



A P P E L L A T E
B O D Y



ANNUAL REPORT
FOR 2003

May 2004

Printed by the WTO Secretariat

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TABLE OF ABBREVIATIONS USED IN THIS REPORT

Abbreviation	Description
2003 TA Plan	Coordinated WTO Secretariat Annual Technical Assistance Plan 2003
<i>Anti-Dumping Agreement</i>	<i>Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994</i>
<i>ATC</i>	<i>Agreement on Textiles and Clothing</i>
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>
<i>Import Licensing Agreement</i>	<i>Agreement on Import Licensing Procedures</i>
<i>SCM Agreement</i>	<i>Agreement on Subsidies and Countervailing Measures</i>
<i>SPS Agreement</i>	<i>Agreement on the Application of Sanitary and Phytosanitary Measures</i>
<i>TBT Agreement</i>	<i>Agreement on Technical Barriers to Trade</i>
<i>TRIMs Agreement</i>	<i>Agreement on Trade-Related Investment Measures</i>
<i>TRIPS Agreement</i>	<i>Agreement on Trade-Related Aspects of Intellectual Property Rights</i>
<i>Working Procedures</i>	<i>Working Procedures for Appellate Review</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 2003

I

COMPOSITION OF THE APPELLATE BODY

The Appellate Body is composed of seven Members appointed to four-year terms by the WTO's Dispute Settlement Body (the "DSB"). Throughout most of 2003, the Appellate Body had the following membership:

Name	Nationality	Term of Office
James Bacchus – Chairman	United States	1999–2003 1995–1999
Georges Michel Abi-Saab	Egypt	2000–2004
Luiz Olavo Baptista	Brazil	2001–2005
Arumugamangalam Venkatachalam Ganesan	India	2000–2004
John S. Lockhart	Australia	2001–2005
Giorgio Sacerdoti	Italy	2001–2005
Yasuhei Taniguchi	Japan	2000–2003

Mr. James Bacchus' second and final term of office expired on 10 December 2003. On 7 November 2003, the DSB appointed Ms. Merit E. Janow, of the United States, to the Appellate Body.¹ Ms. Janow is a Professor in the Practice of Economic Law and International Affairs at the School of International and Public Affairs of Columbia University. From 1997 to 2000, while at Columbia University, Ms. 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. Ms. Janow's term commenced on 11 December 2003 and will expire on 10 December 2007.

¹ WT/DSB/M/157.

On 7 November, the DSB also appointed Mr. Abi-Saab, Mr. Ganesan and Mr. Taniguchi to second four-year terms.² Mr. Taniguchi's second term commenced on 11 December 2003 and will expire on 10 December 2007. The second terms of Mr. Abi-Saab and Mr. Ganesan will commence on 1 June 2004 and expire on 31 May 2008.

According to Rule 5 of the *Working Procedures for Appellate Review* (the "*Working Procedures*"), a Chairman of the Appellate Body shall be elected by the Appellate Body Members. The Chairman is responsible for the overall direction of Appellate Body business. The Appellate Body elected Mr. Bacchus to a second one-year term as Chairman on 15 December 2002.³ Upon the expiration of Mr. Bacchus' term of office, the Appellate Body elected Mr. Abi-Saab as Chairman.⁴

Brief biographies of the current Members of the Appellate Body are provided in Annex 1.

The Appellate Body receives legal and administrative support from the Appellate Body Secretariat, in accordance with Article 17.7 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* (the "DSU"). The Director of the Appellate Body Secretariat is Ms. Valerie Hughes, who heads a team of ten lawyers, one administrative assistant and three support staff.⁵

² WT/DSB/M/157.

³ WT/DSB/30.

⁴ WT/DSB/36.

⁵ A brief biography of Ms. Hughes may also be found in Annex 1.

II

APPEALS FILED

Six appeals were filed during 2003. The following table provides a list of the Notices of Appeal filed during the year, the WTO document numbers, the dates of filing, and the names of the WTO Members that filed the Notices.

TABLE 1

Matter	Short Title	WT/DS Number	WTO Member that Filed Notice of Appeal	Date of Notice of Appeal
<i>European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India, Recourse to Article 21.5 of the DSU by India</i>	<i>EC – Bed Linen (Article 21.5 – India)</i>	WT/DS141/16	India	8 January 2003
<i>European Communities – Anti-Dumping Duties on Malleable Cast Iron Tube or Pipe Fittings from Brazil</i>	<i>EC – Tube or Pipe Fittings</i>	WT/DS219/7	Brazil	23 April 2003
<i>United States – Definitive Safeguard Measures on Imports of Certain Steel Products</i>	<i>US – Steel Safeguards</i>	WT/DS248/17 WT/DS249/11 WT/DS251/12 WT/DS252/10 WT/DS253/10 WT/DS254/10 WT/DS258/14 WT/DS259/13	United States	11 August 2003
<i>Japan – Measures Affecting the Importation of Apples</i>	<i>Japan – Apples</i>	WT/DS245/5	Japan	28 August 2003
<i>United States – Sunset Review of Anti-Dumping Duties on Corrosion-Resistant Carbon Steel Flat Products from Japan</i>	<i>US – Corrosion Resistant Steel Sunset Review</i>	WT/DS244/7	Japan	15 September 2003
<i>United States – Final Countervailing Duty Determination with Respect to Certain Softwood Lumber from Canada</i>	<i>US – Softwood Lumber IV</i>	WT/DS257/6	United States	21 October 2003

Three of the six appeals filed during 2003 included multiple appeals such that, in addition to the WTO Members that filed the Notices of Appeal, other WTO Members participated as other appellants pursuant to Rule 23 of the *Working Procedures*.⁶

Statistical information on the number of appeals filed, by year, since 1995 can be found in Annex 2.

⁶ The appeals that included multiple appeals and the WTO Members that filed an other appellant's submission were: *United States – Definitive Safeguard Measures on Imports of Certain Steel Products* (Brazil, China, the European Communities, Japan, Korea, New Zealand, Norway and Switzerland); *Japan – Measures Affecting the Importation of Apples* (United States); and *United States – Final Countervailing Duty Determination with Respect to Certain Softwood Lumber from Canada* (Canada).

III

APPELLATE BODY REPORTS

The Appellate Body circulated six Reports during 2003. One of the Reports related to a Notice of Appeal filed in 2002.⁷ The other five Reports related to Notices filed during 2003.

The following table provides a list of the six Appellate Body Reports circulated during 2003. Annex 3 contains summaries of the Appellate Body's findings and conclusions in these six Reports.

TABLE 2

Matter	Short Title	WT/DS Number	Circulation Date	DSB Adoption Date
<i>United States – Continued Dumping and Subsidy Offset Act of 2000</i>	<i>US – Offset Act (Byrd Amendment)</i>	WT/DS217/AB/R WT/DS234/AB/R	16 January 2003	27 January 2003
<i>European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India, Recourse to Article 21.5 of the DSU by India</i>	<i>EC – Bed Linen (Article 21.5 – India)</i>	WT/DS141/AB/RW	8 April 2003	24 April 2003
<i>European Communities – Anti-Dumping Duties on Malleable Cast Iron Tube or Pipe Fittings from Brazil</i>	<i>EC – Tube or Pipe Fittings</i>	WT/DS219/AB/R	22 July 2003	18 August 2003
<i>United States – Definitive Safeguard Measures on Imports of Certain Steel Products</i>	<i>US – Steel Safeguards</i>	WT/DS248/AB/R WT/DS249/AB/R WT/DS251/AB/R WT/DS252/AB/R WT/DS253/AB/R WT/DS254/AB/R WT/DS258/AB/R WT/DS259/AB/R	10 November 2003	10 December 2003
<i>Japan – Measures Affecting the Importation of Apples</i>	<i>Japan – Apples</i>	WT/DS245/AB/R	26 November 2003	10 December 2003

⁷ The Notice of Appeal in *US – Offset Act (Byrd Amendment)* was filed on 18 October 2002, WT/DS217/8, WT/DS234/16.

TABLE 2 (CONT'D)

Matter	Short Title	WT/DS Number	Circulation Date	DSB Adoption Date
<i>United States – Sunset Review of Anti-Dumping Duties on Corrosion-Resistant Carbon Steel Flat Products from Japan</i>	<i>US – Corrosion Resistant Steel Sunset Review</i>	WT/DS244/AB/R	15 December 2003	9 January 2004

The total number of Appellate Body Reports circulated from the establishment of the Appellate Body until 31 December 2003 is 59.

IV

SUBJECT MATTER OF APPEALS

The following table provides information about the WTO Agreements covered in the Appellate Body Reports circulated during 2003.

TABLE 3

Matter	Short Title	WTO Agreements Covered
<i>United States – Continued Dumping and Subsidy Offset Act of 2000</i>	<i>US – Offset Act (Byrd Amendment)</i>	<i>Anti-Dumping Agreement SCM Agreement DSU WTO Agreement</i>
<i>European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India, Recourse to Article 21.5 of the DSU by India</i>	<i>EC – Bed Linen (Article 21.5 – India)</i>	<i>Anti-Dumping Agreement DSU</i>
<i>European Communities – Anti-Dumping Duties on Malleable Cast Iron Tube or Pipe Fittings from Brazil</i>	<i>EC – Tube or Pipe Fittings</i>	<i>Anti-Dumping Agreement GATT 1994</i>
<i>United States – Definitive Safeguard Measures on Imports of Certain Steel Products</i>	<i>US – Steel Safeguards</i>	<i>Agreement on Safeguards GATT 1994 DSU</i>
<i>Japan – Measures Affecting the Importation of Apples</i>	<i>Japan – Apples</i>	<i>SPS Agreement DSU</i>
<i>United States – Sunset Review of Anti-Dumping Duties on Corrosion-Resistant Carbon Steel Flat Products from Japan</i>	<i>US – Corrosion-Resistant Steel Sunset Review</i>	<i>Anti-Dumping Agreement WTO Agreement</i>

As indicated above, five of the Reports circulated in 2003 relate to trade remedies. Three of these Reports relate to the *Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994* (the "*Anti-Dumping Agreement*"), one Report deals with both the *Anti-Dumping Agreement* and the *Agreement on Subsidies and Countervailing Measures* (the "*SCM Agreement*"), and the fifth Report deals with the *Agreement on Safeguards*. One other Report examines issues related to the *Agreement on the Application of Sanitary and Phytosanitary Measures* (the "*SPS Agreement*").

In addition, four of the Reports consider issues related to the DSU, two Reports deal with the *General Agreement on Tariffs and Trade 1994* (the "*GATT 1994*"), and two others cover issues related to the *Marrakesh Agreement Establishing the World Trade Organization* (the "*WTO Agreement*").

Information on the WTO Agreements covered in Appellate Body Reports circulated prior to 2003 can be found in Annex 4.

V

PARTICIPANTS AND THIRD PARTICIPANTS

The following table lists the WTO Members that participated as appellant, appellee, or third participant in appeals in which an Appellate Body Report was circulated during 2003.

TABLE 4

Matter	Appellant	Appellee	Third Participant
<i>United States – Continued Dumping and Subsidy Offset Act of 2000</i>	United States	Australia Brazil Canada Chile European Communities India Indonesia Japan Korea Mexico Thailand	Argentina Costa Rica Hong Kong, China Israel Norway
<i>European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India, Recourse to Article 21.5 of the DSU by India</i>	India	European Communities	Japan Korea United States
<i>European Communities – Anti-Dumping Duties on Malleable Cast Iron Tube or Pipe Fittings from Brazil</i>	Brazil	European Communities	Chile Japan Mexico United States
<i>United States – Definitive Safeguard Measures on Imports of Certain Steel Products</i>	United States Brazil China European Communities Japan Korea New Zealand Norway Switzerland	United States Brazil China European Communities Japan Korea New Zealand Norway Switzerland	Canada Cuba Mexico Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu Thailand Turkey Venezuela

TABLE 4 (CONT'D)

Matter	Appellant	Appellee	Third Participant
<i>Japan – Measures Affecting the Importation of Apples</i>	Japan United States	Japan United States	Australia Brazil European Communities New Zealand Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu
<i>United States – Sunset Review of Anti-Dumping Duties on Corrosion-Resistant Carbon Steel Flat Products from Japan</i>	Japan	United States	Brazil Chile European Communities India Korea Norway

A total of 24 WTO Members appeared at least once before the Appellate Body during 2003 as an appellant, an appellee, or a third participant. Of these, 16 were developing country WTO Members and 8 were developed country WTO Members.

The following table indicates the number of times each of these 24 WTO Members appeared as an appellant, an appellee, or a third participant in 2003.

TABLE 5

WTO Member	Appellant	Appellee	Third Participant	Total ⁸
Argentina	–	–	1	1
Australia	–	1	1	2
Brazil	2	2	2	6
Canada	–	1	1	2
Chile	–	1	2	3
China	1	1	–	2
Costa Rica	–	–	1	1
Cuba	–	–	1	1
European Communities	1	4	2	7
Hong Kong, China	–	–	1	1
India	1	1	1	3
Indonesia	–	1	–	1
Israel	–	–	1	1

⁸ Given that Rule 23 of the *Working Procedures* allows for multiple appeals, a WTO Member may make two appearances before the Appellate Body in the same dispute, both as appellant and as appellee. Thus, the total number of appearances may exceed the number of appeals within which each WTO Member participated.

TABLE 5 (CONT'D)

WTO Member	Appellant	Appellee	Third Participant	Total
Japan	3	3	2	8
Korea	1	2	2	5
Mexico	–	1	2	3
New Zealand	1	1	1	3
Norway	1	1	2	4
Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu	–	–	2	2
Switzerland	1	1	–	2
Thailand	–	1	1	2
Turkey	–	–	1	1
United States	3	3	2	8
Venezuela	–	–	1	1

Of the 70 appearances made by WTO Members before the Appellate Body during 2003, 36 were by developed country WTO Members and 34 by developing country WTO Members. Developed country WTO Members made 10 appearances as appellant, 15 as appellee, and 11 as third participant. Developing country WTO Members made 5 appearances as appellant, 10 as appellee, and 19 as third participant.

Annex 5 sets out additional statistical information on appearances before the Appellate Body by WTO Members between 1996 and 2003.

VI

WORKING PROCEDURES FOR APPELLATE REVIEW

Amendments to the *Working Procedures* came into effect on 1 May 2003.⁹ A consolidated version of the *Working Procedures* incorporating these amendments was published on 1 May 2003 as WTO document WT/AB/WP/7.

The amendments were intended to facilitate third party participation in appellate procedures. The experience of the first six years of operation of the Appellate Body revealed an unintended rigidity in the *Working Procedures* with respect to third party participation in the oral hearing. Specifically, the *Working Procedures* did not contemplate participation in the oral hearing by third parties that had not filed a written submission within 25 days of the filing of the Notice of Appeal. Many WTO Members had expressed the view that the opportunity to attend the oral hearing and be heard by the Appellate Body should not depend on the filing of a written submission. The Appellate Body's practice of allowing "passive participation" at oral hearings went some way towards meeting these concerns, although certain WTO Members felt that more flexibility was desirable.¹⁰ The issue of third party participation in the oral hearing arose regularly in appeals in recent years, and several WTO Members continued to press for elimination of the rule requiring the filing of a written submission.

The Appellate Body agreed with WTO Members that a more flexible approach was desirable and sought to respond to Members' requests for change through specifically targeted amendments. These amendments were principally to Rules 24 and 27 of the *Working Procedures*. In addition, consequential changes were made to Rules 1, 16, 18, 19 and 28, and to Annex I of the *Working Procedures*. The amendments to the *Working Procedures* that came into effect on 1 May 2003 are reproduced in Annex 6.

This is the fourth time that the *Working Procedures* have been amended since they were originally adopted in 1995. The first two changes related to the term of office of the Chairman of the Appellate Body¹¹, while the third also related to enhancement of third party participation at the oral hearing.¹²

⁹ WT/AB/WP/6. The amendments were adopted pursuant to Article 17.9 of the DSU and Rule 32(2) of the *Working Procedures*. In accordance with Article 17.9 of the DSU, the Appellate Body held consultations with the Chairman of DSB and the Director-General of the WTO before the amendments came into effect. The Appellate Body also received comments from WTO Members, through the DSB Chairman, and took these into account in preparing the final version of the amendments.

¹⁰ WT/AB/WP/5.

¹¹ WT/AB/WP/2 and WT/AB/WP/4.

¹² These amendments applied provisionally until the most recent amendments came into effect on 1 May 2003, WT/AB/WP/5.

VII

ARBITRATIONS UNDER ARTICLE 21.3(c) OF THE DSU

Appellate Body Members have been called upon to determine the "reasonable period of time" for the implementation by a WTO Member of the recommendations and rulings of the DSB, through binding arbitration under Article 21.3(c) of the DSU. The parties to the arbitration select the arbitrator or, if they cannot agree on an arbitrator, the Director-General of the WTO appoints the arbitrator. In carrying out arbitrations under Article 21.3(c), Appellate Body Members act in an individual capacity.

Two Article 21.3(c) arbitrations were carried out by Appellate Body Members during 2003. Mr. John Lockhart was chosen by the parties as arbitrator in *Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products*.¹³ The reasonable period of time awarded in that arbitration was 14 months. The arbitration in *United States – Continued Dumping and Subsidy Offset Act of 2000* was carried out by Mr. Yasuhei Taniguchi, who was selected as arbitrator by the Director-General of the WTO.¹⁴ In that arbitration, the reasonable period of time awarded was 11 months.

Appellate Body Members have acted as arbitrator in a total of 17 arbitrations under Article 21.3(c). Additional information about these arbitrations can be found in Annex 7.

¹³ Award of the Arbitrator, *Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products – Arbitration under Article 21.3(c)* of the DSU ("*Chile – Price Band System*"), WT/DS207/13, 17 March 2003.

¹⁴ Award of the Arbitrator, *United States – Continued Dumping and Subsidy Offset Act of 2000 – Arbitration under Article 21.3(c)* of the DSU ("*US – Offset Act (Byrd Amendment)*"), WT/DS217/14, WT/DS234/22, 13 June 2003.

VIII

TECHNICAL ASSISTANCE

The Appellate Body Secretariat made a significant contribution to the Coordinated WTO Secretariat Annual Technical Assistance Plan 2003 (the "2003 TA Plan"), particularly to activities related to dispute settlement.¹⁵ Appellate Body Secretariat staff participated in seven regional workshops on dispute settlement that were held in Africa, Asia, Central and Eastern Europe, Latin America and the Caribbean, and the Middle East. In addition, the Appellate Body Secretariat participated in 15 other technical assistance missions falling under the 2003 TA Plan, and provided resource persons for 2 Specialized Dispute Settlement Seminars and 3 Trade Policy Courses held in Geneva.

¹⁵ WT/COMTD/W/104/Rev.2.

IX

OTHER DEVELOPMENTS

WTO website: On 1 October 2003, a new section dedicated to the Appellate Body was incorporated in the WTO's website. The purpose of this new section is to serve as a tool for officials from WTO Members and other practitioners by providing explanations on appellate procedures and up-to-date information about the Appellate Body's caseload. The new section includes: an explanation of appellate procedures; information on the composition of Appellate Body; a list of current appeals; a table with Appellate Body Reports circulated to date, with an indication of the WTO Agreements covered in each; a news section; and statistics about appeals in the WTO. The address of this new section is:

http://www.wto.org/english/tratop_e/dispu_e/appellate_body_e.htm.

Any inquiries should be directed to:

Appellate Body Secretariat
World Trade Organization
rue de Lausanne 154
1211 Geneva, Switzerland
email: appellatebody.registry@wto.org

ANNEX 1

BIOGRAPHIES OF 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 advocate and Counsel 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 and as Judge on the Appeals Chamber of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda. He is a Commissioner of the United Nations Compensation Commission and a Member of the Administrative Tribunal of the International Monetary Fund and of various international arbitral tribunals.

Professor Abi-Saab is the author of numerous books and articles, including: "Les exceptions préliminaires dans la procédure de la Cour internationale: Etude 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) (2001–2005)

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 (ICC) 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 Brasília 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 Brasília. In addition, he has participated as a legal advisor in diverse projects sponsored by the World Bank, the United Nations Conference on Trade and Development (UNCTAD), the United Nations Centre on Transnational Corporations (UNCTC), and the

United Nations Development Programme (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 was 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, United Nations Centre on Transnational Corporations (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 the United Nations Conference on Trade and Development (UNCTAD), the United Nations Industrial Development Organization (UNIDO) and the United Nations Development Programme (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 *Agreement on Subsidies and Countervailing Measures*, and a Member of a dispute settlement panel of the WTO in 1999–2000 in the *United States – Section 110(5) of the US 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, Ms. 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, Ms. Janow was Deputy Assistant United States Trade Representative for Japan and China (1990–93), and worked as a corporate lawyer specializing in mergers and acquisitions with the law firm Skadden, Arps, Slate, Meagher & Flom in New York (1988–90). Ms. 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. Ms. Janow served as a WTO panelist from September 2001 to May 2002 in the dispute *European Communities – Trade Description of Sardines* (WT/DS231).

John S. Lockhart (Australia) (2001–2005)

Born in Australia on 2 October 1935, John S. Lockhart was Executive Director at the Asian Development Bank (ADB) in the Philippines from July 1999 to 2002, working closely with developing member countries on the development of programmes directed to poverty alleviation through the promotion of economic growth. His other duties for the ADB included the development of law reform programmes and assisting in the provision of advice on legal questions, notably the interpretation of the ADB's Charter, international treaties, and United Nations instruments.

Prior to joining the ADB, Mr. Lockhart served as Judicial Reform Specialist at the World Bank focusing on strengthening legal and judicial institutions and working closely with developing countries and economies in transition in their projects of judicial and legal reform.

Since graduating in arts and law from the University of Sydney in 1958, Mr. Lockhart's professional experience has included Judge, Federal Court of Australia (1978–1999); President of the Australian Competition Tribunal (1982–1999); Deputy President of the Australian Copyright Tribunal (1981–1997); and Queen's Counsel, Australia and the United Kingdom Privy Council (1973–1978). He was appointed an Officer of the Order of Australia in 1994 for services to the law, education and the arts.

Giorgio Sacerdoti (European Communities – Italy) (2001–2005)

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 Organisation for Economic Cooperation and Development (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, the United Nations Conference on Trade and Development (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 International Centre for Settlement of Investment Disputes (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 Tokyo Keizai University, 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 LL.M., University of California at Berkeley (1963) and J.S.D., 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 Cairo Regional Centre of Commercial Arbitration. He has also been an active arbitrator in the International Chamber of Commerce (ICC) 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.

DIRECTOR OF THE APPELLATE BODY SECRETARIAT**Valerie Hughes**

Ms. Hughes has been Director of the Appellate Body Secretariat since 2001. Previously, she was with the law firm of Ogilvy Renault in Ottawa, Canada. She also spent nineteen years with the Government of Canada, during which she held various positions, including Director of the Trade Law Division of the Department of Foreign Affairs and International Trade, Director of the General Legal Services Division of the Department of Finance, and Senior Counsel of the International Law Section of the Department of Justice. Ms. Hughes has served as counsel for Canada before numerous international courts and tribunals, including the International Court of Justice, panels established under the North American Free Trade Agreement, WTO panels and the WTO Appellate Body.

ANNEX 2

APPEALS FILED BETWEEN 1996 AND 2003¹⁶

Year	Number of Notices of Appeal Filed
1996	4
1997	6 ¹⁷
1998	8
1999	9 ¹⁸
2000	13 ¹⁹
2001	9 ²⁰
2002	7 ²¹
2003	6 ²²
Total	62

¹⁶ There were no appeals filed in 1995.

¹⁷ 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.

¹⁸ This number excludes one Notice of Appeal that was withdrawn at the request of the United States, which subsequently filed another Notice of Appeal in relation to the same Panel Report: *US – FSC*.

¹⁹ 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.

²⁰ This number excludes one Notice of Appeal that was withdrawn at the request of the United States, which subsequently filed another Notice of Appeal in relation to the same Panel Report: *US – Line Pipe*.

²¹ This number includes one Notice of Appeal in relation to which the appeal was subsequently withdrawn: *India – Autos*. It excludes one Notice of Appeal that was withdrawn at the request of the European Communities, which subsequently filed a new Notice of Appeal in relation to the same Panel Report: *EC – Sardines*.

²² This number excludes one Notice of Appeal that was withdrawn at the request of the United States, which subsequently filed a new Notice of Appeal in relation to the same Panel Report: *US – Softwood Lumber IV*.

ANNEX 3

SUMMARIES OF APPELLATE BODY REPORTS CIRCULATED IN 2003

This annex contains summaries of the findings and conclusions contained in the Appellate Body Reports circulated in 2003. These summaries are derived from the WTO Annual Report 2004 and are intended solely for information. They do not constitute an authoritative interpretation of the relevant decisions.

Appellate Body Report, *United States – Continued Dumping and Subsidy Offset Act of 2000 ("US – Offset Act (Byrd Amendment)"), WT/DS217/AB/R, WT/DS234/AB/R, adopted 27 January 2003.*

The Appellate Body upheld the Panel's finding that the United States Continued Dumping and Subsidy Offset Act of 2000 is a non-permissible specific action against dumping or a subsidy, contrary to Article 18.1 of the *Anti-Dumping Agreement* and Article 32.1 of the *SCM Agreement*. The Appellate Body reversed the Panel's finding that the Continued Dumping and Subsidy Offset Act of 2000 is inconsistent with Article 5.4 of the *Anti-Dumping Agreement* and Article 11.4 of the *SCM Agreement*. The Appellate Body also rejected the Panel's conclusion that the United States "may be regarded as not having acted in good faith" with respect to its obligations under those provisions.

Appellate Body Report, *European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India, Recourse to Article 21.5 of the DSU by India ("EC – Bed Linen (Article 21.5 – India)"), WT/DS141/AB/RW, adopted 24 April 2003.*

The Appellate Body upheld the Panel's finding that India's claim under Article 3.5 of the *Anti-Dumping Agreement* was not properly before the Panel. The Appellate Body reversed the Panel's finding that the European Communities did *not* act inconsistently with Articles 3.1 and 3.2 of the *Anti-Dumping Agreement*. The Appellate Body found, instead, that, in respect of import volumes attributable to exports of producers that were *not examined individually* in the investigation, the European Communities had failed to determine the "volume of dumped imports" on the basis of "positive evidence" *and* an "objective examination", as required by Articles 3.1 and 3.2. The Appellate Body found that the Panel had properly discharged its duties under Article 17.6 of the *Anti-Dumping Agreement* and Article 11 of the DSU.

Appellate Body Report, *European Communities – Anti-Dumping Duties on Malleable Cast Iron Tube or Pipe Fittings from Brazil ("EC – Tube or Pipe Fittings"), WT/DS219/AB/R, adopted 18 August 2003.*

The Appellate Body upheld the Panel's findings that the European Communities did not act inconsistently with Article VI:2 of the GATT 1994 or with Articles 1, 2.2.2, 3.1, 3.2, 3.3, 3.4, or 3.5 of the *Anti-Dumping Agreement*. In the course of upholding these findings, the Appellate Body rejected the claim that the Panel, contrary to its obligation under Article 17.6(i) of the *Anti-Dumping Agreement*, failed to assess properly the facts of the matter before it when admitting into evidence the document referred to as Exhibit EC-12. The Appellate Body reversed the Panel's finding with respect to one issue. The Appellate Body found, in contrast to the Panel, that the European Communities acted inconsistently with Articles 6.2 and 6.4 of the *Anti-Dumping Agreement* by failing to disclose to interested parties during the

anti-dumping investigation certain information related to the evaluation of the state of the domestic industry, which was contained in document Exhibit EC-12.

Appellate Body Report, *United States – Definitive Safeguard Measures on Imports of Certain Steel Products ("US – Steel Safeguards")*, WT/DS248/AB/R, WT/DS249/AB/R, WT/DS251/AB/R, WT/DS252/AB/R, WT/DS253/AB/R, WT/DS254/AB/R, WT/DS258/AB/R, WT/DS259/AB/R, adopted 10 December 2003.

The Appellate Body upheld the Panel's ultimate conclusions that each of the ten safeguard measures at issue was inconsistent with the United States' obligations under Article XIX:1(a) of the GATT 1994 and the *Agreement on Safeguards*. The Appellate Body reversed the Panel's findings that the United States had failed to provide a reasoned and adequate explanation on the existence of "increased imports", as well as on the existence of a "causal link" between increased imports and serious injury, for two of the ten safeguard measures. Ultimately, however, these two measures were found to be inconsistent with the *Agreement on Safeguards* and the GATT 1994 on other grounds. The Appellate Body neither upheld nor reversed the Panel's findings on the causal link "between" increased imports and serious injury for seven of the ten safeguard measures, as it was unnecessary to do so to resolve this dispute.

Appellate Body Report, *Japan – Measures Affecting the Importation of Apples ("Japan – Apples")*, WT/DS245/AB/R, adopted 10 December 2003.

The Appellate Body upheld the Panel's findings that Japan's phytosanitary measure at issue was inconsistent with Japan's obligations under Articles 2.2, 5.7, and 5.1 of the *SPS Agreement*. The Appellate Body also found that the Panel properly discharged its duties under Article 11 of the DSU in the Panel's assessment of the facts of the case. In addition, the Appellate Body found that the Panel did have the "authority" to make rulings covering all apple fruit that could possibly be exported from the United States to Japan, including apples other than "mature, symptomless" apples.

Appellate Body Report, *United States – Sunset Review of Anti-Dumping Duties on Corrosion-Resistant Carbon Steel Flat Products from Japan ("US – Corrosion-Resistant Steel Sunset Review")*, WT/DS244/AB/R, adopted 9 January 2004.

The Appellate Body upheld three findings but reversed four of the Panel's legal findings. The Appellate Body reversed the Panel's findings that the Sunset Policy Bulletin is not a mandatory legal instrument and thus is not a measure that is "challengeable", as such, under the *Anti-Dumping Agreement* or the *WTO Agreement*. However, the Appellate Body did not find any of the provisions of the Sunset Policy Bulletin inconsistent with the *Anti-Dumping Agreement* or the *WTO Agreement*. Although its analysis of Japan's claims differed from that of the Panel in important respects, the Appellate Body did not make any finding that the United States had acted inconsistently with its obligations under the *Anti-Dumping Agreement* or the *WTO Agreement*. In relation to certain of Japan's claims, the Appellate Body indicated that it did not have a sufficient factual basis to complete the analysis.

ANNEX 4
WTO AGREEMENTS COVERED IN APPELLATE BODY REPORTS CIRCULATED THROUGH 2003²³

I. Statistical Information

Year of Circulation	DSU	WTO Agreement	GATT 1994	Agriculture	SPS	ATC	TBT	TRIMS	Anti-Dumping	Import Licensing	SCM	TRIPS	GATS	Safe-guards
1996	0	0	2	0	0	0	0	0	0	0	0	0	0	0
1997	2	1	5	0	0	2	0	0	0	1	1	1	1	0
1998	3	1	4	1	2	0	0	0	1	1	0	0	0	0
1999	7	0	7	1	0	0	0	0	0	0	2	0	0	2
2000	4	1	6	2	0	0	0	1	2	1	5	1	1	1
2001	6	1	4	1	0	1	1	0	4	0	1	0	0	1
2002	5	1	3	3	0	0	1	0	0	0	3	1	0	1
2003	4	2	2	0	1	0	0	0	4	0	1	0	0	1
Total	31	7	33	8	3	3	2	1	11	3	13	3	2	6

²³ There were no appeals filed in 1995.

WTO AGREEMENTS COVERED IN APPELLATE BODY REPORTS CIRCULATED THROUGH 2003²⁴

II. Detailed Information By Year of Circulation

1996

Matter	Short Title	WT/DS Number	WTO Agreements Covered
<i>United States – Standards for Reformulated and Conventional Gasoline</i>	<i>US – Gasoline</i>	WT/DS2/AB/R	GATT 1994
<i>Japan – Taxes on Alcoholic Beverages</i>	<i>Japan – Alcoholic Beverages II</i>	WT/DS8/AB/R WT/DS10/AB/R WT/DS11/AB/R	GATT 1994

1997

Matter	Short Title	WT/DS Number	WTO Agreements Covered
<i>United States – Restrictions on Imports of Cotton and Man-made Fibre Underwear</i>	<i>US – Underwear</i>	WT/DS24/AB/R	ATC GATT 1994
<i>Brazil – Measures Affecting Desiccated Coconut</i>	<i>Brazil – Desiccated Coconut</i>	WT/DS22/AB/R	SCM Agreement GATT 1994
<i>United States – Measure Affecting Imports of Woven Wool Shirts and Blouse from India</i>	<i>US – Wool Shirts and Blouses</i>	WT/DS33/AB/R	ATC GATT 1994 WTO Agreement DSU
<i>Canada – Certain Measures Concerning Periodicals</i>	<i>Canada – Periodicals</i>	WT/DS31/AB/R	GATT 1994 DSU
<i>European Communities – Regime for the Importation, Sale and Distribution of Bananas</i>	<i>EC – Bananas III</i>	WT/DS27/AB/R	GATT 1994 Import Licensing Agreement GATS
<i>India – Patent Protection for Pharmaceutical and Agricultural Chemical Products</i>	<i>India – Patents (US)</i>	WT/DS50/AB/R	TRIPS Agreement

²⁴ There were no appeals filed in 1995.

1998

Matter	Short Title	WT/DS Number	WTO Agreements Covered
<i>EC Measures Concerning Meat and Meat Products (Hormones)</i>	<i>EC – Hormones</i>	WT/DS26/AB/R WT/DS48/AB/R	<i>SPS Agreement</i> DSU
<i>Argentina – Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items</i>	<i>Argentina – Textiles and Apparel</i>	WT/DS56/AB/R	GATT 1994
<i>European Communities – Customs Classification of Certain Computer Equipment</i>	<i>EC – Computer Equipment</i>	WT/DS62/AB/R WT/DS67/AB/R WT/DS68/AB/R	<i>WTO Agreement</i> GATT 1994
<i>European Communities – Measures Affecting the Importation of Certain Poultry Products</i>	<i>EC – Poultry</i>	WT/DS69/AB/R	<i>Agreement on Agriculture</i> <i>Import Licensing Agreement</i> GATT 1994 DSU
<i>United States – Import Prohibition of Certain Shrimp and Shrimp Products</i>	<i>US – Shrimp</i>	WT/DS58/AB/R	GATT 1994
<i>Australia – Measures Affecting Importation of Salmon</i>	<i>Australia – Salmon</i>	WT/DS18/AB/R	<i>SPS Agreement</i>
<i>Guatemala – Anti-Dumping Investigation Regarding Portland Cement from Mexico</i>	<i>Guatemala – Cement I</i>	WT/DS60/AB/R	<i>Anti-Dumping Agreement</i> DSU

1999

Matter	Short Title	WT/DS Number	WTO Agreements Covered
<i>Korea – Taxes on Alcoholic Beverages</i>	<i>Korea – Alcoholic Beverages</i>	WT/DS75/AB/R WT/DS84/AB/R	GATT 1994 DSU
<i>Japan – Measures Affecting Agricultural Products</i>	<i>Japan – Agricultural Products II</i>	WT/DS76/AB/R	<i>SPS Agreement</i> DSU
<i>Brazil – Export Financing Programme for Aircraft</i>	<i>Brazil – Aircraft</i>	WT/DS46/AB/R	<i>SCM Agreement</i>
<i>Canada – Measures Affecting the Export of Civilian Aircraft</i>	<i>Canada – Aircraft</i>	WT/DS70/AB/R	<i>SCM Agreement</i> DSU
<i>India – Quantitative Restrictions on Imports of Agricultural, Textile and Industrial Products</i>	<i>India – Quantitative Restrictions</i>	WT/DS90/AB/R	GATT 1994 DSU
<i>Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products</i>	<i>Canada – Dairy</i>	WT/DS103/AB/R WT/DS113/AB/R	<i>Agreement on Agriculture</i> GATT 1994
<i>Turkey – Restrictions on Imports of Textile and Clothing Products</i>	<i>Turkey – Textiles</i>	WT/DS34/AB/R	GATT 1994

1999 (CONT'D)

Matter	Short Title	WT/DS Number	WTO Agreements Covered
<i>Chile – Taxes on Alcoholic Beverages</i>	<i>Chile – Alcoholic Beverages</i>	WT/DS87/AB/R WT/DS110/AB/R	GATT 1994 DSU
<i>Argentina – Safeguard Measures on Imports of Footwear</i>	<i>Argentina – Footwear (EC)</i>	WT/DS121/AB/R	<i>Agreement on Safeguards</i> GATT 1994 DSU
<i>Korea – Definitive Safeguard Measure on Imports of Certain Dairy Products</i>	<i>Korea – Dairy</i>	WT/DS98/AB/R	<i>Agreement on Safeguards</i> GATT 1994 DSU

2000

Matter	Short Title	WT/DS Number	WTO Agreements Covered
<i>United States – Tax Treatment for "Foreign Sales Corporations"</i>	<i>US – FSC</i>	WT/DS108/AB/R	<i>SCM Agreement</i> <i>Agreement on Agriculture</i>
<i>United States – Imposition of Countervailing Duties on Certain Hot-Rolled Lead and Bismuth Carbon Steel Products Originating in the United Kingdom</i>	<i>US – Lead and Bismuth II</i>	WT/DS138/AB/R	<i>SCM Agreement</i> <i>Anti-Dumping Agreement</i> GATT 1994 DSU
<i>Canada – Certain Measures Affecting the Automotive Industry</i>	<i>Canada – Autos</i>	WT/DS139/AB/R WT/DS142/AB/R	<i>TRIMs Agreement</i> GATS <i>SCM Agreement</i> GATT 1994
<i>Brazil – Export Financing Programme for Aircraft, Recourse by Canada to Article 21.5 of the DSU</i>	<i>Brazil – Aircraft (Article 21.5 – Canada)</i>	WT/DS46/AB/RW	<i>SCM Agreement</i>
<i>Canada – Measures Affecting the Export of Civilian Aircraft, Recourse by Brazil to Article 21.5 of the DSU</i>	<i>Canada – Aircraft (Article 21.5 – Brazil)</i>	WT/DS70/AB/RW	<i>SCM Agreement</i>
<i>United States – Anti-Dumping Act of 1916, Complaint by the European Communities, Complaint by Japan</i>	<i>US – 1916 Act</i>	WT/DS136/AB/R WT/DS162/AB/R	<i>Anti-Dumping Agreement</i> GATT 1994 <i>WTO Agreement</i> DSU
<i>Canada – Term of Patent Protection</i>	<i>Canada – Patent Term</i>	WT/DS170/AB/R	<i>TRIPS Agreement</i>
<i>Korea – Measures Affecting Imports of Fresh, Chilled and Frozen Beef</i>	<i>Korea – Various Measures on Beef</i>	WT/DS161/AB/R WT/DS169/AB/R	<i>Agreement on Agriculture</i> <i>Import Licensing Agreement</i> GATT 1994

2000 (CONT'D)

Matter	Short Title	WT/DS Number	WTO Agreements Covered
<i>United States – Import Measures on Certain Products from the European Communities</i>	<i>US – Certain EC Products</i>	WT/DS165/AB/R	GATT 1994 DSU
<i>United States – Definitive Safeguard Measures on Imports of Wheat Gluten from the European Communities</i>	<i>US – Wheat Gluten</i>	WT/DS166/AB/R	<i>Agreement on Safeguards</i> GATT 1994 DSU

2001

Matter	Short Title	WT/DS Number	WTO Agreements Covered
<i>European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India</i>	<i>EC – Bed Linen</i>	WT/DS141/AB/R	<i>Anti-Dumping Agreement</i>
<i>Thailand – Anti-Dumping Duties on Angles, Shapes and Sections of Iron or Non-Alloy Steel and H-Beams from Poland</i>	<i>Thailand – H-Beams</i>	WT/DS122/AB/R	<i>Anti-Dumping Agreement</i> DSU
<i>European Communities – Measures Affecting Asbestos and Asbestos-Containing Products</i>	<i>EC – Asbestos</i>	WT/DS135/AB/R	GATT 1994 <i>TBT Agreement</i> DSU
<i>United States – Safeguard Measures on Imports of Fresh, Chilled or Frozen Lamb Meat from New Zealand and Australia</i>	<i>US – Lamb</i>	WT/DS177/AB/R WT/DS178/AB/R	<i>Agreement on Safeguards</i> GATT 1994 DSU
<i>United States – Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan</i>	<i>US – Hot-Rolled Steel</i>	WT/DS184/AB/R	<i>Anti-Dumping Agreement</i> <i>WTO Agreement</i> DSU
<i>United States – Transitional Safeguard Measure on Combed Cotton Yarn from Pakistan</i>	<i>US – Cotton Yarn</i>	WT/DS192/AB/R	ATC GATT 1994 DSU
<i>United States – Import Prohibition of Certain Shrimp and Shrimp Products, Recourse to Article 21.5 of the DSU by Malaysia</i>	<i>US – Shrimp (Article 21.5 – Malaysia)</i>	WT/DS58/AB/RW	GATT 1994

2001 (CONT'D)

Matter	Short Title	WT/DS Number	WTO Agreements Covered
<i>Mexico – Anti-Dumping Investigation of High Fructose Corn Syrup (HFCS) from the United States, Recourse to Article 21.5 of the DSU by the United States</i>	<i>Mexico – Corn Syrup (Article 21.5 – US)</i>	WT/DS132/AB/RW	<i>Anti-Dumping Agreement DSU</i>
<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>	<i>Canada – Dairy (Article 21.5 – New Zealand and US)</i>	WT/DS103/AB/RW WT/DS113/AB/RW	<i>Agreement on Agriculture SCM Agreement</i>

2002

Matter	Short Title	WT/DS Number	WTO Agreements Covered
<i>United States – Section 211 Omnibus Appropriations Act of 1998</i>	<i>US – Section 211 Appropriations Act</i>	WT/DS176/AB/R	<i>TRIPS Agreement DSU</i>
<i>United States – Tax Treatment for "Foreign Sales Corporations", Recourse to Article 21.5 of the DSU by the European Communities</i>	<i>US – FSC (Article 21.5 – EC)</i>	WT/DS108/AB/RW	<i>SCM Agreement Agreement on Agriculture GATT 1994 DSU</i>
<i>United States – Definitive Safeguard Measures on Imports of Circular Welded Carbon Quality Line Pipe from Korea</i>	<i>US – Line Pipe</i>	WT/DS202/AB/R	<i>Agreement on Safeguards GATT 1994</i>
<i>India – Measures Affecting the Automotive Sector</i>	<i>India – Autos</i>	WT/DS146/AB/R WT/DS175/AB/R	India withdrew its appeal the day before the oral hearing was scheduled to proceed.
<i>Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products</i>	<i>Chile – Price Band System</i>	WT/DS207/AB/R	<i>Agreement on Agriculture GATT 1994 DSU</i>
<i>European Communities – Trade Description of Sardines</i>	<i>EC – Sardines</i>	WT/DS231/AB/R	<i>TBT Agreement DSU</i>
<i>United States – Countervailing Duties on Certain Corrosion-Resistant Carbon Steel Flat Products from Germany</i>	<i>US – Carbon Steel</i>	WT/DS213/AB/R	<i>SCM Agreement DSU</i>

2002 (CONT'D)

Matter	Short Title	WT/DS Number	WTO Agreements Covered
<i>United States – Countervailing Measures Concerning Certain Products from the European Communities</i>	<i>US – Countervailing Measures on Certain EC Products</i>	WT/DS212/AB/R	<i>WTO Agreement SCM Agreement</i>
<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>	<i>Canada – Dairy (Article 21.5 – New Zealand and US II)</i>	WT/DS103/AB/RW2 WT/DS113/AB/RW2	<i>Agreement on Agriculture</i>

2003

Matter	Short Title	WT/DS Number	WTO Agreements Covered
<i>United States – Continued Dumping and Subsidy Offset Act of 2000</i>	<i>US – Offset Act (Byrd Amendment)</i>	WT/DS217/AB/R WT/DS234/AB/R	<i>Anti-Dumping Agreement SCM Agreement DSU WTO Agreement</i>
<i>European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India, Recourse to Article 21.5 of the DSU by India</i>	<i>EC – Bed Linen (Article 21.5 – India)</i>	WT/DS141/AB/RW	<i>Anti-Dumping Agreement DSU</i>
<i>European Communities – Anti-Dumping Duties on Malleable Cast Iron Tube or Pipe Fittings from Brazil</i>	<i>EC – Tube or Pipe Fittings</i>	WT/DS219/AB/R	<i>Anti-Dumping Agreement GATT 1994</i>
<i>United States – Definitive Safeguard Measures on Imports of Certain Steel Products</i>	<i>US – Steel Safeguards</i>	WT/DS248/AB/R WT/DS249/AB/R WT/DS251/AB/R WT/DS252/AB/R WT/DS253/AB/R WT/DS254/AB/R WT/DS258/AB/R WT/DS259/AB/R	<i>Agreement on Safeguards GATT 1994 DSU</i>
<i>Japan – Measures Affecting the Importation of Apples</i>	<i>Japan – Apples</i>	WT/DS245/AB/R	<i>SPS Agreement DSU</i>
<i>United States – Sunset Review of Anti-Dumping Duties on Corrosion-Resistant Carbon Steel Flat Products from Japan</i>	<i>US – Corrosion-Resistant Steel Sunset Review</i>	WT/DS244/AB/R	<i>Anti-Dumping Agreement WTO Agreement</i>

ANNEX 5

FREQUENCY OF PARTICIPATION BY WTO MEMBERS IN APPEALS: 1996–2003²⁵

I. Statistical Information

WTO Member	Appellant	Appellee	Third Participant	Total
Argentina	2	2	2	6
Australia	2	1	9	15
Belize	–	–	1	1
Brazil	8	7	8	23
Cameroon	–	–	1	1
Canada	11	10	8	29
Chile	2	1	4	7
China	1	1	–	2
Colombia	–	–	2	2
Costa Rica	1	–	2	3
Côte d'Ivoire	–	–	1	1
Cuba	–	–	1	1
Dominica	–	–	2	2
Dominican Republic	–	–	1	1
Ecuador	1	1	4	6
Egypt	–	–	1	1
European Communities	18	24	24	66
Ghana	–	–	1	1
Grenada	–	–	1	1
Guatemala	2	1	–	3
Honduras	1	1	–	2
Hong Kong	–	–	4	4
India	5	4	9	18
Indonesia	–	1	1	2
Israel	–	–	1	1
Jamaica	–	–	2	2
Japan	8	8	13	29
Korea	5	4	5	14
Malaysia	1	1	–	2
Mexico	2	3	10	15
New Zealand	2	5	4	11

²⁵ There were no appeals filed in 1995.

WTO Member	Appellant	Appellee	Third Participant	Total
Nicaragua	-	-	1	1
Nigeria	-	-	1	1
Norway	1	1	6	8
Pakistan	-	2	-	2
Paraguay	-	-	1	1
Peru	-	1	-	1
Philippines	1	1	1	3
Poland	-	1	-	1
Senegal	-	-	1	1
Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu	-	-	2	2
St. Lucia	-	-	2	2
St. Vincent and the Grenadines	-	-	1	1
Suriname	-	-	1	1
Switzerland	1	1	-	2
Thailand	1	2	3	6
Turkey	1	-	1	2
United States	23	33	19	75
Venezuela	-	1	3	4
Total	100	121	165	386

FREQUENCY OF PARTICIPATION BY WTO MEMBERS IN APPEALS: 1996–2003²⁶

II. Detailed Information by Year²⁷

1996

Matter	Appellant	Appellee	Third Participant
<i>United States – Standards for Reformulated and Conventional Gasoline</i>	United States	Brazil Venezuela	European Communities Norway
<i>Japan – Taxes on Alcoholic Beverages</i>	Japan United States	Canada European Communities Japan United States	None

1997

Matter	Appellant	Appellee	Third Participant
<i>United States – Restrictions on Imports of Cotton and Man-made Fibre Underwear</i>	Costa Rica	United States	India
<i>Brazil – Measures Affecting Desiccated Coconut</i>	Brazil Philippines	Brazil Philippines	European Communities United States
<i>United States – Measure Affecting Imports of Woven Wool Shirts and Blouses from India</i>	India	United States	None
<i>Canada – Certain Measures Concerning Periodicals</i>	Canada United States	Canada United States	None
<i>European Communities – Regime for the Importation, Sale and Distribution of Bananas</i>	Ecuador European Communities Guatemala Honduras Mexico United States	Ecuador European Communities Guatemala Honduras Mexico United States	Belize Cameroon Colombia Costa Rica Côte d'Ivoire Dominica Dominican Republic Ghana Grenada Jamaica Japan Nicaragua Saint Lucia St. Vincent and the Grenadines Senegal Suriname Venezuela
<i>India – Patent Protection for Pharmaceutical and Agricultural Chemical Products</i>	India	United States	European Communities

²⁶ There were no appeals filed in 1995.

²⁷ Appellate Body Reports are classified according to the year of circulation.

1998

Matter	Appellant	Appellee	Third Participant
<i>European Communities – Measures Concerning Meat and Meat Products (Hormones)</i>	Canada European Communities United States	Canada European Communities United States	Australia New Zealand Norway
<i>Argentina – Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items</i>	Argentina	United States	European Communities
<i>European Communities – Customs Classification of Certain Computer Equipment</i>	European Communities	United States	Japan
<i>European Communities – Measures Affecting the Importation of Certain Poultry Products</i>	Brazil European Communities	Brazil European Communities	Thailand United States
<i>United States – Import Prohibition of Certain Shrimp and Shrimp Products</i>	United States	India Malaysia Pakistan Thailand	Australia Ecuador European Communities Hong Kong, China Mexico Nigeria
<i>Australia – Measures Affecting Importation of Salmon</i>	Australia Canada	Australia Canada	European Communities India Norway United States
<i>Guatemala – Anti-Dumping Investigation Regarding Portland Cement from Mexico</i>	Guatemala	Mexico	United States

1999

Matter	Appellant	Appellee	Third Participant
<i>Korea – Taxes on Alcoholic Beverages</i>	Korea	European Communities United States	Mexico
<i>Japan – Measures Affecting Agricultural Products</i>	Japan United States	Japan United States	Brazil European Communities
<i>Brazil – Export Financing Programme for Aircraft</i>	Brazil Canada	Brazil Canada	European Communities United States
<i>Canada – Measures Affecting the Export of Civilian Aircraft</i>	Brazil Canada	Brazil Canada	European Communities United States
<i>India – Quantitative Restrictions on Imports of Agricultural, Textile and Industrial Products</i>	India	United States	None

1999 (CONT'D)

Matter	Appellant	Appellee	Third Participant
<i>Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products</i>	Canada	New Zealand United States	None
<i>Turkey – Restrictions on Imports of Textile and Clothing Products</i>	Turkey	India	Hong Kong, China Japan Philippines
<i>Chile – Taxes on Alcoholic Beverages</i>	Chile	European Communities	Mexico United States
<i>Argentina – Safeguard Measures on Imports of Footwear</i>	Argentina European Communities	Argentina European Communities	Indonesia United States
<i>Korea – Definitive Safeguard Measure on Imports of Certain Dairy Products</i>	Korea European Communities	Korea European Communities	United States

2000

Matter	Appellant	Appellee	Third Participant
<i>United States – Definitive Safeguard Measures on Imports of Wheat Gluten from the European Communities</i>	European Communities United States	European Communities United States	Australia Canada New Zealand
<i>United States – Import Measures on Certain Products from the European Communities</i>	European Communities United States	European Communities United States	Dominica Ecuador India Jamaica Japan St. Lucia
<i>Korea – Measures Affecting Imports of Fresh, Chilled and Frozen Beef</i>	Korea	Australia United States	Canada New Zealand
<i>Canada – Term of Patent Protection</i>	Canada	United States	None
<i>United States – Anti-Dumping Act of 1916, Complaint by the European Communities, Complaint by Japan</i>	European Communities Japan United States	European Communities Japan United States	European Communities (in complaint brought by Japan) India Japan (in complaint brought by European Communities) Mexico
<i>Canada – Measures Affecting the Export of Civilian Aircraft, Recourse by Brazil to Article 21.5 of the DSU</i>	Brazil	Canada	European Communities United States
<i>Brazil – Export Financing Programme for Aircraft, Recourse by Canada to Article 21.5 of the DSU</i>	Brazil	Canada	European Communities United States

2000 (CONT'D)

Matter	Appellant	Appellee	Third Participant
<i>Canada – Certain Measures Affecting the Automotive Industry</i>	Canada European Communities Japan	Canada European Communities Japan	Korea United States
<i>United States – Imposition of Countervailing Duties on Certain Hot-Rolled Lead and Bismuth Carbon Steel Products Originating in the United Kingdom</i>	United States	European Communities	Brazil Mexico
<i>United States – Tax Treatment for “Foreign Sales Corporations”</i>	European Communities United States	European Communities United States	Canada Japan

2001

Matter	Appellant	Appellee	Third Participant
<i>European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India</i>	European Communities	India	Egypt Japan United States
<i>European Communities – Measures Affecting Asbestos and Asbestos-Containing Products</i>	Canada European Communities	Canada European Communities	Brazil United States
<i>Thailand – Anti-Dumping Duties on Angles, Shapes and Sections of Iron or Non-Alloy Steel and H-Beams from Poland</i>	Thailand	Poland	European Communities Japan United States
<i>United States – Safeguard Measures on Imports of Fresh, Chilled or Frozen Lamb Meat from New Zealand and Australia</i>	Australia New Zealand United States	Australia New Zealand United States	European Communities
<i>United States – Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan</i>	Japan United States	Japan United States	Brazil Canada Chile European Communities Korea
<i>United States – Transitional Safeguard Measure on Combed Cotton Yarn from Pakistan</i>	United States	Pakistan	European Communities India
<i>United States – Import Prohibition of Certain Shrimp and Shrimp Products, Recourse to Article 21.5 of the DSU by Malaysia</i>	Malaysia	United States	Australia European Communities Hong Kong, China India Japan Mexico Thailand

2001 (CONT'D)

Matter	Appellant	Appellee	Third Participant
<i>Mexico – Anti-Dumping Investigation of High Fructose Corn Syrup (HFCS) from the United States, Recourse to Article 21.5 of the DSU by the United States</i>	Mexico	United States	European Communities
<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>	Canada	New Zealand United States	European Communities

2002

Matter	Appellant	Appellee	Third Participant
<i>United States – Section 211 Omnibus Appropriations Act of 1998</i>	European Communities United States	European Communities United States	None
<i>United States – Tax Treatment for “Foreign Sales Corporations”; Recourse to Article 21.5 of the DSU by the European Communities</i>	European Communities United States	European Communities United States	Australia Canada India Japan
<i>United States – Definitive Safeguard Measures on Imports of Circular Welded Carbon Quality Line Pipe from Korea</i>	Korea United States	Korea United States	Australia Canada European Communities Japan Mexico
<i>India – Measures Affecting the Automotive Sector (India withdrew its appeal the day before the oral hearing was scheduled to proceed)</i>	India	European Communities United States	Korea
<i>Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products</i>	Chile	Argentina	Australia Brazil Colombia European Communities Ecuador Paraguay United States Venezuela
<i>European Communities – Trade Description of Sardines</i>	European Communities	Peru	Canada Chile Ecuador United States Venezuela
<i>United States – Countervailing Duties on Certain Corrosion-Resistant Carbon Steel Flat Products from Germany</i>	European Communities United States	European Communities United States	Japan Norway

2002 (CONT'D)

Matter	Appellant	Appellee	Third Participant
<i>United States – Countervailing Measures Concerning Certain Products from the European Communities</i>	United States	European Communities	Brazil India Mexico
<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>	Canada	New Zealand United States	Argentina Australia European Communities

2003

Matter	Appellant	Appellee	Third Participant
<i>United States – Continued Dumping and Subsidy Offset Act of 2000</i>	United States	Australia Brazil Canada Chile European Communities India Indonesia Japan Korea Mexico Thailand	Argentina Costa Rica Hong Kong, China Israel Norway
<i>European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India, Recourse to Article 21.5 of the DSU by India</i>	India	European Communities	Japan Korea United States
<i>European Communities – Anti-Dumping Duties on Malleable Cast Iron Tube or Pipe Fittings from Brazil</i>	Brazil	European Communities	Chile Japan Mexico United States
<i>United States – Definitive Safeguard Measures on Imports of Certain Steel Products</i>	United States Brazil China European Communities Japan Korea New Zealand Norway Switzerland	United States Brazil China European Communities Japan Korea New Zealand Norway Switzerland	Canada Cuba Mexico Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu Thailand Turkey Venezuela
<i>Japan – Measures Affecting the Importation of Apples</i>	Japan United States	Japan United States	Australia Brazil European Communities New Zealand Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu

2003 (CONT'D)

Matter	Appellant	Appellee	Third Participant
<i>United States – Sunset Review of Anti-Dumping Duties on Corrosion-Resistant Carbon Steel Flat Products from Japan</i>	Japan	United States	Brazil Chile European Communities India Korea Norway

ANNEX 6

AMENDMENTS TO THE WORKING PROCEDURES FOR APPELLATE REVIEW

The amendments to the *Working Procedures* that came into effect on 1 May 2003 are reproduced below:

1. The definition of "third participant" in Rule 1 shall be deleted and replaced by the following:

"third participant"

means any third party that has filed a written submission pursuant to Rule 24(1); or any third party that appears at the oral hearing, whether or not it makes an oral statement at that hearing.

2. Rule 24 shall be deleted and replaced by the following:

Third Participants

24. (1) Any third party may file a written submission containing the grounds and legal arguments in support of its position. Such submission shall be filed within 25 days after the date of the filing of the Notice of Appeal.

(2) A third party not filing a written submission shall, within the same period of 25 days, notify the Secretariat in writing if it intends to appear at the oral hearing, and, if so, whether it intends to make an oral statement.

(3) Third participants are encouraged to file written submissions to facilitate their positions being taken fully into account by the division hearing the appeal and in order that participants and other third participants will have notice of positions to be taken at the oral hearing.

(4) Any third party that has neither filed a written submission pursuant to paragraph (1), nor notified the Secretariat pursuant to paragraph (2), may notify the Secretariat that it intends to appear at the oral hearing, and may request to make an oral statement at the hearing. Such notifications and requests should be notified to the Secretariat in writing at the earliest opportunity.

3. Paragraph 3 of Rule 27 shall be deleted and replaced by the following:

- (3) (a) Any third party that has filed a submission pursuant to Rule 24(1), or has notified the Secretariat pursuant to Rule 24(2) that it intends to appear at the oral hearing, may appear at the oral hearing, make an oral statement at the hearing, and respond to questions posed by the division.
- (b) Any third party that has notified the Secretariat pursuant to Rule 24(4) that it intends to appear at the oral hearing may appear at the oral hearing.
- (c) Any third party that has made a request pursuant to Rule 24(4) may, at the discretion of the division hearing the appeal, taking into account the requirements of due process, make an oral statement at the hearing, and respond to questions posed by the division.

4. Paragraph 1 of Rule 16 shall be deleted and replaced by the following:

- (1) In the interests of fairness and orderly procedure in the conduct of an appeal, where a procedural question arises that is not covered by these Rules, a division may adopt an appropriate procedure for the purposes of that appeal only, provided that it is not inconsistent with the DSU, the other covered agreements and these Rules. Where such a procedure is adopted, the division shall immediately notify the parties to the dispute, participants, third parties

and third participants as well as the other Members of the Appellate Body.

5. Paragraph 5 of Rule 18 shall be deleted and replaced by the following:

- (5) Upon authorization by the division, a participant or a third participant may correct clerical errors in any of its submissions. Such correction shall be made within 3 days of the filing of the original submission and a copy of the revised version shall be filed with the Secretariat and served upon the other parties to the dispute, participants, third parties and third participants.

6. Rule 19 shall be deleted and replaced by the following:

Ex Parte Communications

- (1) Neither a division nor any of its Members shall meet with or contact one party to the dispute, participant, third party or third participant in the absence of the other parties to the dispute, participants, third parties and third participants.
- (2) No Member of the division may discuss any aspect of the subject matter of an appeal with any party to the dispute, participant, third party or third participant in the absence of the other Members of the division.
- (3) A Member who is not assigned to the division hearing the appeal shall not discuss any aspect of the subject matter of the appeal with any party to the dispute, participant, third party or third participant.

7. The following paragraph 3 shall be added to Rule 28:

- (3) When the questions or requests for memoranda are made prior to the oral hearing, then the questions or requests, as well as the responses or memoranda, shall also be made available to the third parties, who shall also be given an opportunity to respond.

8. The fourth row of the Table in Annex I shall be deleted and replaced by the following:

Appellee(s) Submission(s)	25	12
Third Participant(s) Submission(s)	25	12
Third Participant(s) Notification(s)	25	12

ANNEX 7

ARBITRATIONS CONDUCTED UNDER ARTICLE 21.3(c) OF THE DSU: 1997–2003²⁸

REASONABLE PERIOD OF TIME AWARDED BY THE ARBITRATOR

An asterisk (*) besides the name of the Arbitrator indicates that the Arbitrator was chosen by the parties to the dispute. A hash (#) indicates that the Arbitrator was appointed by the Director-General of the WTO.

1997

Matter	WT/DS Number	Arbitrator	Reasonable Period of Time Awarded
<i>Japan – Taxes on Alcoholic Beverages</i>	WT/DS8/15 WT/DS10/15 WT/DS11/13	Julio Lacarte-Muró #	15 months

1998

Matter	WT/DS Number	Arbitrator	Reasonable Period of Time Awarded
<i>European Communities – Regime for the Importation, Sale and Distribution of Bananas</i>	WT/DS27/15	Said El-Naggar #	15 months, 1 week
<i>EC Measures Concerning Meat and Meat Products (Hormones)</i>	WT/DS26/15 WT/DS48/13	Julio Lacarte-Muró #	15 months
<i>Indonesia – Certain Measures Affecting the Automobile Industry</i>	WT/DS54/15 WT/DS55/14 WT/DS59/13 WT/DS64/12	Christopher Beeby*	12 months

²⁸ There were no Arbitration Awards circulated under Article 21.3(c) of the DSU in 1995 or 1996.

1999

Matter	WT/DS Number	Arbitrator	Reasonable Period of Time Awarded
<i>Australia – Measures Affecting Importation of Salmon</i>	WT/DS18/9	Said El-Naggar*	8 months
<i>Korea – Taxes on Alcoholic Beverages</i>	WT/DS75/16 WT/DS84/14	Claus-Dieter Ehlermann*	11 months, 2 weeks

2000

Matter	WT/DS Number	Arbitrator	Reasonable Period of Time Awarded
<i>Chile – Taxes on Alcoholic Beverages</i>	WT/DS87/15 WT/DS110/14	Florentino Feliciano*	14 months, 9 days
<i>Canada – Patent Protection of Pharmaceutical Products</i>	WT/DS114/13	James Bacchus*	6 months
<i>Canada – Certain Measures Affecting the Automotive Industry</i>	WT/DS139/12 WT/DS142/12	Julio Lacarte-Muró*	8 months

2001

Matter	WT/DS Number	Arbitrator	Reasonable Period of Time Awarded
<i>United States – Section 110(5) of the US Copyright Act</i>	WT/DS160/12	Julio Lacarte-Muró*	12 months
<i>United States – Anti-Dumping Act of 1916</i>	WT/DS136/11 WT/DS162/14	A.V. Ganesan*	10 months
<i>Canada – Term of Patent Protection</i>	WT/DS170/10	Claus-Dieter Ehlermann*	10 months
<i>Argentina – Measures Affecting the Export of Bovine Hides and Import of Finished Leather</i>	WT/DS155/10	Florentino Feliciano*	12 months, 12 days

2002

Matter	WT/DS Number	Arbitrator	Reasonable Period of Time Awarded
<i>United States – Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan</i>	WT/DS184/13	Florentino Feliciano*	15 months
<i>United States – Definitive Safeguard Measures on Imports of Circular Welded Carbon Quality Line Pipe from Korea</i>	WT/DS202/17	Yasuhei Taniguchi #	Agreement reached between parties

2003

Matter	WT/DS Number	Arbitrator	Reasonable Period of Time Awarded
<i>Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products</i>	WT/DS207/13	John Lockhart*	14 months
<i>United States – Continued Dumping and Subsidy Offset Act of 2000</i>	WT/DS217/14 WT/DS234/22	Yasuhei Taniguchi #	11 months

This publication is also available in French and Spanish. It was originally circulated as WT/AB/1 on 7 May 2004.

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ISSN 1811-8003
Printed by the WTO Secretariat
V-2004, 1,000
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