being applied inconsistently with the chapeau of Article XX, the Appellate Body did not find it necessary to address the European Communities’ conditional appeal of the panel’s exercise of judicial economy in relation to the European Communities’ claims under Articles I and XIII against the MERCOSUR exemption and Brazil’s related defences under Articles XX(d) and XXIV of the GATT 1994.

## V. PARTICIPANTS AND THIRD PARTICIPANTS

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Table 5 lists the WTO Members that participated in appeals for which an Appellate Body report was circulated during 2007. It distinguishes between a Member that filed a Notice of Appeal pursuant to Rule 20 of the *Working Procedures* and a Member that filed an appeal pursuant to Rule 23(1) (known as the “other appellant”). Rule 23(1) provides that “a party to the dispute other than the original appellant may join in that appeal or appeal on the basis of other alleged errors in the issues of law covered in the panel report and legal interpretations developed by the panel”. Under the *Working Procedures*, parties wishing to appeal a panel report pursuant to Rule 23(1) are required to file a Notice of Other Appeal within 12 days after the filing of the Notice of Appeal.

Table 5 also identifies those Members who participated in appeals as a third participant under paragraph (1), (2), or (4) of Rule 24 of the *Working Procedures*. Under Rule 24(1), a WTO Member that was a third party to the panel proceedings may file a written submission as a third participant within 25 days of the filing of the Notice of Appeal. Pursuant to Rule 24(2), a Member who was a third party to the panel proceedings that has not filed a written submission may, within 25 days of the filing of the Notice of Appeal, notify its intention to appear at the oral hearing and whether it intends to make an oral statement at the hearing. Rule 24(4) provides that a Member who was a third party to the panel proceedings and has neither filed a written submission in accordance with Rule 24(1), nor given notice in accordance with Rule 24(2), may notify its intention to appear at the oral hearing and request to make an oral statement.

TABLE 5: PARTICIPANTS AND THIRD PARTICIPANTS IN APPEALS FOR WHICH AN APPELLATE BODY REPORT WAS CIRCULATED IN 2007

Case	Appellant <sup>a</sup>	Other appellant <sup>b</sup>	Appellee(s) <sup>c</sup>	Third participants		
				Rule 24(1)	Rule 24(2)	Rule 24(4)
<i>US – Zeroing (Japan)</i> WT/DS322/AB/R	Japan	United States	United States Japan	China European Communities Korea Mexico Norway Thailand	Argentina Hong Kong, China India New Zealand	---
<i>US – Oil Country Tubular Goods Sunset Reviews (Article 21.5 – Argentina)</i> WT/DS268/AB/RW	United States	Argentina	Argentina United States	China European Communities Japan	Korea Mexico	---
<i>Chile – Price Band System (Article 21.5 – Argentina)</i> WT/DS207/AB/RW	Chile	Argentina	Argentina Chile	Australia Brazil Canada European Communities United States	China Colombia Peru Thailand	---
<i>Japan – DRAMs (Korea)</i> WT/DS336/AB/R	Japan	Korea	Korea Japan	European Communities United States	---	---
<i>Brazil – Retreaded Tyres</i> WT/DS332/AB/R	European Communities	---	Brazil	Argentina Australia Japan Korea Chinese Taipei United States	China Cuba Guatemala Mexico Thailand	Paraguay

<sup>a</sup> Pursuant to Rule 20 of the *Working Procedures*.

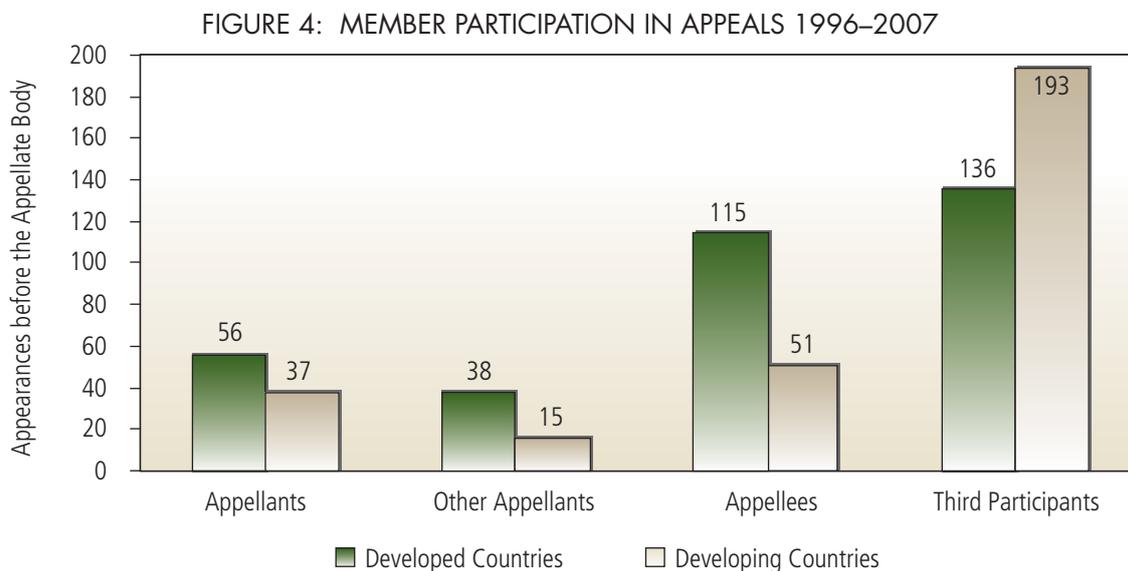
<sup>b</sup> Pursuant to Rule 23(1) of the *Working Procedures*.

<sup>c</sup> Pursuant to Rule 22 or Rule 23(3) of the *Working Procedures*.

A total of 22 WTO Members appeared at least once as appellant, other appellant, appellee, or third participant in appeals for which an Appellate Body report was circulated during 2007. Of these 22 WTO Members, 7 were developed country Members, and 15 were developing country Members.

Of the 56 total appearances by WTO Members before the Appellate Body during 2007, 23 were by developed country Members and 33 by developing country Members. Developed country Members made 4 appearances as appellant, 1 as other appellant, 4 as appellee, and 14 as third participant. Developing country Members made 1 appearance as appellant, 3 as other appellant, 5 as appellee, and 24 appearances as third participant.

Figure 4 shows the ratio of developed country Members to developing country Members in terms of appearances made as appellant, other appellant, appellee, and third participant in appellate proceedings from 1996 through 2007.



Annex 6 provides a statistical summary and details on Members' participation as appellant, other appellant, appellee, and third participant in appeals for which an Appellate Body report was circulated from 1996 through 2007.

## VI. WORKING PROCEDURES FOR APPELLATE REVIEW

No amendments were made to the *Working Procedures* during 2007. The current version of the *Working Procedures* is contained in document WT/AB/WP/5, which was circulated to WTO Members on 4 January 2005.

Procedural issues were raised in four of the five appeals for which an Appellate Body report was circulated during 2007. These procedural issues are summarized in the following paragraphs.

### ■ *US – Zeroing (Japan)*

Japan requested authorization from the Appellate Body Division hearing the appeal to correct a clerical error in its appellant's submission, pursuant to Rule 18(5) of the *Working Procedures*. The Division invited all participants and third participants to comment on Japan's request. No objection to Japan's request was received and the Division authorized Japan to correct the clerical error in its appellant's submission.<sup>22</sup>

<sup>22</sup> Appellate Body Report, *US – Zeroing (Japan)*, para. 5.

### ■ *Chile – Price Bands (Article 21.5 – Argentina)*

Argentina requested the Appellate Body to grant six additional days for the filing of its other appellant's submission because the original deadline was the day after the scheduled date of the oral hearing in another appellate proceeding in which Argentina was a participant. The Division hearing the appeal invited all participants and third participants to comment on Argentina's request. No objections were received, but Chile and the United States requested extensions of the deadlines for filing their submissions in the event that the Division granted Argentina's request. The Appellate Body granted Argentina an additional three days for the filing of its other appellant's submission, and also extended the deadlines for the filing of Chile's appellee's submission and the third participants' submissions.<sup>23</sup>

Argentina further requested the Appellate Body to reject certain exhibits submitted by Chile on appeal, which Argentina claimed contained "new" evidence that had not been before the panel. The Appellate Body expressed a preliminary view on the legal principles that should govern the admissibility of exhibits on appeal, but ultimately made no specific ruling on this issue because the Appellate Body found it unnecessary to rely in its decision on the information contained in the challenged exhibits.<sup>24</sup>

### ■ *Japan – DRAMs (Korea)*

Japan requested authorization from the Appellate Body Division hearing the appeal to correct certain clerical errors in its appellant's submission, pursuant to Rule 18(5) of the *Working Procedures*. The Division provided all participants and third participants an opportunity to comment in writing on Japan's request. No objections to Japan's request were received. The Division authorized Japan to correct the clerical errors in its appellant's submission.<sup>25</sup>

In its appellee's submission, Korea argued that Japan's appellant's submission did not satisfy the requirements of Rule 21(2) of the *Working Procedures* and the requirements of due process with respect to the claim challenging the panel's finding that Japan's investigating authorities (JIA) improperly determined the existence of benefit for the December 2002 Restructuring.<sup>26</sup> The Appellate Body rejected Korea's argument, observing that Japan provided extensive arguments in its appellant's submission to support its assertion that the panel's review of the JIA's determination of entrustment or direction is erroneous. According to the Appellate Body, "a careful reading of Japan's appellant's submission should have indicated to Korea that these arguments are also relevant with respect to the Panel's review of the JIA's benefit determination".<sup>27</sup> Accordingly, the Appellate Body found that Japan's appellant's submission satisfied the requirements of Rule 21(2) of the *Working Procedures* and of due process.<sup>28</sup>

<sup>23</sup> Appellate Body Report, *Chile – Price Band System (Article 21.5 – Argentina)*, para. 11.

<sup>24</sup> Appellate Body Report, *Chile – Price Band System (Article 21.5 – Argentina)*, paras. 12-15.

<sup>25</sup> Appellate Body Report, *Japan – DRAMs (Korea)*, para. 12.

<sup>26</sup> Appellate Body Report, *Japan – DRAMs (Korea)*, para. 145.

<sup>27</sup> Appellate Body Report, *Japan – DRAMs (Korea)*, para. 146.

<sup>28</sup> Appellate Body Report, *Japan – DRAMs (Korea)*, para. 146.

### ■ *Brazil – Retreaded Tyres*

On 28 September and 11 October 2007, the Appellate Body received *amicus curiae* briefs from several non-governmental organizations. The Division hearing the appeal did not find it necessary to take these *amicus curiae* briefs into account in rendering its decision.<sup>29</sup>

## VII. ARBITRATIONS UNDER ARTICLE 21.3(c) OF THE DSU

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Individual Appellate Body Members have, from time to time, been asked to act as arbitrators under Article 21.3(c) of the DSU to determine the “reasonable period of time” for the implementation by a WTO Member of the recommendations and rulings adopted by the DSB. The DSU does not specify who shall serve as arbitrator. The parties to the arbitration select the arbitrator by consensus or, if they cannot agree on an arbitrator, the Director-General of the WTO appoints the arbitrator. To date, all those who have served as arbitrators pursuant to Article 21.3(c) have been current or former Appellate Body Members. In carrying out arbitrations under Article 21.3(c), Appellate Body Members act in an individual capacity.

One Article 21.3(c) arbitration proceeding was initiated in 2007. Former Appellate Body Member Mr. Florentino P. Feliciano was appointed by the Director-General to serve as the arbitrator in *US – Zeroing (Japan)*.<sup>30</sup> However, during the course of the arbitration, the parties reached agreement on the reasonable period of time for implementation. Therefore, it was not necessary for the arbitrator to issue an award.<sup>31</sup>

## VIII. TECHNICAL ASSISTANCE

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The Appellate Body Secretariat participated in the WTO Technical Assistance and Training Plan 2007<sup>32</sup>, particularly in activities relating to training in dispute settlement procedures. Overall, the Appellate Body Secretariat participated in 28 technical assistance activities during the course of 2007, in the three official languages of the WTO.

Annex 7 provides further information about the activities carried out by Appellate Body Secretariat staff falling under the Technical Assistance and Training Plan 2007.

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<sup>29</sup> Appellate Body Report, *Brazil – Retreaded Tyres*, para. 7.

<sup>30</sup> WT/DS322/19.

<sup>31</sup> WT/DS322/21.

<sup>32</sup> WT/COMTD/W/151.

## IX. OTHER DEVELOPMENTS

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### A. *WTO Appellate Body Repertory of Reports and Awards 1995–2006*

The third edition of the *WTO Appellate Body Repertory of Reports and Awards* was published in August 2007. The Repertory compiles excerpts from Appellate Body reports and is organized according to the provision of the WTO covered agreement examined, and by subject matter. The Repertory also includes excerpts from awards issued in arbitrations under Article 21.3(c) of the DSU relating to the period of time granted to WTO Members to implement recommendations and rulings of the DSB. The third edition contains excerpts from Appellate Body reports and Article 21.3(c) arbitration awards circulated from 1996 through 11 December 2006.<sup>33</sup>

The Repertory can be ordered online at: <<http://onlinebookshop.wto.org>>. The Repertory may also be consulted online at: <[www.wto.org/appellatebody](http://www.wto.org/appellatebody)>.

### B. *Tenth Anniversary Publications*

In 2005, the Appellate Body launched a series of conferences to celebrate the Tenth Anniversary of the WTO Dispute Settlement System and the Appellate Body. The conferences were hosted by academic institutions with which some Members of the Appellate Body are affiliated, and focused on current dispute settlement issues and the Appellate Body's contribution to the settlement of disputes. Participants included current and former Appellate Body Members, academics, high-ranking government representatives, WTO officials, journalists, students, and civil society representatives. During the course of 2005 and 2006, a total of five conferences were held in Stresa (Italy), São Paulo (Brazil), Tokyo (Japan), Cairo (Egypt), and New York (United States).<sup>34</sup>

Three books arising from these conferences were released in 2007. The book of the conference held in Tokyo is entitled *The WTO in the Twenty-first Century: Dispute Settlement, Negotiations, and Regionalism in Asia*. It was launched at the WTO in January 2007 and presented by: Ichiro Fujisaki, Ambassador and Permanent Representative of Japan to the WTO; Muhamad Noor Yacob, then Chairman of the DSB and Ambassador and Permanent Representative of Malaysia to the WTO; Merit E. Janow, Member of the Appellate Body; and Yasuhei Taniguchi, Member of the Appellate Body.

The publication compiling the papers presented at the São Paulo conference was released in Brazil mid-year. The book is entitled *Dez Anos de OMC – Uma Análise do Sistema de Solução de Controvérsias e Perspectivas*.

The title of the book arising from the conference held in New York is *The WTO: Governance, Dispute Settlement, and Developing Countries*. It was launched at the WTO on 18 December 2007. The book

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<sup>33</sup> There were no Appellate Body reports or Article 21.3(c) arbitration awards circulated in 1995.

<sup>34</sup> Information on the first three conferences was set out in the *Appellate Body Annual Report for 2005*, and on the last two in the *Appellate Body Annual Report for 2006*.

was presented by: Rufus Yerxa, Deputy Director-General of the WTO; Bruce Gosper, Chairman of the DSB and Ambassador and Permanent Representative of Australia to the WTO; Peter Allgeier, Ambassador and Permanent Representative of the United States to the WTO; Luiz Olavo Baptista, Member and Chairman of the Appellate Body; David Unterhalter, Giorgio Sacerdoti, and Merit E. Janow, Members of the Appellate Body.

Details on the publications arising from the Tenth Anniversary conferences organized by the Appellate Body are provided below.

G. Sacerdoti, A. Yanovich, and J. Bohanes (eds), *The WTO at Ten: The Contribution of the Dispute Settlement System* (Cambridge University Press, 2006) – available for purchase online at: <<http://onlinebookshop.wto.org>>.

Y. Taniguchi, A. Yanovich, and J. Bohanes (eds), *The WTO in the Twenty-first Century: Dispute Settlement, Negotiations, and Regionalism in Asia* (Cambridge University Press, 2007) – available for purchase online at: <<http://onlinebookshop.wto.org>>.

L.O. Baptista, U. Celli Jr, and A. Yanovich (eds), *Dez Anos de OMC – Uma Análise do Sistema de Solução de Controvérsias e Perspectivas* (Aduaneiras Press, 2007) – available for purchase online at: <[www.aduaneiras.com.br](http://www.aduaneiras.com.br)>.

M.E. Janow, V. Donaldson, and A. Yanovich (eds), *The WTO: Governance, Dispute Settlement, and Developing Countries* (Juris Publishing, 2008) – available for purchase online at: <<http://www.jurispub.com>>.

### C. Public Forum

The WTO Public Forum is an important platform for dialogue amongst the stakeholders of the multilateral trading system. This year's Forum was held on 4-5 October 2007. It was entitled "How Can the WTO Help Harness Globalization?" and was intended to provide civil society, academics, and the public at large with a unique opportunity to debate with WTO Members how the WTO can best contribute to the management of globalization.

The 2007 Forum included a session hosted by the Appellate Body, which took place on 4 October. The title of the session was "WTO Dispute Settlement – Its Impact on the Multilateral Trading System and Its Role in a Globalized World". The session was chaired by Giorgio Sacerdoti, Chairman of the Appellate Body. The panelists were: Bruce Gosper, Chairman of the DSB and Ambassador and Permanent Representative of Australia to the WTO; Merit E. Janow and Georges Abi-Saab, Members of the Appellate Body; and Joel Trachtman, Professor of International Law at Tufts University.

The session examined three main themes: (i) the role of the dispute settlement system within the WTO; (ii) the relationship between dispute settlement and negotiations; and (iii) the relationship between the WTO and its dispute settlement system and other areas of international law and adjudication mechanisms.

Giorgio Sacerdoti opened the session by introducing the other speakers and described the main features of the WTO dispute settlement system. Bruce Gosper focused on the relationship between negotiations and dispute settlement in the WTO. He pointed out that, because of the effectiveness of the dispute settlement system, WTO Members today review negotiated texts more carefully and are less willing to opt for constructive ambiguity. Nevertheless, although Members aspire to have a precise text, realistically there will always be some ambiguity. Merit E. Janow discussed different benchmarks that could be used to evaluate the effectiveness of the WTO dispute settlement system and discussed some of the challenges that lie ahead. She concluded with a discussion of different approaches to defining the concept of sovereignty and how this is reflected in the structure and operation of the WTO dispute settlement system. Georges Abi-Saab described the evolution of GATT/WTO dispute settlement from a mechanism that was closer to the mediation model to a system that is more judicial in nature. He then examined the relationship of WTO law with other areas of international law, explaining that the WTO dispute settlement system is not a self-contained regime because it is expressly required to rely on international customary rules of treaty interpretation, and sometimes must rely on international law to resolve procedural issues not expressly regulated in the DSU, for instance, on evidentiary matters. Reliance on other substantive rules of international law, however, is less frequent and may be more controversial. Joel Trachtman submitted that, if the WTO treaty is seen as an incomplete contract in the sense that it does not specify each detail, panels and the Appellate Body could be viewed as agents or trustees acting for the collective membership. In his view, the incoherence between norms of international law is the result of the failure of treaty negotiators to specify how different international law rules relate to each other and the fact that only some treaties provide for mandatory dispute settlement and remedies. He concluded by saying that it is important to recognize that the WTO dispute settlement system has been left to resolve these incoherencies and that the Appellate Body has done a "heroic" job despite having inadequate tools.

More than 300 persons attended the session, including representatives from non-governmental organizations, delegates, government officials, and academics. A recording is available at: <[http://www.wto.org/english/forums\\_e/public\\_forum2007\\_e/session2\\_e.htm](http://www.wto.org/english/forums_e/public_forum2007_e/session2_e.htm)> The WTO Secretariat will publish a book with summaries of all of the Public Forum's sessions. Further information about the 2007 Public Forum is available at: <[http://www.wto.org/english/forums\\_e/public\\_forum2007\\_e/public\\_forum07\\_e.htm](http://www.wto.org/english/forums_e/public_forum2007_e/public_forum07_e.htm)>.

#### D. *WTO Internship Programme*

The Appellate Body Secretariat participates in the WTO internship programme, which allows post-graduate university students to gain practical experience and a deeper knowledge of the multilateral trading system. Interns in the Appellate Body Secretariat obtain first-hand experience of the substantive and procedural aspects of WTO dispute settlement and, in particular, appellate proceedings. The internship programme is open to nationals of WTO Members and to nationals of countries and customs territories engaged in accession negotiations.

The Appellate Body Secretariat generally hosts two interns concurrently; each internship is for a three-month period. During 2007, the Appellate Body Secretariat welcomed interns from Australia, Canada, Greece, Peru, Thailand, Turkey, United States, and Zimbabwe. A total of 65 students, of 37 nationalities, have completed internships with the Appellate Body Secretariat since 1998.

Further information about the WTO internship programme, including eligibility requirements and application instructions, may be obtained online at: <[www.wto.org/english/thewto\\_e/vacan\\_e /intern\\_e.htm](http://www.wto.org/english/thewto_e/vacan_e/intern_e.htm)>.

### E. *Other Activities*

On 9 July 2007, Judge Rosalyn Higgins, President of the International Court of Justice, visited the WTO in Geneva. During her visit, she met with Giorgio Sacerdoti, Chairman of the Appellate Body, and with Werner Zdouc, Director of the Appellate Body Secretariat.

Several Members of the Appellate Body visited the Court of Justice of the European Communities in Luxembourg on 11 and 12 December 2007. They met with its President, Judge Vassilios Skouris, and with several other Members of the Court. A meeting was also held with Members of the Court of First Instance.

The Appellate Body Secretariat continued its *Speakers Series*, in which it regularly invites scholars and practitioners with expertise in law, economics, and trade policy to speak on topical issues relating to international trade, public international law, and international dispute settlement. The list of speakers in 2007 included Roderick Abbott, Ichiro Araki, Jane Bradley, Mireille Cossy, William Davey, Lothar Ehring, Florentino Feliciano, Robert Howse, Eduardo Perez Motta, Ernst-Ulrich Petersmann, Cesare Romano<sup>35</sup>, and Gregory Shaffer. In addition to the *Speakers Series*, the Appellate Body Secretariat runs a *Research Series*, aimed at doctoral students and young academics. The objective of the programme is to provide an opportunity for doctoral students working on their theses, and young academics working on research papers, to present and discuss their research in an informal setting with the Geneva-based trade community.

Appellate Body Secretariat staff also participated in briefings organized for groups visiting the WTO, including students. In these briefings, Appellate Body Secretariat staff speak to visitors about the WTO dispute settlement system in general, and appellate proceedings in particular. Appellate Body Secretariat staff also participated as judges in moot court competitions. In addition, Appellate Body Members and Secretariat staff occasionally give lectures and participate in conferences and seminars dealing with international trade issues.

A summary of the other activities carried out by Appellate Body Secretariat staff during the course of 2007 can be found in Annex 7.

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<sup>35</sup> The presentation by Professor Romano was held in conjunction with the Graduate Institute of International and Development Studies (IUHEI) in Geneva.

## ANNEXES 1 TO 6

### ANNEX 1

#### BIOGRAPHICAL NOTES ON CURRENT APPELLATE BODY MEMBERS

##### **Georges Michel Abi-Saab** (Egypt) (2000–2008)

Born in Egypt on 9 June 1933, Georges Michel Abi-Saab is Honorary Professor of International Law at the Graduate Institute of International Studies in Geneva (having taught there from 1963 to 2000); Honorary Professor at Cairo University's Faculty of Law; and a Member of the Institute of International Law.

Professor Abi-Saab served as consultant to the Secretary-General of the United Nations for the preparation of two reports on "Respect of Human Rights in Armed Conflicts" (1969 and 1970), and for the report on "Progressive Development of Principles and Norms of International Law Relating to the New International Economic Order" (1984). He represented Egypt in the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law (1974 to 1977), and acted as Counsel and advocate for several governments in cases before the International Court of Justice (ICJ) as well as in international arbitrations. He has also served twice as judge ad hoc on the ICJ, as Judge on the Appeals Chamber of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda, and as a Commissioner of the United Nations Compensation Commission. He is a Member of the Administrative Tribunal of the International Monetary Fund and of various international arbitral tribunals (ICSID, ICC, CRCICA, etc.).

Professor Abi-Saab graduated in law from Cairo University and pursued his studies in law, economics, and politics at the Universities of Paris, Michigan (MA in Economics), Harvard Law School (LLM and SJD), Cambridge, and Geneva (*Docteur en Sciences Politiques*). He also held numerous visiting professorships, *inter alia*, at Harvard Law School, the Universities of Tunis, Jordan, the West Indies (Trinidad), as well as the Rennert Distinguished Professorship at NYU School of Law and the Henri Rolin Chair in Belgian Universities.

Professor Abi-Saab is the author of numerous books and articles, including: *Les exceptions préliminaires dans la procédure de la Cour internationale: Étude des notions fondamentales de procédure et des moyens de leur mise en oeuvre* (Paris, Pedone, 1967); *International Crises and the Role of Law: The United Nations Operation in Congo 1960–1964* (Oxford University Press, 1978); *The Concept of International Organization* (as editor) (Paris, UNESCO, 1981; French edition, 1980); and of two courses at the Hague Academy of International Law: "Wars of National Liberation in the Geneva Conventions and Protocols" (*Recueil des cours*, vol. 165 (1979–IV)); and the "General Course of Public International Law" (in French) (*Recueil des cours*, vol. 207 (1987–VII)).

##### **Luiz Olavo Baptista** (Brazil) (2001–2009)

Born in Brazil in 1938, Luiz Olavo Baptista is currently Professor of International Trade Law at the University of São Paulo Law School. He has been a Member of the Permanent Court of Arbitration at The Hague since 1996, and of the International Chamber of Commerce Institute for International Trade Practices and of its Commission on Trade and Investment Policy, since 1999. In addition,

he has been one of the arbitrators designated under MERCOSUR's Protocol of Brasilia since 1993. Professor Baptista is also senior partner at the L.O. Baptista Law Firm, in São Paulo, Brazil, where he concentrates his practice on corporate law, arbitration, and international litigation. He has been practicing law for almost 40 years, advising governments, international organizations, and large corporations in Brazil and in other jurisdictions. Professor Baptista has been an arbitrator at the United Nations Compensation Commission (E4A Panel), in several private commercial disputes and State-investor proceedings, as well as in disputes under MERCOSUR's Protocol of Brasilia. In addition, he has participated as a legal advisor in diverse projects sponsored by the World Bank, UNCTAD, UNCTC, and UNDP. He obtained his law degree from the Catholic University of São Paulo, pursued post-graduate studies at Columbia University Law School and The Hague Academy of International Law, and received a Ph.D. in International Law from the University of Paris II. He was Visiting Professor at the University of Michigan (Ann Arbor) from 1978 to 1979, and at the University of Paris I and the University of Paris X between 1996 and 2000. Professor Baptista has published extensively on various issues in Brazil and abroad.

#### **Arumugamangalam Venkatachalam Ganesan** (India) (2000–2008)

Born in Tirunelveli, Tamil Nadu, India on 7 June 1935, Arumugamangalam Venkatachalam Ganesan has been a distinguished civil servant of India. He was appointed to the Indian Administrative Service, a premier civil service of India, in May 1959, and served in that service until June 1993. In a career spanning over 34 years, he has held a number of high level assignments, including Joint Secretary (Investment), Department of Economic Affairs, Government of India (1977–1980); Inter-Regional Adviser, UNCTC, United Nations Headquarters, New York (1980–1985); Additional Secretary, Department of Industrial Development, Government of India (1986–1989); Chief Negotiator of India for the Uruguay Round of Multilateral Trade Negotiations and Special Secretary, Ministry of Commerce, Government of India (1989–1990); Civil Aviation Secretary of the Government of India (1990–1991); and Commerce Secretary of the Government of India (1991–1993). He represented India on numerous occasions in bilateral, regional, and multilateral negotiations in the areas of international trade, investment, and intellectual property rights. Between 1989 and 1993, he represented India at the various stages of the Uruguay Round of Multilateral Trade Negotiations.

After his retirement from civil service, Mr. Ganesan served as an expert and consultant to various agencies of the United Nations system, including UNIDO and UNDP, in the field of international trade, investment, and intellectual property rights. He has also spoken extensively to the business, managerial, scientific, and academic communities in India on the scope and substance of the Uruguay Round negotiations and Agreements and their implications. Until his appointment to the Appellate Body of the WTO in 2000, he was a Member of the Government of India's High Level Trade Advisory Committee on Multilateral Trade Negotiations. He was also a Member of the Permanent Group of Experts under the *SCM Agreement*, and a Member of a dispute settlement panel of the WTO in 1999–2000 in the *US – Section 110(5) Copyright Act* case.

Mr. Ganesan has written numerous newspaper articles and monographs dealing with various aspects of the Uruguay Round Agreements and their implications. He is also the author of many papers on trade, investment, and intellectual property issues for UNCTAD and UNIDO, and has contributed to books published in India on matters concerning the Uruguay Round, including intellectual property rights issues.

Mr. Ganesan holds M.A. and M.Sc. degrees from the University of Madras, India.

**Merit E. Janow** (United States) (2003–2007)

Born in the United States on 13 May 1958, Ms. Merit E. Janow has been Professor in the Practice of International Economic Law and International Affairs at the School of International and Public Affairs of Columbia University since 1994. She teaches advanced law courses in international trade and comparative antitrust law along with courses on international trade policy. From 1997 to 2000, while at Columbia University, Professor Janow served as Executive Director of the first international competition policy advisory committee to the Attorney General and the Assistant Attorney General for Antitrust of the United States Department of Justice. Before joining Columbia's faculty in 1994, she was Deputy Assistant United States Trade Representative for Japan and China (1990–1993), and worked as a corporate lawyer specializing in mergers and acquisitions with the law firm Skadden, Arps, Slate, Meagher & Flom in New York (1988–1990). Professor Janow is the author of several books and has contributed chapters to more than a dozen books. She grew up in Tokyo, Japan, and speaks Japanese. She served as a WTO panelist from September 2001 to May 2002 in the dispute *EC – Sardines*.

**Giorgio Sacerdoti** (European Communities – Italy) (2001–2009)

Born on 2 March 1943, Giorgio Sacerdoti has been Professor of International Law and European Law at Bocconi University, Milan, Italy, since 1986.

Professor Sacerdoti has held various posts in the public sector, including Vice-Chairman of the OECD Working Group on Bribery in International Business Transactions until 2001, where he was one of the drafters of the "Anticorruption Convention of 1997". He has acted as consultant to the Council of Europe, UNCTAD, and the World Bank in matters related to foreign investments, trade, bribery, development, and good governance. In the private sector, he has often served as arbitrator in international commercial disputes and at the ICSID.

Professor Sacerdoti has published extensively on international trade law, investments, international contracts, and arbitration.

After graduating from the University of Milan with a law degree *summa cum laude* in 1965, Professor Sacerdoti gained a Master in Comparative Law from Columbia University Law School as a Fulbright Fellow in 1967. He was admitted to the Milan bar in 1969 and to the Supreme Court of Italy in 1979. He is a Member of the Committee on International Trade Law of the International Law Association.

**Yasuhei Taniguchi** (Japan) (2000–2007)

Born in Japan on 26 December 1934, Yasuhei Taniguchi is currently Professor of Law at Senshu University Law School, and Attorney at Law in Tokyo. He obtained a law degree from Kyoto University in 1957 and was fully qualified as a jurist in 1959. His graduate degrees include LLM, University of California at Berkeley (1963) and JSD, Cornell University (1964). He taught at Kyoto University for 39 years and has been Professor Emeritus since 1998. He also has taught as Visiting Professor of Law in the United States (University of Michigan, University of California at Berkeley, Duke University, Stanford University, Georgetown University, Harvard University, New York University, and University of Richmond), in Australia (Murdoch University and University of Melbourne), at the University of Hong Kong, and at the University of Paris XII.

Professor Taniguchi is former president of the Japanese Association of Civil Procedure and currently vice-president of the International Association of Procedural Law. He is affiliated with various academic societies and arbitral organizations as arbitrator, including the International Council for Commercial Arbitration; the International Law Association; the American Law Institute; the Japan Commercial Arbitration Association; the Chartered Institute of Arbitrators; the American Arbitration Association; the Hong Kong International Arbitration Center; the Chinese International Economic and Trade Arbitration Commission; the Korean Commercial Arbitration Board; and the CRCICA. He has also been an active arbitrator in the International Chamber of Commerce Court of International Arbitration.

Professor Taniguchi has written numerous books and articles in the fields of civil procedure, arbitration, insolvency, the judicial system and legal profession, as well as comparative and international law related to these fields. His publications have been published in Japanese, Chinese, English, French, Italian, German, and Portuguese.

**David Unterhalter** (South Africa) (2006–2009)

Born in South Africa on 18 November 1958, David Unterhalter holds degrees from Trinity College, Cambridge, the University of the Witwatersrand, and University College Oxford. Mr. Unterhalter has been a Professor of Law at the University of the Witwatersrand in South Africa since 1998, and from 2000 to 2006, he was the Director of the Mandela Institute, University of the Witwatersrand, an institute focusing on global law.

Mr. Unterhalter is a member of the Johannesburg Bar. As a practising advocate, he has appeared in a large number of cases in the fields of trade law, competition law, constitutional law, and commercial law. His experience includes representing different parties in anti-dumping and countervailing duty cases. He has acted as an advisor to the South African Department of Trade and Industry. In addition, he has served on a number of WTO dispute settlement panels. Mr. Unterhalter has published widely in the fields of public law and competition law.

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**Director of the Appellate Body Secretariat**

**Werner Zdouc**

Director of the WTO Appellate Body Secretariat since 2006, Werner Zdouc obtained a law degree from the University of Graz in Austria. He then went on to earn an LLM from Michigan Law School and a Ph.D. from the University of St Gallen in Switzerland. Dr. Zdouc joined the WTO Legal Affairs Division in 1995, advised many dispute settlement panels, and conducted technical cooperation missions in numerous developing country countries. He became legal counsellor at the Appellate Body Secretariat in 2001. Currently, he is also a lecturer and Visiting Professor for international trade law at Vienna Economic University and the University of Zurich. From 1987 to 1989, he worked for governmental and non-governmental development aid organizations in Austria and Latin America. Dr. Zdouc has authored various publications on international economic law.

## ANNEX 2

## FORMER APPELLATE BODY MEMBERS AND CHAIRPERSONS

## FORMER APPELLATE BODY MEMBERS

| Name                   | Nationality   | Term(s) of office      |
|------------------------|---------------|------------------------|
| Said El-Naggar         | Egypt         | 1995–2000 *            |
| Mitsuo Matsushita      | Japan         | 1995–2000 *            |
| Christopher Beeby      | New Zealand   | 1995–1999<br>1999–2000 |
| Claus-Dieter Ehlermann | Germany       | 1995–1997<br>1997–2001 |
| Florentino Feliciano   | Philippines   | 1995–1997<br>1997–2001 |
| Julio Lacarte Muró     | Uruguay       | 1995–1997<br>1997–2001 |
| James Bacchus          | United States | 1995–1999<br>1999–2003 |
| John Lockhart          | Australia     | 2001–2005<br>2005–2006 |

\* Messrs El-Naggar and Matsushita decided not to seek a second term of office. However, the DSB extended their terms until the end of March 2000 in order to allow the Selection Committee and the DSB the time necessary to complete the selection process of replacing the outgoing Appellate Body Members. (See WT/DSB/M70, pp. 32-35)

## FORMER CHAIRPERSONS OF THE APPELLATE BODY

| Name                   | Nationality   | Term(s) as Chairperson                                                     |
|------------------------|---------------|----------------------------------------------------------------------------|
| Julio Lacarte Muró     | Uruguay       | 7 February 1996 – 6 February 1997<br>7 February 1997 – 6 February 1998     |
| Christopher Beeby      | New Zealand   | 7 February 1998 – 6 February 1999                                          |
| Said El-Naggar         | Egypt         | 7 February 1999 – 6 February 2000                                          |
| Florentino Feliciano   | Philippines   | 7 February 2000 – 6 February 2001                                          |
| Claus-Dieter Ehlermann | Germany       | 7 February 2001 – 10 December 2001                                         |
| James Bacchus          | United States | 15 December 2001 – 14 December 2002<br>15 December 2002 – 10 December 2003 |
| Georges Abi-Saab       | Egypt         | 13 December 2003 – 12 December 2004                                        |
| Yasuhei Taniguchi      | Japan         | 17 December 2004 – 16 December 2005                                        |
| A.V. Ganesan           | India         | 17 December 2005 – 16 December 2006                                        |
| Giorgio Sacerdoti      | Italy         | 17 December 2006 – 16 December 2007                                        |

## ANNEX 3

## APPEALS FILED: 1995–2007

| Year         | Notices of Appeal filed | Appeals in original proceedings | Appeals in Article 21.5 proceedings |
|--------------|-------------------------|---------------------------------|-------------------------------------|
| 1995         | 0                       | 0                               | 0                                   |
| 1996         | 4                       | 4                               | 0                                   |
| 1997         | 6 <sup>a</sup>          | 6                               | 0                                   |
| 1998         | 8                       | 8                               | 0                                   |
| 1999         | 9 <sup>b</sup>          | 9                               | 0                                   |
| 2000         | 13 <sup>c</sup>         | 11                              | 2                                   |
| 2001         | 9 <sup>d</sup>          | 5                               | 4                                   |
| 2002         | 7 <sup>e</sup>          | 6                               | 1                                   |
| 2003         | 6 <sup>f</sup>          | 5                               | 1                                   |
| 2004         | 5                       | 5                               | 0                                   |
| 2005         | 10                      | 8                               | 2                                   |
| 2006         | 5                       | 3                               | 2                                   |
| 2007         | 4                       | 2                               | 2                                   |
| <b>Total</b> | <b>86</b>               | <b>72</b>                       | <b>14</b>                           |

<sup>a</sup> This number includes two Notices of Appeal that were circulated at the same time in related matters, counted separately: *EC – Hormones (Canada)*; *EC – Hormones (US)*. A single Appellate Body report was subsequently circulated in relation to these appeals.

<sup>b</sup> This number excludes one Notice of Appeal that was withdrawn by the United States, which subsequently filed another Notice of Appeal in relation to the same panel report: *US – FSC*.

<sup>c</sup> This number includes two Notices of Appeal that were circulated at the same time in related matters, counted separately: *US – 1916 Act (EC)*; *US – 1916 Act (Japan)*. A single Appellate Body report was subsequently circulated in relation to these appeals.

<sup>d</sup> This number excludes one Notice of Appeal that was withdrawn by the United States, which subsequently filed another Notice of Appeal in relation to the same panel report: *US – Line Pipe*.

<sup>e</sup> This number includes one Notice of Appeal that was subsequently withdrawn: *India – Autos*, and excludes one Notice of Appeal that was withdrawn by the European Communities, which subsequently filed another Notice of Appeal in relation to the same panel report: *EC – Sardines*.

<sup>f</sup> This number excludes one Notice of Appeal that was withdrawn by the United States, which subsequently filed a new Notice of Appeal in relation to the same panel report: *US – Softwood Lumber IV*.

## ANNEX 4

PERCENTAGE OF PANEL REPORTS APPEALED BY YEAR OF ADOPTION:  
1995–2007 <sup>a</sup>

| Year of adoption | All panel reports                  |                                     |                                  | Panel reports other than Article 21.5 reports <sup>b</sup> |                        |                     | Article 21.5 panel reports |                        |                     |
|------------------|------------------------------------|-------------------------------------|----------------------------------|------------------------------------------------------------|------------------------|---------------------|----------------------------|------------------------|---------------------|
|                  | Panel reports adopted <sup>c</sup> | Panel reports appealed <sup>d</sup> | Percentage appealed <sup>e</sup> | Panel reports adopted                                      | Panel reports appealed | Percentage appealed | Panel reports adopted      | Panel reports appealed | Percentage appealed |
| 1996             | 2                                  | 2                                   | 100%                             | 2                                                          | 2                      | 100%                | 0                          | 0                      | –                   |
| 1997             | 5                                  | 5                                   | 100%                             | 5                                                          | 5                      | 100%                | 0                          | 0                      | –                   |
| 1998             | 12                                 | 9                                   | 75%                              | 12                                                         | 9                      | 75%                 | 0                          | 0                      | –                   |
| 1999             | 10                                 | 7                                   | 70%                              | 9                                                          | 7                      | 78%                 | 1                          | 0                      | 0%                  |
| 2000             | 19                                 | 11                                  | 58%                              | 15                                                         | 9                      | 60%                 | 4                          | 2                      | 50%                 |
| 2001             | 17                                 | 12                                  | 71%                              | 13                                                         | 9                      | 69%                 | 4                          | 3                      | 75%                 |
| 2002             | 12                                 | 6                                   | 50%                              | 11                                                         | 5                      | 45%                 | 1                          | 1                      | 100%                |
| 2003             | 10                                 | 7                                   | 70%                              | 8                                                          | 5                      | 63%                 | 2                          | 2                      | 100%                |
| 2004             | 8                                  | 6                                   | 75%                              | 8                                                          | 6                      | 75%                 | 0                          | 0                      | –                   |
| 2005             | 20                                 | 12                                  | 60%                              | 17                                                         | 11                     | 65%                 | 3                          | 1                      | 33%                 |
| 2006             | 7                                  | 6                                   | 86%                              | 4                                                          | 3                      | 75%                 | 3                          | 3                      | 100%                |
| 2007             | 10                                 | 5                                   | 50%                              | 6                                                          | 3                      | 50%                 | 4                          | 2                      | 50%                 |
| <b>Total</b>     | <b>132</b>                         | <b>88</b>                           | <b>67%</b>                       | <b>110</b>                                                 | <b>74</b>              | <b>67%</b>          | <b>22</b>                  | <b>14</b>              | <b>64%</b>          |

<sup>a</sup> No panel reports were adopted in 1995.

<sup>b</sup> Under Article 21.5 of the DSU, a panel may be established to hear a “disagreement as to the existence or consistency with a covered agreement of measures taken to comply with the recommendations and rulings” of the DSB upon the adoption of a previous panel or Appellate Body report.

<sup>c</sup> The Panel Reports in *EC – Bananas III (Ecuador)*, *EC – Bananas III (Guatemala and Honduras)*, *EC – Bananas III (Mexico)*, and *EC – Bananas III (US)* are counted as a single panel report. The Panel Reports in *US – Steel Safeguards*, in *EC – Export Subsidies on Sugar*, and in *EC – Chicken Cuts*, are also counted as a single panel report in each of those disputes.

<sup>d</sup> Panel reports are counted as having been appealed where they are adopted as upheld, modified, or reversed by an Appellate Body report. The number of panel reports appealed may differ from the number of Appellate Body reports because some Appellate Body reports address more than one panel report.

<sup>e</sup> Percentages are rounded to the nearest whole number.

## ANNEX 5

WTO AGREEMENTS ADDRESSED IN APPELLATE BODY REPORTS CIRCULATED THROUGH 2007 <sup>a</sup>

| Year of circulation | DSU       | WTO Agmt | GATT 1994 | Agriculture | SPS      | ATC      | TBT      | TRIMs    | Anti-Dumping | Import Licensing | SCM       | Safe-guards | GATS     | TRIPS    |
|---------------------|-----------|----------|-----------|-------------|----------|----------|----------|----------|--------------|------------------|-----------|-------------|----------|----------|
| 1996                | 0         | 0        | 2         | 0           | 0        | 0        | 0        | 0        | 0            | 0                | 0         | 0           | 0        | 0        |
| 1997                | 4         | 1        | 5         | 1           | 0        | 2        | 0        | 0        | 0            | 1                | 1         | 0           | 1        | 1        |
| 1998                | 7         | 1        | 4         | 1           | 2        | 0        | 0        | 0        | 1            | 1                | 0         | 0           | 0        | 0        |
| 1999                | 7         | 1        | 6         | 1           | 1        | 0        | 0        | 0        | 0            | 0                | 2         | 1           | 0        | 0        |
| 2000                | 8         | 1        | 7         | 2           | 0        | 0        | 0        | 0        | 2            | 0                | 5         | 2           | 1        | 1        |
| 2001                | 7         | 1        | 3         | 1           | 0        | 1        | 1        | 0        | 4            | 0                | 1         | 2           | 0        | 0        |
| 2002                | 8         | 2        | 4         | 3           | 0        | 0        | 1        | 0        | 1            | 0                | 3         | 1           | 1        | 1        |
| 2003                | 4         | 2        | 3         | 0           | 1        | 0        | 0        | 0        | 4            | 0                | 1         | 1           | 0        | 0        |
| 2004                | 2         | 0        | 5         | 0           | 0        | 0        | 0        | 0        | 2            | 0                | 1         | 0           | 0        | 0        |
| 2005                | 9         | 0        | 5         | 2           | 0        | 0        | 0        | 0        | 2            | 0                | 4         | 0           | 1        | 0        |
| 2006                | 5         | 0        | 3         | 0           | 0        | 0        | 0        | 0        | 3            | 0                | 2         | 0           | 0        | 0        |
| 2007                | 5         | 0        | 2         | 1           | 0        | 0        | 0        | 0        | 2            | 0                | 1         | 0           | 0        | 0        |
| <b>Total</b>        | <b>66</b> | <b>9</b> | <b>49</b> | <b>12</b>   | <b>4</b> | <b>3</b> | <b>2</b> | <b>0</b> | <b>21</b>    | <b>2</b>         | <b>21</b> | <b>7</b>    | <b>4</b> | <b>3</b> |

<sup>a</sup> No appeals were filed in 1995.

## ANNEX 6

## PARTICIPANTS AND THIRD PARTICIPANTS IN APPEALS: 1995–2007

As of the end of 2007, there were 151 WTO Members, of which 66 (44 per cent) have participated in appeals in which Appellate Body reports were circulated between 1996 and 2007.<sup>1</sup>

The rules pursuant to which Members participate in appeals as appellant, other appellant, appellee, and third participant are described in Section V of this Annual Report.

## I. Statistical Summary

| WTO Member         | Appellant | Other appellant | Appellee | Third participant | Total |
|--------------------|-----------|-----------------|----------|-------------------|-------|
| Antigua & Barbuda  | 1         | –               | 1        | –                 | 2     |
| Argentina          | 2         | 3               | 5        | 8                 | 18    |
| Australia          | 2         | 1               | 5        | 15                | 23    |
| Barbados           | –         | –               | –        | 1                 | 1     |
| Belize             | –         | –               | –        | 2                 | 2     |
| Benin              | –         | –               | –        | 1                 | 1     |
| Bolivia            | –         | –               | –        | 1                 | 1     |
| Brazil             | 8         | 3               | 11       | 13                | 35    |
| Cameroon           | –         | –               | –        | 1                 | 1     |
| Canada             | 10        | 6               | 14       | 14                | 44    |
| Chad               | –         | –               | –        | 1                 | 1     |
| Chile              | 3         | –               | 2        | 4                 | 9     |
| China              | –         | 1               | 1        | 18                | 20    |
| Colombia           | –         | –               | –        | 5                 | 5     |
| Costa Rica         | 1         | –               | –        | 3                 | 4     |
| Côte d'Ivoire      | –         | –               | –        | 2                 | 2     |
| Cuba               | –         | –               | –        | 4                 | 4     |
| Dominica           | –         | –               | –        | 2                 | 2     |
| Dominican Republic | 1         | –               | 1        | 1                 | 3     |
| Ecuador            | –         | 1               | 1        | 5                 | 7     |
| Egypt              | –         | –               | –        | 1                 | 1     |
| El Salvador        | –         | –               | –        | 2                 | 2     |

<sup>1</sup> No appeals were filed and no Appellate Body Reports were circulated in 1995, the year the Appellate Body was established.

| WTO Member           | Appellant | Other appellant | Appellee | Third participant | Total |
|----------------------|-----------|-----------------|----------|-------------------|-------|
| European Communities | 12        | 13              | 29       | 40                | 94    |
| Fiji                 | –         | –               | –        | 1                 | 1     |
| Ghana                | –         | –               | –        | 1                 | 1     |
| Grenada              | –         | –               | –        | 1                 | 1     |
| Guatemala            | 1         | 1               | 1        | 4                 | 7     |
| Guyana               | –         | –               | –        | 1                 | 1     |
| Honduras             | 1         | 1               | 2        | 1                 | 5     |
| Hong Kong, China     | –         | –               | –        | 7                 | 7     |
| India                | 5         | 1               | 5        | 17                | 28    |
| Indonesia            | –         | –               | 1        | 1                 | 2     |
| Israel               | –         | –               | –        | 1                 | 1     |
| Jamaica              | –         | –               | –        | 3                 | 3     |
| Japan                | 6         | 4               | 10       | 25                | 45    |
| Kenya                | –         | –               | –        | 1                 | 1     |
| Korea                | 4         | 3               | 6        | 11                | 24    |
| Madagascar           | –         | –               | –        | 1                 | 1     |
| Malaysia             | 1         | –               | 1        | –                 | 2     |
| Mauritius            | –         | –               | –        | 2                 | 2     |
| Malawi               | –         | –               | –        | 1                 | 1     |
| Mexico               | 4         | 1               | 4        | 17                | 26    |
| New Zealand          | –         | 2               | 5        | 8                 | 15    |
| Nicaragua            | –         | –               | –        | 2                 | 2     |
| Nigeria              | –         | –               | –        | 1                 | 1     |
| Norway               | –         | 1               | 1        | 8                 | 10    |
| Pakistan             | –         | –               | 2        | 2                 | 4     |
| Panama               | –         | –               | –        | 1                 | 1     |
| Paraguay             | –         | –               | –        | 5                 | 5     |
| Peru                 | –         | –               | 1        | 2                 | 3     |
| Philippines          | 1         | –               | 1        | 1                 | 3     |
| Poland               | –         | –               | 1        | –                 | 1     |
| Senegal              | –         | –               | –        | 1                 | 1     |
| St Lucia             | –         | –               | –        | 2                 | 2     |
| St Kitts & Nevis     | –         | –               | –        | 1                 | 1     |

| WTO Member                  | Appellant | Other appellant | Appellee   | Third participant | Total      |
|-----------------------------|-----------|-----------------|------------|-------------------|------------|
| St Vincent & the Grenadines | –         | –               | –          | 1                 | 1          |
| Suriname                    | –         | –               | –          | 1                 | 1          |
| Swaziland                   | –         | –               | –          | 1                 | 1          |
| Switzerland                 | –         | 1               | 1          | –                 | 2          |
| Chinese Taipei              | –         | –               | –          | 10                | 10         |
| Tanzania                    | –         | –               | –          | 1                 | 1          |
| Thailand                    | 3         | –               | 4          | 7                 | 14         |
| Trinidad & Tobago           | –         | –               | –          | 1                 | 1          |
| Turkey                      | 1         | –               | –          | 1                 | 2          |
| United States               | 26        | 10              | 49         | 26                | 111        |
| Venezuela                   | –         | –               | 1          | 6                 | 7          |
| <b>Total</b>                | <b>93</b> | <b>53</b>       | <b>166</b> | <b>329</b>        | <b>641</b> |

## II. Details by Year of Circulation

1996

| Case                                                                                  | Appellant     | Other appellant(s) | Appellee(s)                                              | Third participant(s)           |
|---------------------------------------------------------------------------------------|---------------|--------------------|----------------------------------------------------------|--------------------------------|
| <i>US – Gasoline</i><br>WT/DS2/AB/R                                                   | United States | ---                | Brazil<br>Venezuela                                      | European Communities<br>Norway |
| <i>Japan – Alcoholic Beverages II</i><br>WT/DS8/AB/R,<br>WT/DS10/AB/R<br>WT/DS11/AB/R | Japan         | United States      | Canada<br>European Communities<br>Japan<br>United States | ---                            |

1997

| Case                                                | Appellant            | Other appellant(s)                                          | Appellee(s)                                                                         | Third participant(s)                                                                                                                                                                                                                   |
|-----------------------------------------------------|----------------------|-------------------------------------------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>US – Underwear</i><br>WT/DS24/AB/R               | Costa Rica           | - - -                                                       | United States                                                                       | India                                                                                                                                                                                                                                  |
| <i>Brazil – Desiccated Coconut</i><br>WT/DS22/AB/R  | Philippines          | Brazil                                                      | Brazil<br>Philippines                                                               | European Communities<br>United States                                                                                                                                                                                                  |
| <i>US – Wool Shirts and Blouses</i><br>WT/DS33/AB/R | India                | - - -                                                       | United States                                                                       | - - -                                                                                                                                                                                                                                  |
| <i>Canada – Periodicals</i><br>WT/DS31/AB/R         | Canada               | United States                                               | Canada<br>United States                                                             | - - -                                                                                                                                                                                                                                  |
| <i>EC – Bananas III</i><br>WT/DS27/AB/R             | European Communities | Ecuador<br>Guatemala<br>Honduras<br>Mexico<br>United States | Ecuador<br>European Communities<br>Guatemala<br>Honduras<br>Mexico<br>United States | Belize<br>Cameroon<br>Colombia<br>Costa Rica<br>Côte d'Ivoire<br>Dominica<br>Dominican Republic<br>Ghana<br>Grenada<br>Jamaica<br>Japan<br>Nicaragua<br>Saint Lucia<br>St Vincent & the Grenadines<br>Senegal<br>Suriname<br>Venezuela |
| <i>India – Patents (US)</i><br>WT/DS50/AB/R         | India                | - - -                                                       | United States                                                                       | European Communities                                                                                                                                                                                                                   |

## 1998

| Case                                                                                | Appellant               | Other appellant(s)      | Appellee(s)                                        | Third participant(s)                                                                     |
|-------------------------------------------------------------------------------------|-------------------------|-------------------------|----------------------------------------------------|------------------------------------------------------------------------------------------|
| <i>EC – Hormones</i><br>WT/DS26/AB/R,<br>WT/DS48/AB/R                               | European<br>Communities | Canada<br>United States | Canada<br>European<br>Communities<br>United States | Australia<br>New Zealand<br>Norway                                                       |
| <i>Argentina – Textiles<br/>and Apparel</i><br>WT/DS56/AB/R                         | Argentina               | - - -                   | United States                                      | European<br>Communities                                                                  |
| <i>EC – Computer<br/>Equipment</i><br>WT/DS62/AB/R,<br>WT/DS67/AB/R<br>WT/DS68/AB/R | European<br>Communities | - - -                   | United States                                      | Japan                                                                                    |
| <i>EC – Poultry</i><br>WT/DS69/AB/R                                                 | Brazil                  | European<br>Communities | Brazil<br>European<br>Communities                  | Thailand<br>United States                                                                |
| <i>US – Shrimp</i><br>WT/DS58/AB/R                                                  | United States           | - - -                   | India<br>Malaysia<br>Pakistan<br>Thailand          | Australia<br>Ecuador<br>European<br>Communities<br>Hong Kong, China<br>Mexico<br>Nigeria |
| <i>Australia – Salmon</i><br>WT/DS18/AB/R                                           | Australia               | Canada                  | Australia<br>Canada                                | European<br>Communities<br>India<br>Norway<br>United States                              |
| <i>Guatemala – Cement I</i><br>WT/DS60/AB/R                                         | Guatemala               | - - -                   | Mexico                                             | United States                                                                            |

1999

| Case                                                                 | Appellant | Other appellant(s)   | Appellee(s)                           | Third participant(s)                     |
|----------------------------------------------------------------------|-----------|----------------------|---------------------------------------|------------------------------------------|
| <i>Korea – Alcoholic Beverages</i><br>WT/DS75/AB/R,<br>WT/DS84/AB/R  | Korea     | ---                  | European Communities<br>United States | Mexico                                   |
| <i>Japan – Agricultural Products II</i><br>WT/DS76/AB/R              | Japan     | United States        | Japan<br>United States                | Brazil<br>European Communities           |
| <i>Brazil – Aircraft</i><br>WT/DS46/AB/R                             | Brazil    | Canada               | Brazil<br>Canada                      | European Communities<br>United States    |
| <i>Canada – Aircraft</i><br>WT/DS70/AB/R                             | Canada    | Brazil               | Brazil<br>Canada                      | European Communities<br>United States    |
| <i>India – Quantitative Restrictions</i><br>WT/DS90/AB/R             | India     | ---                  | United States                         | ---                                      |
| <i>Canada – Dairy</i><br>WT/DS103/AB/R,<br>WT/DS113/AB/R             | Canada    | ---                  | New Zealand<br>United States          | ---                                      |
| <i>Turkey – Textiles</i><br>WT/DS34/AB/R                             | Turkey    | ---                  | India                                 | Hong Kong, China<br>Japan<br>Philippines |
| <i>Chile – Alcoholic Beverages</i><br>WT/DS87/AB/R,<br>WT/DS110/AB/R | Chile     | ---                  | European Communities                  | Mexico<br>United States                  |
| <i>Argentina – Footwear (EC)</i><br>WT/DS121/AB/R                    | Argentina | European Communities | Argentina<br>European Communities     | Indonesia<br>United States               |
| <i>Korea – Dairy</i><br>WT/DS98/AB/R                                 | Korea     | European Communities | Korea<br>European Communities         | United States                            |

## 2000

| Case                                                                       | Appellant            | Other appellant(s)            | Appellee(s)                                    | Third participant(s)                                                       |
|----------------------------------------------------------------------------|----------------------|-------------------------------|------------------------------------------------|----------------------------------------------------------------------------|
| <i>US – FSC</i><br>WT/DS108/AB/R                                           | United States        | European Communities          | European Communities<br>United States          | Canada<br>Japan                                                            |
| <i>US – Lead and Bismuth II</i><br>WT/DS138/AB/R                           | United States        | - - -                         | European Communities                           | Brazil<br>Mexico                                                           |
| <i>Canada – Autos</i><br>WT/DS139/AB/R                                     | Canada               | European Communities<br>Japan | Canada<br>European Communities<br>Japan        | Korea<br>United States                                                     |
| <i>Brazil – Aircraft (Article 21.5 – Canada)</i><br>WT/DS46/AB/RW          | Brazil               | - - -                         | Canada                                         | European Communities<br>United States                                      |
| <i>Canada – Aircraft (Article 21.5 – Brazil)</i><br>WT/DS70/AB/RW          | Brazil               | - - -                         | Canada                                         | European Communities<br>United States                                      |
| <i>US – 1916 Act</i><br>WT/DS136/AB/R,<br>WT/DS162/AB/R                    | United States        | European Communities<br>Japan | European Communities<br>Japan<br>United States | European Communities <sup>2</sup><br>India<br>Japan <sup>3</sup><br>Mexico |
| <i>Canada – Term of Patent Protection</i><br>WT/DS170/AB/R                 | Canada               | - - -                         | United States                                  | - - -                                                                      |
| <i>Korea – Various Measures on Beef</i><br>WT/DS161/AB/R,<br>WT/DS169/AB/R | Korea                | - - -                         | Australia<br>United States                     | Canada<br>New Zealand                                                      |
| <i>US – Certain EC Products</i><br>WT/DS165/AB/R                           | European Communities | United States                 | European Communities<br>United States          | Dominica<br>Ecuador<br>India<br>Jamaica<br>Japan<br>St Lucia               |
| <i>US – Wheat Gluten</i><br>WT/DS166/AB/R                                  | United States        | European Communities          | European Communities<br>United States          | Australia<br>Canada<br>New Zealand                                         |

<sup>2</sup> In complaint brought by Japan.

<sup>3</sup> In complaint brought by the European Communities.

## 2001

| Case                                                                                           | Appellant            | Other appellant(s)       | Appellee(s)                               | Third participant(s)                                                                          |
|------------------------------------------------------------------------------------------------|----------------------|--------------------------|-------------------------------------------|-----------------------------------------------------------------------------------------------|
| <i>EC – Bed Linen</i><br>WT/DS141/AB/R                                                         | European Communities | India                    | European Communities<br>India             | Egypt<br>Japan<br>United States                                                               |
| <i>EC – Asbestos</i><br>WT/DS135/AB/R                                                          | Canada               | European Communities     | Canada<br>European Communities            | Brazil<br>United States                                                                       |
| <i>Thailand – H-Beams</i><br>WT/DS122/AB/R                                                     | Thailand             | ---                      | Poland                                    | European Communities<br>Japan<br>United States                                                |
| <i>US – Lamb</i><br>WT/DS177/AB/R,<br>WT/DS178/AB/R                                            | United States        | Australia<br>New Zealand | Australia<br>New Zealand<br>United States | European Communities                                                                          |
| <i>US – Hot-Rolled Steel</i><br>WT/DS184/AB/R                                                  | United States        | Japan                    | Japan<br>United States                    | Brazil<br>Canada<br>Chile<br>European Communities<br>Korea                                    |
| <i>US – Cotton Yarn</i><br>WT/DS192/AB/R                                                       | United States        | ---                      | Pakistan                                  | European Communities<br>India                                                                 |
| <i>US – Shrimp (Article 21.5 – Malaysia)</i><br>WT/DS58/AB/RW                                  | Malaysia             | ---                      | United States                             | Australia<br>European Communities<br>Hong Kong, China<br>India<br>Japan<br>Mexico<br>Thailand |
| <i>Mexico – Corn Syrup (Article 21.5 – US)</i><br>WT/DS132/AB/RW                               | Mexico               | ---                      | United States                             | European Communities                                                                          |
| <i>Canada – Dairy (Article 21.5 – New Zealand and US)</i><br>WT/DS103/AB/RW,<br>WT/DS113/AB/RW | Canada               | ---                      | New Zealand<br>United States              | European Communities                                                                          |

## 2002

| Case                                                                                                | Appellant            | Other appellant(s)   | Appellee(s)                           | Third participant(s)                                                                                         |
|-----------------------------------------------------------------------------------------------------|----------------------|----------------------|---------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <i>US – Section 211 Appropriations Act</i><br>WT/DS176/AB/R                                         | European Communities | United States        | European Communities<br>United States | ---                                                                                                          |
| <i>US – FSC (Article 21.5 – EC)</i><br>WT/DS108/AB/RW                                               | United States        | European Communities | European Communities<br>United States | Australia<br>Canada<br>India<br>Japan                                                                        |
| <i>US – Line Pipe</i><br>WT/DS202/AB/R                                                              | United States        | Korea                | Korea<br>United States                | Australia<br>Canada<br>European Communities<br>Japan<br>Mexico                                               |
| <i>India – Autos</i> <sup>4</sup><br>WT/DS146/AB/R,<br>WT/DS175/AB/R                                | India                | ---                  | European Communities<br>United States | Korea                                                                                                        |
| <i>Chile – Price Band System</i><br>WT/DS207/AB/R                                                   | Chile                | ---                  | Argentina                             | Australia<br>Brazil<br>Colombia<br>Ecuador<br>European Communities<br>Paraguay<br>United States<br>Venezuela |
| <i>EC – Sardines</i><br>WT/DS231/AB/R                                                               | European Communities | ---                  | Peru                                  | Canada<br>Chile<br>Ecuador<br>United States<br>Venezuela                                                     |
| <i>US – Carbon Steel</i><br>WT/DS213/AB/R                                                           | United States        | European Communities | European Communities<br>United States | Japan<br>Norway                                                                                              |
| <i>US – Countervailing Measures on Certain EC Products</i><br>WT/DS212/AB/R                         | United States        | ---                  | European Communities                  | Brazil<br>India<br>Mexico                                                                                    |
| <i>Canada – Dairy (Article 21.5 – New Zealand and US II)</i><br>WT/DS103/AB/RW2,<br>WT/DS113/AB/RW2 | Canada               | ---                  | New Zealand<br>United States          | Argentina<br>Australia<br>European Communities                                                               |

<sup>4</sup> India withdrew its appeal the day before the oral hearing was scheduled to proceed.

## 2003

| Case                                                                                                                                                                       | Appellant     | Other appellant(s)                                                                                | Appellee(s)                                                                                                                  | Third participant(s)                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <i>US – Offset Act (Byrd Amendment)</i><br>WT/DS217/AB/R,<br>WT/DS234/AB/R                                                                                                 | United States | ---                                                                                               | Australia<br>Brazil<br>Canada<br>Chile<br>European Communities<br>India<br>Indonesia<br>Japan<br>Korea<br>Mexico<br>Thailand | Argentina<br>Costa Rica<br>Hong Kong, China<br>Israel<br>Norway               |
| <i>EC – Bed Linen (Article 21.5 – India)</i><br>WT/DS141/AB/RW                                                                                                             | India         | ---                                                                                               | European Communities                                                                                                         | Japan<br>Korea<br>United States                                               |
| <i>EC – Tube or Pipe Fittings</i><br>WT/DS219/AB/R                                                                                                                         | Brazil        | ---                                                                                               | European Communities                                                                                                         | Chile<br>Japan<br>Mexico<br>United States                                     |
| <i>US – Steel Safeguards</i><br>WT/DS248/AB/R,<br>WT/DS249/AB/R<br>WT/DS251/AB/R,<br>WT/DS252/AB/R,<br>WT/DS253/AB/R,<br>WT/DS254/AB/R,<br>WT/DS258/AB/R,<br>WT/DS259/AB/R | United States | Brazil<br>China<br>European Communities<br>Japan<br>Korea<br>New Zealand<br>Norway<br>Switzerland | Brazil<br>China<br>European Communities<br>Japan<br>Korea<br>New Zealand<br>Norway<br>Switzerland<br>United States           | Canada<br>Cuba<br>Mexico<br>Chinese Taipei<br>Thailand<br>Turkey<br>Venezuela |
| <i>Japan – Apples</i><br>WT/DS245/AB/R                                                                                                                                     | Japan         | United States                                                                                     | Japan<br>United States                                                                                                       | Australia<br>Brazil<br>European Communities<br>New Zealand<br>Chinese Taipei  |
| <i>US – Corrosion-Resistant Steel Sunset Review</i><br>WT/DS244/AB/R                                                                                                       | Japan         | ---                                                                                               | United States                                                                                                                | Brazil<br>Chile<br>European Communities<br>India<br>Korea<br>Norway           |

## 2004

| Case                                                                  | Appellant            | Other appellant(s) | Appellee(s)                | Third participant(s)                                                                                                                                                                                     |
|-----------------------------------------------------------------------|----------------------|--------------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>US – Softwood Lumber IV</i><br>WT/DS257/AB/R                       | United States        | Canada             | Canada<br>United States    | European Communities<br>India<br>Japan                                                                                                                                                                   |
| <i>EC – Tariff Preferences</i><br>WT/DS246/AB/R                       | European Communities | - - -              | India                      | Bolivia<br>Brazil<br>Colombia<br>Costa Rica<br>Cuba<br>Ecuador<br>El Salvador<br>Guatemala<br>Honduras<br>Mauritius<br>Nicaragua<br>Pakistan<br>Panama<br>Paraguay<br>Peru<br>United States<br>Venezuela |
| <i>US – Softwood Lumber V</i><br>WT/DS264/AB/R                        | United States        | Canada             | Canada<br>United States    | European Communities<br>India<br>Japan                                                                                                                                                                   |
| <i>Canada – Wheat Exports and Grain Imports</i><br>WT/DS276/AB/R      | United States        | Canada             | Canada<br>United States    | Australia<br>China<br>European Communities<br>Mexico<br>Chinese Taipei                                                                                                                                   |
| <i>US – Oil Country Tubular Goods Sunset Reviews</i><br>WT/DS268/AB/R | United States        | Argentina          | Argentina<br>United States | European Communities<br>Japan<br>Korea<br>Mexico<br>Chinese Taipei                                                                                                                                       |

## 2005

| Case                                                                                      | Appellant            | Other appellant(s)              | Appellee(s)                                             | Third participant(s)                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------|----------------------|---------------------------------|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>US – Upland Cotton</i><br>WT/DS267/AB/R                                                | United States        | Brazil                          | Brazil<br>United States                                 | Argentina<br>Australia<br>Benin<br>Canada<br>Chad<br>China<br>European Communities<br>India<br>New Zealand<br>Pakistan<br>Paraguay<br>Chinese Taipei<br>Venezuela                                                                                                            |
| <i>US – Gambling</i><br>WT/DS285/AB/R                                                     | United States        | Antigua & Barbuda               | Antigua & Barbuda<br>United States                      | Canada<br>European Communities<br>Japan<br>Mexico<br>Chinese Taipei                                                                                                                                                                                                          |
| <i>EC – Export Subsidies on Sugar</i><br>WT/DS265/AB/R,<br>WT/DS266/AB/R<br>WT/DS283/AB/R | European Communities | Australia<br>Brazil<br>Thailand | Australia<br>Brazil<br>European Communities<br>Thailand | Barbados<br>Belize<br>Canada<br>China<br>Colombia<br>Côte d'Ivoire<br>Cuba<br>Fiji<br>Guyana<br>India<br>Jamaica<br>Kenya<br>Madagascar<br>Malawi<br>Mauritius<br>New Zealand<br>Paraguay<br>St Kitts & Nevis<br>Swaziland<br>Tanzania<br>Trinidad & Tobago<br>United States |

## 2005 (cont'd)

| Case                                                                            | Appellant            | Other appellant(s) | Appellee(s)                                | Third participant(s)                                                            |
|---------------------------------------------------------------------------------|----------------------|--------------------|--------------------------------------------|---------------------------------------------------------------------------------|
| <i>Dominican Republic – Import and Sale of Cigarettes</i><br>WT/DS302/AB/R      | Dominican Republic   | Honduras           | Dominican Republic<br>Honduras             | China<br>El Salvador<br>European Communities<br>Guatemala<br>United States      |
| <i>US – Countervailing Duty Investigation on DRAMS</i><br>WT/DS296/AB/R         | United States        | Korea              | Korea<br>United States                     | China<br>European Communities<br>Japan<br>Chinese Taipei                        |
| <i>EC – Chicken Cuts</i><br>WT/DS269/AB/R,<br>WT/DS286/AB/R                     | European Communities | Brazil<br>Thailand | Brazil<br>European Communities<br>Thailand | China<br>United States                                                          |
| <i>Mexico – Anti-Dumping Measures on Rice</i><br>WT/DS295/AB/R                  | Mexico               | - - -              | United States                              | China<br>European Communities                                                   |
| <i>US – Anti-Dumping Measures on Oil Country Tubular Goods</i><br>WT/DS282/AB/R | Mexico               | United States      | Mexico<br>United States                    | Argentina<br>Canada<br>China<br>European Communities<br>Japan<br>Chinese Taipei |
| <i>US – Softwood Lumber IV (Article 21.5 – Canada)</i><br>WT/DS257/AB/RW        | United States        | Canada             | Canada<br>United States                    | China<br>European Communities                                                   |

## 2006

| Case                                                                        | Appellant            | Other appellant(s)   | Appellee(s)                           | Third participant(s)                                                                                              |
|-----------------------------------------------------------------------------|----------------------|----------------------|---------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <i>US – FSC</i><br>(Article 21.5 – EC II)<br>WT/DS108/AB/RW2                | United States        | European Communities | European Communities<br>United States | Australia<br>Brazil<br>China                                                                                      |
| <i>Mexico – Taxes on Soft Drinks</i><br>WT/DS308/AB/R                       | Mexico               | ---                  | United States                         | Canada<br>China<br>European Communities<br>Guatemala<br>Japan                                                     |
| <i>US – Softwood Lumber VI</i><br>(Article 21.5 – Canada)<br>WT/DS277/AB/RW | Canada               | ---                  | United States                         | China<br>European Communities                                                                                     |
| <i>US – Zeroing (EC)</i><br>WT/DS294/AB/R                                   | European Communities | United States        | United States<br>European Communities | Argentina<br>Brazil<br>China<br>Hong Kong, China<br>India<br>Japan<br>Korea<br>Mexico<br>Norway<br>Chinese Taipei |
| <i>US – Softwood Lumber V</i><br>(Article 21.5 – Canada)<br>WT/DS264/AB/RW  | Canada               | ---                  | United States                         | China<br>European Communities<br>India<br>Japan<br>New Zealand<br>Thailand                                        |
| <i>EC – Selected Customs Matters</i><br>WT/DS315/AB/R                       | United States        | European Communities | European Communities<br>United States | Argentina<br>Australia<br>Brazil<br>China<br>Hong Kong, China<br>India<br>Japan<br>Korea<br>Chinese Taipei        |

## 2007

| Case                                                                                              | Appellant            | Other appellant(s) | Appellee(s)                | Third participant(s)                                                                                                                        |
|---------------------------------------------------------------------------------------------------|----------------------|--------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <i>US – Zeroing (Japan)</i><br>WT/DS322/AB/R                                                      | Japan                | United States      | United States<br>Japan     | Argentina<br>China<br>European Communities<br>Hong Kong, China<br>India<br>Korea<br>Mexico<br>New Zealand<br>Norway<br>Thailand             |
| <i>US – Oil Country Tubular Goods Sunset Reviews (Article 21.5 – Argentina)</i><br>WT/DS268/AB/RW | United States        | Argentina          | Argentina<br>United States | China<br>European Communities<br>Japan<br>Korea<br>Mexico                                                                                   |
| <i>Chile – Price Band System (Article 21.5 Argentina)</i><br>WT/DS207/AB/RW                       | Chile                | Argentina          | Argentina<br>Chile         | Australia<br>Brazil<br>Canada<br>China<br>Colombia<br>European Communities<br>Peru<br>Thailand<br>United States                             |
| <i>Japan – DRAMs (Korea)</i><br>WT/DS336/AB/R                                                     | Japan                | Korea              | Korea<br>Japan             | European Communities<br>United States                                                                                                       |
| <i>Brazil – Retreaded Tyres</i><br>WT/DS332/AB/R                                                  | European Communities | ---                | Brazil                     | Argentina<br>Australia<br>China<br>Cuba<br>Guatemala<br>Japan<br>Korea<br>Mexico<br>Paraguay<br>Chinese Taipei<br>Thailand<br>United States |

## ANNEX 7

## APPELLATE BODY SECRETARIAT PARTICIPATION IN THE WTO TECHNICAL ASSISTANCE AND TRAINING PLAN 2007

| Course / Seminar                                                                                                                             | Location                             | Dates                     |
|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|---------------------------|
| Tutor for e-training course – Introduction to the WTO and Basic Principles                                                                   | Geneva, Switzerland                  | 12 February–30 March 2007 |
| National Dispute Settlement Course                                                                                                           | Jakarta, Indonesia                   | 5–9 March 2007            |
| 39th Trade Policy Course – Dispute Settlement Presentation and Simulation                                                                    | Geneva, Switzerland                  | 19–23 March 2007          |
| 40th Trade Policy Course – Dispute Settlement Presentation and Simulation                                                                    | Geneva, Switzerland                  | 26–30 March 2007          |
| Regional Advanced Dispute Settlement Seminar                                                                                                 | Vienna, Austria                      | 2–5 April 2007            |
| 17th Dispute Settlement Course                                                                                                               | Geneva, Switzerland                  | 16–20 April 2007          |
| National Seminar on Dispute Settlement                                                                                                       | Rabat, Morocco<br>(French)           | 23–27 April 2007          |
| Participation via video-conference for the “Trade Remedy Measures and Dispute Settlement: Theory and Practice” conference held in Lima, Peru | Geneva, Switzerland<br>(Spanish)     | 8 May 2007                |
| Inter-American Development Bank/INTAL seminar on DSU Negotiations                                                                            | Buenos Aires, Argentina<br>(Spanish) | 21–23 May 2007            |
| 18th Dispute Settlement Course                                                                                                               | Geneva, Switzerland                  | 21–25 May 2007            |
| UN Economic and Social Commission for Latin America and the Caribbean “Sustainable Development in the Framework of WTO Disputes”             | San José, Costa Rica<br>(Spanish)    | 23–25 May 2007            |
| Regional Dispute Settlement Seminar                                                                                                          | Singapore                            | 4–8 June 2007             |
| Regional Trade Policy Course – Introduction and Basic Principles                                                                             | Windhoek, Namibia                    | 11–13 June 2007           |
| Regional Trade Policy Course – Dispute Settlement                                                                                            | Libreville, Gabon<br>(French)        | 18–19 June 2007           |
| 41st Trade Policy Course – Dispute Settlement Presentation and Simulation                                                                    | Geneva, Switzerland<br>(French)      | 2–6 July 2007             |
| Dispute settlement module via video-conference for the “Long Distance Capacity Building Programme” of the Mission of Guatemala               | Geneva, Switzerland<br>(Spanish)     | 19 and 26 July 2007       |
| Regional Trade Policy Course – Dispute Settlement                                                                                            | Windhoek, Namibia                    | 13–17 August 2007         |
| Regional Dispute Settlement Seminar                                                                                                          | Trinidad and Tobago                  | 17–21 September 2007      |

| Course / Seminar                                                                           | Location                                       | Dates                       |
|--------------------------------------------------------------------------------------------|------------------------------------------------|-----------------------------|
| Regional Trade Policy Course – Introduction to the WTO and Basic Principles                | Santiago, Chile<br>(Spanish)                   | 28 September–2 October 2007 |
| 19th Dispute Settlement Course                                                             | Geneva, Switzerland<br>(Spanish)               | 1–5 October 2007            |
| Seminar on Curriculum Development for University Professors                                | Shanghai, China                                | 15–19 October 2007          |
| 5th WTO–ADB/ECA Trade Policy Course – Dispute Settlement                                   | Dar Es Salaam, Tanzania                        | 2 November 2007             |
| Presentation on Basic Legal Principles of the GATT/WTO at the WTO Introduction Day         | Geneva, Switzerland                            | 13 November 2007            |
| Regional Dispute Settlement Seminar                                                        | Santo Domingo, Dominican Republic<br>(Spanish) | 19–23 November 2007         |
| 42nd Trade Policy Course – Dispute Settlement Presentation and Simulation                  | Geneva, Switzerland                            | 26–30 November 2007         |
| WTO–IDLO Public International Trade Law Course (Asia-Pacific Region) – Dispute Settlement  | Sydney, Australia                              | 27–28 November 2007         |
| Regional Trade Policy Course – Dispute Settlement                                          | Santiago, Chile<br>(Spanish)                   | 3–6 December 2007           |
| National Seminar on Rules for French-speaking Africa (Anti-Dumping, Safeguards, Subsidies) | Atananarivo, Madagascar<br>(French)            | 10–12 December 2007         |

**APPELLATE BODY SECRETARIAT PARTICIPATION IN  
OTHER ACTIVITIES – 2007**

| <b>Activity</b>                                                                                             | <b>Location</b>      | <b>Dates</b>   |
|-------------------------------------------------------------------------------------------------------------|----------------------|----------------|
| ELSA Moot Court                                                                                             | Geneva, Switzerland  | 2–4 May 2007   |
| WTO Trade Course at Vienna Economic University                                                              | Vienna, Austria      | 10–11 May 2007 |
| Training program on WTO agreements                                                                          | Riyadh, Saudi Arabia | 14–15 May 2007 |
| Presentation at the 7th Annual WTO Conference of the British Institute of International and Comparative Law | London, UK           | 22–23 May 2007 |
| World Trade Institute Moot Court                                                                            | Berne, Switzerland   | 5–6 July 2007  |
| Talk to members of the International Trade Law Committee of the ILA                                         | Geneva, Switzerland  | 29 June 2007   |
| Presentation at the 10th Annual Cameron May Conference – Dispute Resolution in the WTO                      | Brussels, Belgium    | 29 June 2007   |

**BRIEFINGS TO GROUPS VISITING THE WTO – 2007**

| <b>Activity</b>                                                                                                    | <b>Location</b>     | <b>Dates</b>     |
|--------------------------------------------------------------------------------------------------------------------|---------------------|------------------|
| Talk on WTO dispute settlement to law students from Australian National University                                 | Geneva, Switzerland | 8 February 2007  |
| Talk on WTO dispute settlement to students from American University's "European Union Program"                     | Geneva, Switzerland | 23 February 2007 |
| Talk on WTO dispute settlement to students from Maastricht University                                              | Geneva, Switzerland | 2 March 2007     |
| Talk on the WTO to law students from Erasmus University                                                            | Geneva, Switzerland | 26 March 2007    |
| Talk on WTO dispute settlement to students from University of London                                               | Geneva, Switzerland | 30 March 2007    |
| Talk on WTO dispute settlement to students from West Bristol University                                            | Geneva, Switzerland | 5 April 2007     |
| Talk on the WTO and the Appellate Body to students from University of West Indies                                  | Geneva, Switzerland | 21 May 2007      |
| Talk on the DSU to law students from World Trade Institute (Berne) and Bocconi University (Milan)                  | Geneva, Switzerland | 29 June 2007     |
| Talk on the WTO to students from American University, Washington College of Law – summer programme                 | Geneva, Switzerland | 2 July 2007      |
| Talk on the WTO to students from Melbourne University Faculty of Law – Institutions in International Law Programme | Geneva, Switzerland | 5 July 2007      |

| Activity                                                                                                                                            | Location            | Dates             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-------------------|
| Talk on WTO dispute settlement to students from University of Frankfurt                                                                             | Geneva, Switzerland | 10 July 2007      |
| Talk on WTO dispute settlement to students from Duke University – Summer Law Programme                                                              | Geneva, Switzerland | 12 July 2007      |
| Talk on WTO dispute settlement to international trade law society students from the Judicial Research and Training Institute (Korea) Summer Program | Geneva, Switzerland | 12 July 2007      |
| Presentation on the appellate process to the UN International Law Commission's Summer Seminar                                                       | Geneva, Switzerland | 16 July 2007      |
| Talk on WTO dispute settlement to students from University Adolfo Ibañez (Chile)                                                                    | Geneva, Switzerland | 18 September 2007 |

## ANNEX 8

WTO DISPUTE SETTLEMENT REPORTS AND ARBITRATION AWARDS:  
1995–2007

| Short Title                                                  | Full Case Title and Citation                                                                                                                                                                                                           |
|--------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Argentina – Ceramic Tiles</i>                             | Panel Report, <i>Argentina – Definitive Anti-Dumping Measures on Imports of Ceramic Floor Tiles from Italy</i> , WT/DS189/R, adopted 5 November 2001, DSR 2001:XII, 6241                                                               |
| <i>Argentina – Footwear (EC)</i>                             | Appellate Body Report, <i>Argentina – Safeguard Measures on Imports of Footwear</i> , WT/DS121/AB/R, adopted 12 January 2000, DSR 2000:I, 515                                                                                          |
| <i>Argentina – Footwear (EC)</i>                             | Panel Report, <i>Argentina – Safeguard Measures on Imports of Footwear</i> , WT/DS121/R, adopted 12 January 2000, as modified by Appellate Body Report, WT/DS121/AB/R, DSR 2000:II, 575                                                |
| <i>Argentina – Hides and Leather</i>                         | Panel Report, <i>Argentina – Measures Affecting the Export of Bovine Hides and Import of Finished Leather</i> , WT/DS155/R and Corr.1, adopted 16 February 2001, DSR 2001:V, 1779                                                      |
| <i>Argentina – Hides and Leather</i>                         | Award of the Arbitrator, <i>Argentina – Measures Affecting the Export of Bovine Hides and Import of Finished Leather – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS155/10, 31 August 2001, DSR 2001:XII, 6013              |
| <i>Argentina – Poultry Anti-Dumping Duties</i>               | Panel Report, <i>Argentina – Definitive Anti-Dumping Duties on Poultry from Brazil</i> , WT/DS241/R, adopted 19 May 2003, DSR 2003:V, 1727                                                                                             |
| <i>Argentina – Preserved Peaches</i>                         | Panel Report, <i>Argentina – Definitive Safeguard Measure on Imports of Preserved Peaches</i> , WT/DS238/R, adopted 15 April 2003, DSR 2003:III, 1037                                                                                  |
| <i>Argentina – Textiles and Apparel</i>                      | Appellate Body Report, <i>Argentina – Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items</i> , WT/DS56/AB/R and Corr.1, adopted 22 April 1998, DSR 1998:III, 1003                                               |
| <i>Argentina – Textiles and Apparel</i>                      | Panel Report, <i>Argentina – Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items</i> , WT/DS56/R, adopted 22 April 1998, as modified by Appellate Body Report, WT/DS56/AB/R, DSR 1998:III, 1033                  |
| <i>Australia – Automotive Leather II</i>                     | Panel Report, <i>Australia – Subsidies Provided to Producers and Exporters of Automotive Leather</i> , WT/DS126/R, adopted 16 June 1999, DSR 1999:III, 951                                                                             |
| <i>Australia – Automotive Leather II (Article 21.5 – US)</i> | Panel Report, <i>Australia – Subsidies Provided to Producers and Exporters of Automotive Leather – Recourse to Article 21.5 of the DSU by the United States</i> , WT/DS126/RW and Corr.1, adopted 11 February 2000, DSR 2000:III, 1189 |
| <i>Australia – Salmon</i>                                    | Appellate Body Report, <i>Australia – Measures Affecting Importation of Salmon</i> , WT/DS18/AB/R, adopted 6 November 1998, DSR 1998:VIII, 3327                                                                                        |
| <i>Australia – Salmon</i>                                    | Panel Report, <i>Australia – Measures Affecting Importation of Salmon</i> , WT/DS18/R and Corr.1, adopted 6 November 1998, as modified by Appellate Body Report, WT/DS18/AB/R, DSR 1998:VIII, 3407                                     |
| <i>Australia – Salmon</i>                                    | Award of the Arbitrator, <i>Australia – Measures Affecting Importation of Salmon – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS18/9, 23 February 1999, DSR 1999:I, 267                                                     |
| <i>Australia – Salmon (Article 21.5 – Canada)</i>            | Panel Report, <i>Australia – Measures Affecting Importation of Salmon – Recourse to Article 21.5 of the DSU by Canada</i> , WT/DS18/RW, adopted 20 March 2000, DSR 2000:IV, 2031                                                       |
| <i>Brazil – Aircraft</i>                                     | Appellate Body Report, <i>Brazil – Export Financing Programme for Aircraft</i> , WT/DS46/AB/R, adopted 20 August 1999, DSR 1999:III, 1161                                                                                              |

| Short Title                                                             | Full Case Title and Citation                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Brazil – Aircraft</i>                                                | Panel Report, <i>Brazil – Export Financing Programme for Aircraft</i> , WT/DS46/R, adopted 20 August 1999, as modified by Appellate Body Report, WT/DS46/AB/R, DSR 1999:III, 1221                                                                                 |
| <i>Brazil – Aircraft (Article 21.5 – Canada)</i>                        | Appellate Body Report, <i>Brazil – Export Financing Programme for Aircraft – Recourse by Canada to Article 21.5 of the DSU</i> , WT/DS46/AB/RW, adopted 4 August 2000, DSR 2000:VIII, 4067                                                                        |
| <i>Brazil – Aircraft (Article 21.5 – Canada)</i>                        | Panel Report, <i>Brazil – Export Financing Programme for Aircraft – Recourse by Canada to Article 21.5 of the DSU</i> , WT/DS46/RW, adopted 4 August 2000, as modified by Appellate Body Report, WT/DS46/AB/RW, DSR 2000:IX, 4093                                 |
| <i>Brazil – Aircraft (Article 21.5 – Canada II)</i>                     | Panel Report, <i>Brazil – Export Financing Programme for Aircraft – Second Recourse by Canada to Article 21.5 of the DSU</i> , WT/DS46/RW/2, adopted 23 August 2001, DSR 2001:X, 5481                                                                             |
| <i>Brazil – Aircraft (Article 22.6 – Brazil)</i>                        | Decision by the Arbitrators, <i>Brazil – Export Financing Programme for Aircraft – Recourse to Arbitration by Brazil under Article 22.6 of the DSU and Article 4.11 of the SCM Agreement</i> , WT/DS46/ARB, 28 August 2000, DSR 2002:I, 19                        |
| <i>Brazil – Desiccated Coconut</i>                                      | Appellate Body Report, <i>Brazil – Measures Affecting Desiccated Coconut</i> , WT/DS22/AB/R, adopted 20 March 1997, DSR 1997:I, 167                                                                                                                               |
| <i>Brazil – Desiccated Coconut</i>                                      | Panel Report, <i>Brazil – Measures Affecting Desiccated Coconut</i> , WT/DS22/R, adopted 20 March 1997, upheld by Appellate Body Report, WT/DS22/AB/R, DSR 1997:I, 189                                                                                            |
| <i>Brazil – Retreaded Tyres</i>                                         | Appellate Body Report, <i>Brazil – Measures Affecting Imports of Retreaded Tyres</i> , WT/DS332/AB/R, adopted 17 December 2007                                                                                                                                    |
| <i>Brazil – Retreaded Tyres</i>                                         | Panel Report, <i>Brazil – Measures Affecting Imports of Retreaded Tyres</i> , WT/DS332/R, adopted 17 December 2007, as modified by Appellate Body Report, WT/DS332/AB/R                                                                                           |
| <i>Canada – Aircraft</i>                                                | Appellate Body Report, <i>Canada – Measures Affecting the Export of Civilian Aircraft</i> , WT/DS70/AB/R, adopted 20 August 1999, DSR 1999:III, 1377                                                                                                              |
| <i>Canada – Aircraft</i>                                                | Panel Report, <i>Canada – Measures Affecting the Export of Civilian Aircraft</i> , WT/DS70/R, adopted 20 August 1999, upheld by Appellate Body Report, WT/DS70/AB/R, DSR 1999:IV, 1443                                                                            |
| <i>Canada – Aircraft (Article 21.5 – Brazil)</i>                        | Appellate Body Report, <i>Canada – Measures Affecting the Export of Civilian Aircraft – Recourse by Brazil to Article 21.5 of the DSU</i> , WT/DS70/AB/RW, adopted 4 August 2000, DSR 2000:IX, 4299                                                               |
| <i>Canada – Aircraft (Article 21.5 – Brazil)</i>                        | Panel Report, <i>Canada – Measures Affecting the Export of Civilian Aircraft – Recourse by Brazil to Article 21.5 of the DSU</i> , WT/DS70/RW, adopted 4 August 2000, as modified by Appellate Body Report, WT/DS70/AB/RW, DSR 2000:IX, 4315                      |
| <i>Canada – Aircraft Credits and Guarantees</i>                         | Panel Report, <i>Canada – Export Credits and Loan Guarantees for Regional Aircraft</i> , WT/DS222/R and Corr.1, adopted 19 February 2002, DSR 2002:III, 849                                                                                                       |
| <i>Canada – Aircraft Credits and Guarantees (Article 22.6 – Canada)</i> | Decision by the Arbitrator, <i>Canada – Export Credits and Loan Guarantees for Regional Aircraft – Recourse to Arbitration by Canada under Article 22.6 of the DSU and Article 4.11 of the SCM Agreement</i> , WT/DS222/ARB, 17 February 2003, DSR 2003:III, 1187 |
| <i>Canada – Autos</i>                                                   | Appellate Body Report, <i>Canada – Certain Measures Affecting the Automotive Industry</i> , WT/DS139/AB/R, WT/DS142/AB/R, adopted 19 June 2000, DSR 2000:VI, 2985                                                                                                 |
| <i>Canada – Autos</i>                                                   | Panel Report, <i>Canada – Certain Measures Affecting the Automotive Industry</i> , WT/DS139/R, WT/DS142/R, adopted 19 June 2000, as modified by Appellate Body Report, WT/DS139/AB/R, WT/DS142/AB/R, DSR 2000:VII, 3043                                           |

| Short Title                                              | Full Case Title and Citation                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Canada – Autos                                           | Award of the Arbitrator, <i>Canada – Certain Measures Affecting the Automotive Industry – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS139/12, WT/DS142/12, 4 October 2000, DSR 2000:X, 5079                                                                                                                                         |
| Canada – Dairy                                           | Appellate Body Report, <i>Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products</i> , WT/DS103/AB/R, WT/DS113/AB/R and Corr.1, adopted 27 October 1999, DSR 1999:V, 2057                                                                                                                                    |
| Canada – Dairy                                           | Panel Report, <i>Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products</i> , WT/DS103/R, WT/DS113/R, adopted 27 October 1999, as modified by Appellate Body Report, WT/DS103/AB/R, WT/DS113/AB/R, DSR 1999:VI, 2097                                                                                         |
| Canada – Dairy<br>(Article 21.5 – New Zealand and US)    | Appellate Body Report, <i>Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products – Recourse to Article 21.5 of the DSU by New Zealand and the United States</i> , WT/DS103/AB/RW, WT/DS113/AB/RW, adopted 18 December 2001, DSR 2001:XIII, 6829                                                              |
| Canada – Dairy<br>(Article 21.5 – New Zealand and US)    | Panel Report, <i>Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products – Recourse to Article 21.5 of the DSU by New Zealand and the United States</i> , WT/DS103/RW, WT/DS113/RW, adopted 18 December 2001, as reversed by Appellate Body Report, WT/DS103/AB/RW, WT/DS113/AB/RW, DSR 2001:XIII, 6865       |
| Canada – Dairy<br>(Article 21.5 – New Zealand and US II) | Appellate Body Report, <i>Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products – Second Recourse to Article 21.5 of the DSU by New Zealand and the United States</i> , WT/DS103/AB/RW2, WT/DS113/AB/RW2, adopted 17 January 2003, DSR 2003:I, 213                                                          |
| Canada – Dairy<br>(Article 21.5 – New Zealand and US II) | Panel Report, <i>Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products – Second Recourse to Article 21.5 of the DSU by New Zealand and the United States</i> , WT/DS103/RW2, WT/DS113/RW2, adopted 17 January 2003, as modified by Appellate Body Report, WT/DS103/AB/RW2, WT/DS113/AB/RW2, DSR 2003:I, 255 |
| Canada – Patent Term                                     | Appellate Body Report, <i>Canada – Term of Patent Protection</i> , WT/DS170/AB/R, adopted 12 October 2000, DSR 2000:X, 5093                                                                                                                                                                                                                     |
| Canada – Patent Term                                     | Panel Report, <i>Canada – Term of Patent Protection</i> , WT/DS170/R, adopted 12 October 2000, upheld by Appellate Body Report, WT/DS170/AB/R, DSR 2000:XI, 5121                                                                                                                                                                                |
| Canada – Patent Term                                     | Award of the Arbitrator, <i>Canada – Term of Patent Protection – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS170/10, 28 February 2001, DSR 2001:V, 2031                                                                                                                                                                             |
| Canada – Periodicals                                     | Appellate Body Report, <i>Canada – Certain Measures Concerning Periodicals</i> , WT/DS31/AB/R, adopted 30 July 1997, DSR 1997:I, 449                                                                                                                                                                                                            |
| Canada – Periodicals                                     | Panel Report, <i>Canada – Certain Measures Concerning Periodicals</i> , WT/DS31/R and Corr.1, adopted 30 July 1997, as modified by Appellate Body Report, WT/DS31/AB/R, DSR 1997:I, 481                                                                                                                                                         |
| Canada – Pharmaceutical Patents                          | Panel Report, <i>Canada – Patent Protection of Pharmaceutical Products</i> , WT/DS114/R, adopted 7 April 2000, DSR 2000:V, 2289                                                                                                                                                                                                                 |
| Canada – Pharmaceutical Patents                          | Award of the Arbitrator, <i>Canada – Patent Protection of Pharmaceutical Products – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS114/13, 18 August 2000, DSR 2002:I, 3                                                                                                                                                               |
| Canada – Wheat Exports and Grain Imports                 | Appellate Body Report, <i>Canada – Measures Relating to Exports of Wheat and Treatment of Imported Grain</i> , WT/DS276/AB/R, adopted 27 September 2004, DSR 2004:VI, 2739                                                                                                                                                                      |
| Canada – Wheat Exports and Grain Imports                 | Panel Report, <i>Canada – Measures Relating to Exports of Wheat and Treatment of Imported Grain</i> , WT/DS276/R, adopted 27 September 2004, upheld by Appellate Body Report, WT/DS276/AB/R, DSR 2004:VI, 2817                                                                                                                                  |
| Chile – Alcoholic Beverages                              | Appellate Body Report, <i>Chile – Taxes on Alcoholic Beverages</i> , WT/DS87/AB/R, WT/DS110/AB/R, adopted 12 January 2000, DSR 2000:I, 281                                                                                                                                                                                                      |

| Short Title                                                 | Full Case Title and Citation                                                                                                                                                                                                                                      |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Chile – Alcoholic Beverages</i>                          | Panel Report, <i>Chile – Taxes on Alcoholic Beverages</i> , WT/DS87/R, WT/DS110/R, adopted 12 January 2000, as modified by Appellate Body Report, WT/DS87/AB/R, WT/DS110/AB/R, DSR 2000:I, 303                                                                    |
| <i>Chile – Alcoholic Beverages</i>                          | Award of the Arbitrator, <i>Chile – Taxes on Alcoholic Beverages – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS87/15, WT/DS110/14, 23 May 2000, DSR 2000:V, 2583                                                                                      |
| <i>Chile – Price Band System</i>                            | Appellate Body Report, <i>Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products</i> , WT/DS207/AB/R and Corr.1, adopted 23 October 2002, DSR 2002:VIII, 3045                                                                 |
| <i>Chile – Price Band System</i>                            | Panel Report, <i>Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products</i> , WT/DS207/R, adopted 23 October 2002, as modified by Appellate Body Report, WT/DS207/AB/R, DSR 2002:VIII, 3127                                   |
| <i>Chile – Price Band System</i>                            | Award of the Arbitrator, <i>Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS207/13, 17 March 2003, DSR 2003:III, 1237                                        |
| <i>Chile – Price Band System (Article 21.5 – Argentina)</i> | Appellate Body Report, <i>Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products – Recourse to Article 21.5 of the DSU by Argentina</i> , WT/DS207/AB/RW, adopted 22 May 2007                                                 |
| <i>Chile – Price Band System (Article 21.5 – Argentina)</i> | Panel Report, <i>Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products – Recourse to Article 21.5 of the DSU by Argentina</i> , WT/DS207/RW and Corr.1, adopted 22 May 2007, upheld by Appellate Body Report, WT/DS207/AB/RW |
| <i>Dominican Republic – Import and Sale of Cigarettes</i>   | Appellate Body Report, <i>Dominican Republic – Measures Affecting the Importation and Internal Sale of Cigarettes</i> , WT/DS302/AB/R, adopted 19 May 2005, DSR 2005:XV, 7367                                                                                     |
| <i>Dominican Republic – Import and Sale of Cigarettes</i>   | Panel Report, <i>Dominican Republic – Measures Affecting the Importation and Internal Sale of Cigarettes</i> , WT/DS302/R, adopted 19 May 2005, as modified by Appellate Body Report, WT/DS302/AB/R, DSR 2005:XV, 7425                                            |
| <i>Dominican Republic – Import and Sale of Cigarettes</i>   | Report of the Arbitrator, <i>Dominican Republic – Measures Affecting the Importation and Internal Sale of Cigarettes – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS302/17, 29 August 2005, DSR 2005:XXIII, 11665                                      |
| <i>EC – The ACP-EC Partnership Agreement</i>                | Award of the Arbitrator, <i>European Communities – The ACP-EC Partnership Agreement – Recourse to Arbitration Pursuant to the Decision of 14 November 2001</i> , WT/LJ616, 1 August 2005, DSR 2005:XXIII, 11669                                                   |
| <i>EC – The ACP-EC Partnership Agreement II</i>             | Award of the Arbitrator, <i>European Communities – The ACP-EC Partnership Agreement – Second Recourse to Arbitration Pursuant to the Decision of 14 November 2001</i> , WT/LJ625, 27 October 2005, DSR 2005:XXIII, 11703                                          |
| <i>EC – Approval and Marketing of Biotech Products</i>      | Panel Report, <i>European Communities – Measures Affecting the Approval and Marketing of Biotech Products</i> , WT/DS291/R, WT/DS292/R, WT/DS293/R, Corr.1 and Add.1, 2, 3, 4, 5, 6, 7, 8 and 9, adopted 21 November 2006                                         |
| <i>EC – Asbestos</i>                                        | Appellate Body Report, <i>European Communities – Measures Affecting Asbestos and Asbestos-Containing Products</i> , WT/DS135/AB/R, adopted 5 April 2001, DSR 2001:VII, 3243                                                                                       |
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| <i>EC – Hormones</i>                              | Appellate Body Report, <i>EC Measures Concerning Meat and Meat Products (Hormones)</i> , WT/DS26/AB/R, WT/DS48/AB/R, adopted 13 February 1998, DSR 1998:I, 135                                                                                             |
| <i>EC – Hormones (Canada)</i>                     | Panel Report, <i>EC Measures Concerning Meat and Meat Products (Hormones), Complaint by Canada</i> , WT/DS48/R/CAN, adopted 13 February 1998, as modified by Appellate Body Report, WT/DS26/AB/R, WT/DS48/AB/R, DSR 1998:II, 235                           |
| <i>EC – Hormones (US)</i>                         | Panel Report, <i>EC Measures Concerning Meat and Meat Products (Hormones), Complaint by the United States</i> , WT/DS26/R/USA, adopted 13 February 1998, as modified by Appellate Body Report, WT/DS26/AB/R, WT/DS48/AB/R, DSR 1998:III, 699               |

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| <i>EC – Hormones (Canada) (Article 22.6 – EC)</i>               | Decision by the Arbitrators, <i>European Communities – Measures Concerning Meat and Meat Products (Hormones), Original Complaint by Canada – Recourse to Arbitration by the European Communities under Article 22.6 of the DSU</i> , WT/DS48/ARB, 12 July 1999, DSR 1999:III, 1135            |
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| <i>EC – Poultry</i>                                             | Panel Report, <i>European Communities – Measures Affecting the Importation of Certain Poultry Products</i> , WT/DS69/R, adopted 23 July 1998, as modified by Appellate Body Report, WT/DS69/AB/R, DSR 1998:V, 2089                                                                            |
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| <i>EC – Sardines</i>                                            | Appellate Body Report, <i>European Communities – Trade Description of Sardines</i> , WT/DS231/AB/R, adopted 23 October 2002, DSR 2002:VIII, 3359                                                                                                                                              |
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| <i>EC – Scallops (Peru and Chile)</i>                           | Panel Report, <i>European Communities – Trade Description of Scallops – Requests by Peru and Chile</i> , WT/DS12/R, WT/DS14/R, 5 August 1996, unadopted, DSR 1996:I, 93                                                                                                                       |
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| <i>Guatemala – Cement II</i>             | Panel Report, <i>Guatemala – Definitive Anti-Dumping Measures on Grey Portland Cement from Mexico</i> , WT/DS156/R, adopted 17 November 2000, DSR 2000:XI, 5295                                                                               |
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| <i>India – Autos</i>                     | Panel Report, <i>India – Measures Affecting the Automotive Sector</i> , WT/DS146/R, WT/DS175/R and Corr.1, adopted 5 April 2002, DSR 2002:V, 1827                                                                                             |
| <i>India – Patents (EC)</i>              | Panel Report, <i>India – Patent Protection for Pharmaceutical and Agricultural Chemical Products, Complaint by the European Communities</i> , WT/DS79/R, adopted 22 September 1998, DSR 1998:VI, 2661                                         |
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| <i>Japan – Agricultural Products II</i>  | Appellate Body Report, <i>Japan – Measures Affecting Agricultural Products</i> , WT/DS76/AB/R, adopted 19 March 1999, DSR 1999:I, 277                                                                                                         |
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| <i>Japan – Alcoholic Beverages II</i>                   | Award of the Arbitrator, <i>Japan – Taxes on Alcoholic Beverages – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS8/15, WT/DS10/15, WT/DS11/13, 14 February 1997, DSR 1997:I, 3                            |
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| <i>Mexico – Anti-Dumping Measures on Rice</i>  | Appellate Body Report, <i>Mexico – Definitive Anti-Dumping Measures on Beef and Rice, Complaint with Respect to Rice</i> , WT/DS295/AB/R, adopted 20 December 2005, DSR 2005:XXII, 10853                                                                                                    |
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| <i>US – Certain EC Products</i>                                | Panel Report, <i>United States – Import Measures on Certain Products from the European Communities</i> , WT/DS165/R and Add.1, adopted 10 January 2001, as modified by Appellate Body Report, WT/DS165/AB/R, DSR 2001:II, 413                                          |
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| <i>US – Gambling (Article 21.5 – Antigua and Barbuda)</i> | Panel Report, <i>United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services – Recourse to Article 21.5 of the DSU by Antigua and Barbuda</i> , WT/DS285/RW, adopted 22 May 2007                                                                        |
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| <i>US – Gasoline</i>                                      | Appellate Body Report, <i>United States – Standards for Reformulated and Conventional Gasoline</i> , WT/DS2/AB/R, adopted 20 May 1996, DSR 1996:I, 3                                                                                                                                    |
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| <i>US – Lamb</i>                                          | Appellate Body Report, <i>United States – Safeguard Measures on Imports of Fresh, Chilled or Frozen Lamb Meat from New Zealand and Australia</i> , WT/DS177/AB/R, WT/DS178/AB/R, adopted 16 May 2001, DSR 2001:IX, 4051                                                                 |
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| US – Offset Act (Byrd Amendment)                              | Award of the Arbitrator, <i>United States – Continued Dumping and Subsidy Offset Act of 2000 – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS217/14, WT/DS234/22, 13 June 2003, DSR 2003:III, 1163                                                                           |
| US – Offset Act (Byrd Amendment) (Brazil) (Article 22.6 – US) | Decision by the Arbitrator, <i>United States – Continued Dumping and Subsidy Offset Act of 2000, Original Complaint by Brazil – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS217/ARB/BRA, 31 August 2004, DSR 2004:IX, 4341                   |
| US – Offset Act (Byrd Amendment) (Canada) (Article 22.6 – US) | Decision by the Arbitrator, <i>United States – Continued Dumping and Subsidy Offset Act of 2000, Original Complaint by Canada – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS234/ARB/CAN, 31 August 2004, DSR 2004:IX, 4425                   |
| US – Offset Act (Byrd Amendment) (Chile) (Article 22.6 – US)  | Decision by the Arbitrator, <i>United States – Continued Dumping and Subsidy Offset Act of 2000, Original Complaint by Chile – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS217/ARB/CHL, 31 August 2004, DSR 2004:IX, 4511                    |
| US – Offset Act (Byrd Amendment) (EC) (Article 22.6 – US)     | Decision by the Arbitrator, <i>United States – Continued Dumping and Subsidy Offset Act of 2000, Original Complaint by the European Communities – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS217/ARB/EEC, 31 August 2004, DSR 2004:IX, 4591 |
| US – Offset Act (Byrd Amendment) (India) (Article 22.6 – US)  | Decision by the Arbitrator, <i>United States – Continued Dumping and Subsidy Offset Act of 2000, Original Complaint by India – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS217/ARB/IND, 31 August 2004, DSR 2004:X, 4691                     |
| US – Offset Act (Byrd Amendment) (Japan) (Article 22.6 – US)  | Decision by the Arbitrator, <i>United States – Continued Dumping and Subsidy Offset Act of 2000, Original Complaint by Japan – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS217/ARB/JPN, 31 August 2004, DSR 2004:X, 4771                     |
| US – Offset Act (Byrd Amendment) (Korea) (Article 22.6 – US)  | Decision by the Arbitrator, <i>United States – Continued Dumping and Subsidy Offset Act of 2000, Original Complaint by Korea – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS217/ARB/KOR, 31 August 2004, DSR 2004:X, 4851                     |
| US – Offset Act (Byrd Amendment) (Mexico) (Article 22.6 – US) | Decision by the Arbitrator, <i>United States – Continued Dumping and Subsidy Offset Act of 2000, Original Complaint by Mexico – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS234/ARB/MEX, 31 August 2004, DSR 2004:X, 4931                    |
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| <i>US – Section 110(5) Copyright Act</i>                                        | Award of the Arbitrator, <i>United States – Section 110(5) of the US Copyright Act – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS160/12, 15 January 2001, DSR 2001:II, 657                                                                               |
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| <i>US – Section 301 Trade Act</i>                                               | Panel Report, <i>United States – Sections 301-310 of the Trade Act of 1974</i> , WT/DS152/R, adopted 27 January 2000, DSR 2000:II, 815                                                                                                                               |
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