



## DISPUTE SETTLEMENT BODY

### DRAFT ANNUAL REPORT (2018)

The Report was prepared pursuant to the Procedures for an Annual Overview of WTO Activities and for Reporting under the WTO (WT/L/105), and sets out the actions taken by the Dispute Settlement Body (DSB) in the period since its previous Annual Report.<sup>1</sup>

In carrying out its tasks, the DSB held 17 meetings since the period covered by the previous Report. The minutes of these meetings, which remain the record of the DSB's work, are contained in documents WT/DSB/M/404 – WT/DSB/M/420<sup>2</sup> and should be read in conjunction with this Report.

The following matters are included in this Report:

#### Table of Contents

<b>1 ELECTION OF CHAIRPERSON .....</b>	<b>2</b>
<b>2 APPOINTMENT/REAPPOINTMENT OF APPELLATE BODY MEMBERS .....</b>	<b>2</b>
<b>3 INDICATIVE LIST OF GOVERNMENTAL AND NON-GOVERNMENTAL PANELISTS.....</b>	<b>5</b>
<b>4 ESTABLISHMENT OF PANELS AND REQUESTS FOR ESTABLISHMENT OF PANELS.....</b>	<b>5</b>
<b>5 ADOPTION OF APPELLATE BODY/PANEL REPORTS .....</b>	<b>8</b>
<b>6 STATEMENTS OF INTENTIONS IN RESPECT OF IMPLEMENTATION PURSUANT TO ARTICLE 21.3 OF THE DSU .....</b>	<b>10</b>
<b>7 STATUS REPORTS ON PROGRESS IN THE IMPLEMENTATION OF THE RECOMMENDATIONS ADOPTED BY THE DSB .....</b>	<b>11</b>
<b>8 MATTERS RAISED BY MEMBERS PURSUANT TO ARTICLE 21.6 OF THE DSU (SURVEILLANCE AND IMPLEMENTATION).....</b>	<b>12</b>
<b>9 RECOURSE TO ARTICLE 21.5 OF THE DSU (COMPLIANCE PANEL).....</b>	<b>13</b>
<b>10 RECOURSE TO ARTICLE 22 OF THE DSU (COMPENSATION AND SUSPENSION OF CONCESSIONS) .....</b>	<b>13</b>
<b>11 OTHER MATTERS .....</b>	<b>14</b>
<b>12 CONCLUSION.....</b>	<b>16</b>

---

<sup>1</sup> WT/DSB/74.

<sup>2</sup> This Report includes activities that took place during meetings of the DSB from 22 November 2017 through 29 October 2018.

## **1 ELECTION OF CHAIRPERSON**

1.1. At its meeting on 27 March 2018, the DSB elected by acclamation H.E. Ms. Sunanta Kangvulkulij (Thailand) as Chairperson of the DSB (WT/DSB/M/410).

## **2 APPOINTMENT/REAPPOINTMENT OF APPELLATE BODY MEMBERS**

2.1. Regarding the selection processes to appoint new Appellate Body members:

- At the DSB meeting on 22 November 2017, the Chairperson noted that informal consultations on AB matters continued to be held at both the political and technical level in order to find a way forward to the current impasse. He took note of informal and exploratory technical discussions taking place on a voluntary basis and urged Members to continue their conversations. Also at the 22 November DSB meeting, Mexico submitted a proposal, on behalf of several delegations, on the Appellate Body selection processes contained in document WT/DSB/W/609. No consensus was reached on the above-mentioned proposal. Statements were made by the following delegations: Mexico, on behalf of the proponents; the European Union, the United States, Canada, Norway, Korea, Chile, on behalf of the GRULAC; Chinese Taipei, New Zealand, Australia, Singapore, Switzerland, Brazil, Indonesia, the Philippines, China, the Bolivarian Republic of Venezuela, Hong Kong, China; Guatemala, Uruguay, Japan, Nigeria, on behalf of the African Group; Honduras, Costa Rica and Turkey. The Chairperson regretted that the DSB was not able to agree, at the meeting, on a way forward and said that he would continue informal consultations on this matter and would report back to delegations at the next regular meeting to be held on 22 January 2018 (WT/DSB/M/404).
- At the 22 January 2018 DSB meeting, the Chairperson made a statement in order to update delegations on his consultations on Appellate Body matters, including on the issues related to Rule 15 of the Working Procedures for Appellate Review. He reiterated that in order to effectively address the AB issues concrete ideas were needed which could provide viable solutions to the matter at hand. He noted that discussions were taking place among experts of several delegations. He said that he would continue his informal consultations with interested delegations and encouraged delegations to carry out their work on concrete ideas in an effort to finding a solution. Also at the 22 January 2018 DSB meeting, Mexico again submitted a proposal, on behalf of several delegations on the Appellate Body selection processes contained in document WT/DSB/W/609/Rev.1. No consensus was reached on the above-mentioned proposal. The following delegations made statements: Mexico, on behalf of the proponents, Pakistan, China, Australia, the United States, Canada, Colombia, on behalf of the GRULAC; Brazil, Uruguay, Norway, Panama, Singapore, Switzerland, New Zealand, Japan, Chinese Taipei, Turkey, India, the European Union and Egypt (WT/DSB/M/407).
- At the 28 February 2018 DSB meeting, Mexico, on behalf of the proponents, submitted a joint proposal on AB selection processes contained in WT/DSB/W/609/Rev.2. No consensus was reached on this matter. The following delegations made statements: Mexico, on behalf of the proponents; the European Union, the United States, Canada, Panama, Colombia, on behalf of the GRULAC; Norway, Australia, Brazil, Japan, Israel, Singapore, Turkey, China, Uruguay, Pakistan, Kazakhstan, Switzerland, Honduras, Chinese Taipei, Korea and New Zealand (WT/DSB/M/409). The Chairperson regretted that the DSB could not reach consensus to start the selection processes. He noted that the meeting had provided further clarifications with respect to the concerns raised by the United States on Rule 15 of the Working Procedures for Appellate Review. The Chairperson said that he would continue his informal consultations.
- At the 27 March 2018 DSB meeting, Mexico, on behalf of the proponents, submitted a joint proposal on the AB selection processes contained in WT/DSB/W/609/Rev.2. No consensus was reached on this matter. The following delegations made statements on this matter: Mexico, on behalf of the proponents; the European Union, the United States, Canada, Brazil, India, Pakistan, Korea, Australia, Colombia, on behalf of the GRULAC; Indonesia, China, Panama, Thailand, Norway, Hong Kong, China; New Zealand, Switzerland, Peru; the Bolivarian Republic

of Venezuela, Chinese Taipei, Turkey, Singapore and Japan (WT/DSB/M/410). The Chairperson stated that the DSB was not in a position to reach consensus to start the selection processes. At the previous regular DSB meeting, the Chairperson had informed the DSB of his intention to continue his informal consultations. Since then, however, he had not received any requests for consultations. He expressed his hope that the DSB would manage to address this matter in a more constructive and creative manner in the near future.

- At the 27 April 2018 DSB meeting, Mexico, on behalf of the proponents submitted a joint proposal regarding the AB selection processes contained in WT/DSB/W/609/Rev.3. No consensus was reached on this matter. Statements were made by the following delegations: Mexico, on behalf of the proponents; the United States, Colombia, on behalf of the GRULAC; Canada, Pakistan, Hong Kong, China; the Russian Federation, the Bolivarian Republic of Venezuela, Switzerland, Thailand, Chinese Taipei, Singapore, Norway, Australia, Brazil, Ecuador, Turkey, India, Panama, Honduras, Korea, New Zealand, Japan, China, Uruguay, the Philippines, Guatemala and the European Union. The Chairperson regretted that the DSB was again unable to agree to launch the Appellate Body selection processes. She reiterated that political engagement by all WTO Members would be required to resolve this matter and looked forward to hearing Members' views on how to proceed on this matter. She said that she would consult informally with delegations on this matter (WT/DSB/M/412).
- At the 28 May 2018 DSB meeting, Mexico, on behalf of the proponents, submitted the joint proposal on the AB selection processes contained in WT/DSB/W/609/Rev.4. No consensus was reached on this matter. Statements were made by the following delegations: Mexico, on behalf of the proponents; the Bolivarian Republic of Venezuela, the United States, Canada, Australia, Colombia, on behalf of the GRULAC; Chinese Taipei, Thailand, Singapore, India, Norway, Pakistan, the Russian Federation, Switzerland, Brazil, Korea, Ukraine, Hong Kong, China; China, Japan, Honduras, Uruguay, Guatemala, Ecuador, Turkey; Costa Rica and New Zealand. The Chairperson regretted that the DSB was again unable to agree to launch the AB selection processes. She said that this matter required political engagement on the part of all Members and invited delegations with views on this matter to contact her directly (WT/DSB/M/413).
- At the 22 June 2018 DSB meeting, Mexico, on behalf of the proponents, submitted a joint proposal on the AB selection processes contained in WT/DSB/W/609/Rev.4. No consensus was reached on this matter. Statements were made by the following delegations: Mexico, on behalf of the proponents; the United States, the European Union, Canada, the Russian Federation, Norway, Switzerland, Chinese Taipei, Pakistan, Singapore, Thailand, Colombia, on behalf of the GRULAC, Guatemala, Australia, Brazil, Hong Kong, China; Japan, the Bolivarian Republic of Venezuela, India, Korea, China, New Zealand, Turkey and South Africa, on behalf of the African Group. The Chairperson regretted that the DSB was again unable to agree to launch the AB selection processes. She said that this matter required political engagement on the part of all Members and invited delegations with views on this matter to contact her directly (WT/DSB/M/414).
- At the 20 July 2018 DSB meeting, Mexico on behalf of the proponents, submitted a joint proposal regarding the AB selection processes contained in WT/DSB/W/609/Rev.4. No consensus was reached on this matter. Statements were made by the following delegations: Mexico, on behalf of the co-sponsors of the joint proposal; the United States, South Africa, on behalf of the African Group, Canada, the European Union, Japan, Costa Rica, on behalf of the GRULAC; Pakistan, Australia, New Zealand, Norway, Switzerland, the Russian Federation, Chinese Taipei, Hong Kong, China; China, Chile, Thailand, Brazil, Singapore, Ecuador, Korea, Uruguay, Egypt, Turkey, the Bolivarian Republic of Venezuela and Indonesia. The Chairperson regretted that the DSB was again unable to agree to launch the AB selection processes. She said that this matter required political engagement on the part of all Members and invited delegations with views on this matter to contact her directly (WT/DSB/M/415).
- At the 27 August 2018 DSB meeting, Mexico on behalf of the proponents, submitted a joint proposal regarding the AB selection processes contained in WT/DSB/W/609/Rev.4. No consensus was reached on this matter. Statements were made by the following delegations: Mexico, on behalf of the co-sponsors of the joint proposal; the United States,

Argentina, Canada, Brazil, Thailand, China, Australia, Norway, Switzerland, Korea, Japan, Singapore, Chinese Taipei, Chile, India, Hong Kong, China; New Zealand, the European Union, Guatemala and Costa Rica. The Chairperson regretted that the DSB was again unable to agree to launch the AB selection processes. She said that this matter required political engagement on the part of all Members and invited delegations with views on this matter to contact her directly (WT/DSB/M/417).

- At the 26 September 2018 DSB meeting, Mexico on behalf of the proponents, submitted a joint proposal regarding the AB selection processes contained in WT/DSB/W/609/Rev.5. No consensus was reached on this matter. Statements were made by the following delegations: Mexico, on behalf of the co-sponsors of the joint proposal; Mexico, the United States, Japan, India, Canada, Egypt, Argentina, the European Union, Korea, Pakistan, Norway, Chinese Taipei, Brazil, Ukraine, Costa Rica, speaking on behalf of the GRULAC; Singapore, Thailand, Switzerland, South Africa, Hong Kong, China; Australia, the Russian Federation, Uganda, Turkey, New Zealand and China. The Chairperson regretted that the DSB was again unable to agree to launch the AB selection processes. She said that this matter required political engagement on the part of all Members and invited delegations with views on this matter to contact her directly (WT/DSB/M/419).
- At the 29 October 2018 DSB meeting, Mexico on behalf of the proponents, submitted a joint proposal regarding the AB selection processes contained in WT/DSB/W/609/Rev.5. No consensus was reached on this matter. Statements were made by the following delegations: Mexico, on behalf of the co-sponsors of the joint proposal, Costa Rica, speaking on behalf of the GRULAC; China, the United States, Canada, Pakistan, Thailand, the European Union, Singapore, Japan, Chinese Taipei, Australia, Norway, Switzerland, Korea, Brazil, India, Mexico, New Zealand, the Russian Federation, the Bolivarian Republic of Venezuela, Chile and Hong Kong, China. The Chairperson said that this matter required political engagement on the part of all Members and invited delegations with views on this matter to contact her directly (WT/DSB/M/420).

## 2.2. Regarding the possible reappointment of one Appellate Body member:

- At the DSB meeting on 28 May 2018, the Chairperson made a statement regarding the possible reappointment of Mr. Shree Baboo Chekitan Servansing whose first four-year term of office would expire on 30 September 2018. She informed delegations that on 15 May 2018 she had received a letter from Mr. Servansing in which he had indicated that, as envisaged in Article 17.2 of the DSU, he would like to convey his interest to the DSB to be considered for reappointment as an Appellate Body member. South Africa, speaking on behalf of the African Group, made a statement on this matter (WT/DSB/M/413).
- At the DSB meeting on 22 June 2018, the Chairperson made a statement regarding the possible reappointment of Mr. Servansing. She said that her consultations on this matter were ongoing and invited delegations with views on this matter to contact her directly. South Africa, speaking on behalf of the African Group, made a statement (WT/DSB/M/414).
- At the DSB meeting on 20 July 2018, the Chairperson made a statement regarding the possible reappointment of Mr. Servansing. She said that her consultations on this matter were ongoing and invited delegations with views on this matter to contact her directly (WT/DSB/M/415).
- At the DSB meeting on 27 August 2018, the Chairperson made a statement to report back to delegations on the results of her informal consultations on the issue of possible reappointment of Mr. Servansing, whose first term of office would expire on 30 September 2018. She said that since May 2018 she had been consulting informally with delegations on this matter at the level of Ambassadors. In this regard she followed past practice established in the context of previous reappointment processes. She said that she had made herself available to all interested delegations to hear their views and encouraged delegations with views on this matter to contact her directly. She then reported to delegations that, on the basis of these consultations, she understood that there would not be a consensus to support Mr. Servansing's reappointment. Given that this process of informal consultations on the issue of possible

reappointment was now concluded, she said that she would like to confer with all delegations on the way forward and said that her door was open for any suggestions. The United States made a statement under this Agenda item (WT/DSB/M/417).

2.3. Currently, the Appellate Body is composed of the following members (in alphabetical order): Mr. Ujal Singh Bhatia (India), Mr. Thomas R. Graham (United States) and Ms. Hong Zhao (China).

### **3 INDICATIVE LIST OF GOVERNMENTAL AND NON-GOVERNMENTAL PANELISTS**

3.1. During the period under review, Members suggested and the DSB approved a total of 45 new nominations for inclusion on the Indicative List of Governmental and Non-Governmental Panelists, in accordance with Article 8.4 of the DSU. These names are contained in documents: WT/DSB/W/608, WT/DSB/W/614, WT/DSB/W/618, WT/DSB/W/623 and WT/DSB/W/625. The DSB approved these nominations at its meetings on 22 November 2017 (WT/DSB/M/404), 22 January 2018 (WT/DSB/M/407), 27 March 2018 (WT/DSB/M/410), 22 June 2018 (WT/DSB/M/414) and 20 July 2018 (WT/DSB/M/415).

3.2. The DSB approved the following new names for the Indicative List: (i) Argentina – Mr. Rodrigo C. Bardoneschi, Mr. Alan Claudio Béraud, Mr. Ramiro Bertoni, Mr. Alfredo Vicente Chiaradia, Mr. Marcelo Cima, Mr. Alfredo Esteban Curi, Mr. Alberto Juan Dumont, Mr. Federico Lavopa, Mr. Adrián Jorge Makuc, Mr. Martín Malvarez, Mr. Gustavo Héctor Méndez, Mr. Alejo Monner Sans, Mr. Pedro Negueloaetcheverry, Mr. Luis Pablo Niscovolos, Ms. María Valeria Raiteri, Mr. Gabriel Gaspar Taboada and Mr. Eduardo Tempone; (ii) Brazil – Ms. Carla Amaral De Andrade Junqueira, Mr. Pablo M. Bentes, Mr. Mauro Berenholc, Ms. Ana Teresa Caetano De Marinis, Ms. Marília Castañon Penha Valle, Mr. Umberto Celli Junior, Mr. Geraldo De Camargo Vidigal Neto, Mr. Alberto Do Amaral Júnior, Ms. Vera Kanas Grytz, Mr. Roberto H. Kanitz, Ms. Cynthia Kramer, Ms. Fernanda Manzano Sayeg, Mr. Renê Guilherme S. Medrado, Mr. Rabih Nasser, Mr. Rodrigo Luís Pupo, Ms. Carolina Saldanha-Ures and Mr. José Setti Diaz; (iii) Chile – Mr. Álvaro Jana; (iv) the European Union – Ms. Lena Johansson, Mr. Joakim H. Reiter, Ms. Anna Stellingner and Ms. Eva Walder (Sweden); (v) Kyrgyz Republic – Mr. Muktar Djumaliev; (vi) Singapore – Ms. Fan Sin Daphne Hong, Mr. Rossman Ithnain, Mr. K. Y. Derek Loh, Ms. P. L. Danielle Yeow and Mr. T. K. Jason Tan.

### **4 ESTABLISHMENT OF PANELS AND REQUESTS FOR ESTABLISHMENT OF PANELS**

4.1. During the period under review, the DSB established 13 Panels in accordance with Article 6 of the DSU. These actions are described below with reference to each of the disputes in question:

- "United Arab Emirates – Measures Relating to Trade in Goods and Services, and Trade-Related Aspects of Intellectual Property Rights": The DSB considered, for the second time, Qatar's panel request at its meeting on 22 November 2017 and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference (WT/DS526/2; WT/DSB/M/404). Qatar, the United Arab Emirates, the Kingdom of Bahrain, the Kingdom of Saudi Arabia, Yemen, Canada, Korea, Egypt, the United States and China made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Afghanistan, Australia, the Kingdom of Bahrain, Brazil, Canada, China, Egypt, the European Union, Guatemala, Honduras, Japan, Kazakhstan, Korea, Malaysia, Norway, the Philippines, the Russian Federation, the Kingdom of Saudi Arabia, Singapore, Chinese Taipei, Turkey, Ukraine, the United States and Yemen.
- "Australia – Anti-Dumping Measures on A4 Copy Paper": The DSB considered, for the first time, Australia's panel request at its meeting on 27 March 2018 (WT/DS529/6; WT/DSB/M/410). Indonesia and Australia made statements. The DSB considered this matter, for the second time, at its meeting on 27 April 2018, and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference (WT/DSB/M/412). Indonesia and Australia made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Canada, China, Egypt, the European Union, India, Israel, Japan, the Russian Federation, Singapore, Thailand, Ukraine, the United States and Viet Nam.

- 
- "United States – Countervailing Measures on Softwood Lumber from Canada": The DSB considered, for the first time, Canada's panel request at its meeting on 27 March 2018 (WT/DS533/2; WT/DSB/M/410). Canada and the United States made statements. The DSB considered this matter, for the second time, at its meeting on 9 April 2018 and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference (WT/DSB/M/411). Canada and the United States made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Brazil, China, the European Union, Japan, Kazakhstan, Korea, the Russian Federation, Turkey and Viet Nam.
  - "United States – Anti-Dumping Measures Applying Differential Pricing Methodology to Softwood Lumber from Canada": The DSB considered, for the first time, Canada's panel request at its meeting on 27 March 2018 (WT/DS534/2; WT/DSB/M/410). Canada, the United States and Korea made statements. The DSB considered this matter, for the second time, at its meeting on 9 April 2018 and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference (WT/DSB/M/411). Canada and the United States made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Brazil, China, the European Union, Japan, Kazakhstan, the Republic of Korea, the Russian Federation and Viet Nam.
  - "United States – Anti-Dumping and Countervailing Duties on Certain Products and the Use of Facts Available": The DSB considered, for the first time, Korea's panel request at its meeting on 27 April 2018 (WT/DS539/6; WT/DSB/M/412). Korea and the United States made statements. The DSB considered this matter, for the second time, at its meeting on 28 May 2018, and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference (WT/DSB/M/413). Korea and the United States made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Brazil, Canada, China, Egypt, the European Union, India, Japan, Kazakhstan, Norway and the Russian Federation.
  - "India – Export Related Measures": The DSB considered, for the first time, the US panel request at its meeting on 28 May 2018 (WT/DS541/4; WT/DSB/M/413) and agreed to establish a panel in accordance with the provisions of Article 4.4 of the SCM Agreement and Article 6 of the DSU, with standard terms of reference. The United States, India, the European Union and Canada made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Canada, China, Egypt, the European Union, Japan, Kazakhstan, Korea, the Russian Federation and Sri Lanka.
  - "Canada – Measures Governing the Sale of Wine in Grocery Stores (second complaint)": The DSB considered, for the first time, the United States' panel request at its meeting on 22 June 2018 (WT/DS531/7; WT/DSB/M/414). The United States and Canada made statements. The DSB considered this matter, for the second time, at its meeting on 20 July 2018, and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference (WT/DSB/M/415). The United States and Canada made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Argentina, Australia, Chile, China, the European Union, India, Israel, Korea, Mexico, New Zealand, the Russian Federation, South Africa and Chinese Taipei.
  - "United States – Anti-Dumping Measures on Fish Fillets from Viet Nam": The DSB considered, for the first time, Viet Nam's panel request at its meeting on 22 June 2018 (WT/DS536/2; WT/DSB/M/414). Viet Nam and the United States made statements. The DSB considered this matter, for the second time, at its meeting on 20 July 2018, and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference (WT/DSB/M/415). Viet Nam and the United States made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Canada, China, Egypt, the European Union, India, Japan, Malaysia, the Russian Federation, Singapore and Thailand.
  - "Canada – Measures Governing the Sale of Wine": The DSB considered, for the first time, Australia's panel request at its meeting on 27 August 2018 (WT/DS537/8; WT/DSB/M/417). Australia, Canada and the United States made statements. The DSB considered this matter,

for the second time, at its meeting on 26 September 2018, and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference (WT/DSB/M/419). Australia, Canada and the United States made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Argentina, Chile, China, the European Union, India, Korea, Mexico, New Zealand, the Russian Federation, South Africa, Chinese Taipei, Ukraine, the United States and Uruguay.

- "United States – Safeguard Measure on Imports of Crystalline Silicon Photovoltaic Products": The DSB considered, for the first time, Korea's panel request at its meeting on 27 August 2018 (WT/DS545/7; WT/DSB/M/417). Korea and the United States made statements. The DSB considered this matter, for the second time, at its meeting on 26 September 2018, and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference (WT/DSB/M/419). Korea and the United States made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Brazil, Canada, China, Egypt, the European Union, India, Japan, Kazakhstan, Malaysia, Mexico, Norway, the Philippines, the Russian Federation, Singapore, Chinese Taipei, Thailand and Viet Nam.
- "United States – Safeguard Measures on Imports of Large Residential Washers": The DSB considered, for the first time, Korea's panel request at its meeting on 27 August 2018 (WT/DS546/4; WT/DSB/M/417). Korea and the United States made statements. The DSB considered this matter, for the second time, at its meeting on 26 September 2018, and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference (WT/DSB/M/419). Korea and the United States made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Brazil, China, Egypt, the European Union, India, Japan, Kazakhstan, Mexico, Norway, the Russian Federation, Thailand and Viet Nam.
- "Pakistan – Anti-Dumping Measures on Biaxially Oriented Polypropylene Film from the United Arab Emirates": The DSB considered, for the first time, the United Arab Emirates' panel request at its meeting on 28 May 2018 (WT/DS538/2; WT/DSB/M/413). The United Arab Emirates and Pakistan made statements. The DSB considered this matter, for the second time, at its meeting on 29 October 2018, and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference (WT/DSB/M/420). The United Arab Emirates and Pakistan made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Afghanistan, China, the European Union, Japan, the Russian Federation, the Kingdom of Saudi Arabia and the United States.
- "Korea – Sunset Review of Anti-Dumping Duties on Stainless Steel Bars": The DSB considered, for the first time, Japan's panel request at its meeting on 26 September 2018 (WT/DS553/2; WT/DSB/M/419). Japan and Korea made statements. The DSB considered this matter, for the second time at its meeting on 29 October 2018, and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference (WT/DSB/M/420). Japan and Korea made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: China, the European Union, India, Kazakhstan, the Russian Federation, Chinese Taipei and the United States.

#### 4.2. The following panel requests were considered by the DSB for the first time:

- "China – Certain Measures Concerning the Protection of Intellectual Property Rights": The DSB considered, for the first time, the United States' panel request at its meeting on 29 October 2018 (WT/DS542/8; WT/DSB/M/420). The United States, China and Japan made statements.
- "United States – Certain Measures on Steel and Aluminium Products": The DSB considered, for the first time, China's panel request at its meeting on 29 October 2018 (WT/DS544/8; WT/DSB/M/420). China, the United States and Brazil made statements.

- "United States – Certain Measures on Steel and Aluminium Products": The DSB considered, for the first time, the European Union's panel request at its meeting on 29 October 2018 (WT/DS548/14; WT/DSB/M/420). The European Union and the United States made statements.
- "United States – Certain Measures on Steel and Aluminium Products": The DSB considered, for the first time, Canada's panel request at its meeting on 29 October 2018 (WT/DS550/11; WT/DSB/M/420). Canada and the United States made statements.
- "United States – Certain Measures on Steel and Aluminium Products": The DSB considered, for the first time, Mexico's panel request at its meeting on 29 October 2018 (WT/DS551/11; WT/DSB/M/420). Mexico, the United States and Japan made statements.
- "United States – Certain Measures on Steel and Aluminium Products": The DSB considered, for the first time, Norway's panel request at its meeting on 29 October 2018 (WT/DS552/10; WT/DSB/M/420). Norway and the United States made statements.
- "United States – Certain Measures on Steel and Aluminium Products": The DSB considered, for the first time, the Russian Federation's panel request at its meeting on 29 October 2018 (WT/DS554/17; WT/DSB/M/420). The Russian Federation, the United States and Chile made statements.
- "Canada – Additional Duties on Certain Products from the United States": The DSB considered, for the first time, the United States' panel request at its meeting on 29 October 2018 (WT/DS557/2; WT/DSB/M/420). The United States and Canada made statements.
- "China – Additional Duties on Certain Products from the United States": The DSB considered, for the first time, the United States' panel request at its meeting on 29 October 2018 (WT/DS558/2; WT/DSB/M/420). The United States and China made statements.
- "European Union – Additional Duties on Certain Products from the United States": The DSB considered, for the first time, the United States' panel request at its meeting on 29 October 2018 (WT/DS559/2; WT/DSB/M/420). The United States and the European Union made statements.
- "Mexico – Additional Duties on Certain Products from the United States": The DSB considered, for the first time, the United States' panel request at its meeting on 29 October 2018 (WT/DS560/2; WT/DSB/M/420). The United States, Mexico, Japan and Brazil made statements.
- "United States – Certain Measures on Steel and Aluminium Products": The DSB considered, for the first time, Turkey's panel request at its meeting on 29 October 2018 (WT/DS564/15; WT/DSB/M/420). Turkey, the United States and Venezuela made statements.

## 5 ADOPTION OF APPELLATE BODY/PANEL REPORTS

5.1. During the period covered by this Report, the DSB adopted 14 Panel Reports and seven Appellate Body Reports<sup>3</sup>:

- "Indonesia – Measures Concerning the Importation of Chicken Meat and Chicken Products": The DSB adopted the Panel Report contained in WT/DS484/R and WT/DS484/R/Add.1 at its meeting on 22 November 2017 (WT/DSB/M/404). The following delegations made statements: Brazil, Indonesia, the United States and Canada.

---

<sup>3</sup> This summary is without prejudice to the positions expressed by Members during the adoption of the documents referenced below.



- 
- "Indonesia – Importation of Horticultural Products, Animals and Animal Products": The DSB adopted the Appellate Body Reports contained in WT/DS477/AB/R and WT/DS477/AB/R/Add.1 – WT/DS478/AB/R and WT/DS478/AB/R/Add.1 and Panel Reports contained in WT/DS477/R, WT/DS477/R/Add.1 and WT/DS477/R/Corr.1 – WT/DS478/R, WT/DS478/R/Add.1 and WT/DS478/R/Corr.1, as modified by the Appellate Body Reports in these disputes, at its meeting on 22 November 2017 (WT/DSB/M/404). The following delegations made statements: New Zealand, the United States, Indonesia, Canada, Australia, Brazil, Chinese Taipei, China, the European Union, Mexico, Guatemala, Colombia and Turkey.
  - "United States – Anti-Dumping Measures on Certain Oil Country Tubular Goods from Korea": The DSB adopted the Panel Report contained in WT/DS488/R and WT/DS488/R/Add.1 at its meeting on 12 January 2018 (WT/DSB/M/406). The following delegations made statements: Korea and the United States.
  - "United States – Anti-Dumping and Countervailing Measures on Certain Coated Paper from Indonesia": The DSB adopted the Panel Report contained in WT/DS491/R and WT/DS491/R/Add.1 at its meeting of 22 January 2018 (WT/DSB/M/407). The following delegations made statements: Indonesia and the United States.
  - "China – Anti-Dumping and Countervailing Duty Measures on Broiler Products from the United States: Recourse to Article 21.5 of the DSU by the United States": The DSB adopted the Panel Report contained in WT/DS427/RW and WT/DS427/RW/Add.1 at its meeting on 28 February 2018 (WT/DSB/M/409). The following delegations made statements: the United States and China.
  - "European Union – Anti-Dumping Measures on Biodiesel from Indonesia": The DSB adopted the Panel Report contained in WT/DS480/R and WT/DS480/R/Add.1 at its meeting on 28 February 2018 (WT/DSB/M/409). The following delegations made statements: Indonesia and the European Union.
  - "Russia – Anti-Dumping Duties on Light Commercial Vehicles from Germany and Italy": The DSB adopted the Appellate Body Report contained in WT/DS479/AB/R and WT/DS479/AB/R/Add.1, and the Panel Report contained in WT/DS479/R and WT/DS479/R/Add.1, as modified by the Appellate Body Report, at its meeting on 9 April 2018 (WT/DSB/M/411). The following delegations made statements: the European Union, the Russian Federation and the United States.
  - "European Communities and Certain Member States – Measures Affecting Trade in Large Civil Aircraft: Recourse to Article 21.5 of the DSU by the United States": The DSB adopted the Appellate Body Report, contained in WT/DS316/AB/RW and WT/DS316/AB/RW/Add.1, and the Panel Report, contained in WT/DS316/RW and WT/DS316/RW/Add.1, as modified by the Appellate Body Report, at its meeting on 28 May 2018 (WT/DSB/M/413). The following delegations made statements: the European Union, the United States, Canada, Brazil, Australia, Japan, New Zealand, Norway, China and Mexico made statements.
  - "European Union – Countervailing Measures on Certain Polyethylene Terephthalate from Pakistan": At its meeting on 28 May 2018 (WT/DSB/M/413), the DSB adopted the Appellate Body Report, contained in WT/DS486/AB/R and WT/DS486/AB/R/Add.1, and the Panel Report, contained in WT/DS486/R, WT/DS486/R/Add.1 and WT/DS486/R/Corr.1, as upheld by the Appellate Body Report. The following delegations made statements: Pakistan, the European Union, the United States, Japan and Mexico.
  - "Australia – Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging": At its meeting on 27 August 2018 (WT/DSB/M/417), the DSB adopted the Panel Reports contained in WT/DS458/R, WT/DS458/R/Add.1 and WT/DS458/R/Suppl.1 and WT/DS467/R, WT/DS467/R/Add.1 and WT/DS467/R/Suppl.1. The following delegations made statements: Australia, Cuba, Indonesia, Canada, New Zealand, Uruguay, Norway and the European Union.

- "Indonesia – Safeguard on Certain Iron or Steel Products": At its meeting on 27 August 2018 (WT/DSB/M/417), the DSB adopted the Appellate Body Reports, contained in WT/DS490/AB/R and WT/DS490/AB/R/Add.1 – WT/DS496/AB/R and WT/DS496/AB/R/Add.1, and the Panel Reports, contained in WT/DS490/AB/R and WT/DS490/AB/R/Add.1 – WT/DS496/R and WT/DS496/R/Add.1, as modified by the Appellate Body Reports. The following delegations made statements: Chinese Taipei, Viet Nam, Indonesia, the European Union, Australia, Mexico and Canada.

## **6 STATEMENTS OF INTENTIONS IN RESPECT OF IMPLEMENTATION PURSUANT TO ARTICLE 21.3 OF THE DSU**

6.1. The DSB took note of Members' statements of intentions with respect to implementation of the DSB recommendations and rulings in connection with eight disputes:

- "Indonesia – Importation of Horticultural Products, Animals and Animal Products": Indonesia made a statement regarding the implementation of the recommendations and rulings in these disputes at the DSB meeting on 22 January 2018 (DS477/478; WT/DSB/M/407). The following delegations made statements: Indonesia, the United States and New Zealand. At the meeting of the DSB on 28 February 2018, Indonesia referred to its communication contained in WT/DS477/16 and WT/DS478/16 in which it had informed the DSB that it was impracticable for Indonesia to comply immediately with the recommendations and rulings of the DSB in these disputes and therefore required a reasonable period of time in which to do so (WT/DSB/M/409). The following delegations made statements: Indonesia, the United States and New Zealand.
- "Indonesia – Measures Concerning the Importation of Chicken Meat and Chicken Products": Indonesia informed the DSB in writing of its intentions in respect of implementation of the recommendations and rulings of the DSB in this dispute on 21 December 2017 (WT/DS484/13). Indonesia further confirmed its intentions at the DSB meeting on 22 January 2018 (WT/DSB/M/407). The following delegations made statements: Indonesia and Brazil.
- "United States – Anti-Dumping Measures on Oil Country Tubular Goods from Korea": the United States informed the DSB of its intentions in respect of implementation of the recommendations and rulings of the DSB in the dispute at the DSB meeting on 9 February 2018 (DS488; WT/DSB/M/408). The following delegations made statements: the United States and Korea.
- "European Union – Anti-Dumping Measures on Biodiesel from Indonesia": the European Union informed the DSB of its intention in respect of implementation of the recommendations and rulings of the DSB in this dispute at the DSB meeting on 27 March 2018 (DS480; WT/DSB/M/410). The following delegations made statements: the European Union and Indonesia.
- "Russia – Anti-Dumping Duties on Light Commercial Vehicles": the Russian Federation informed the DSB of its intentions in respect of implementation of the recommendations and rulings of the DSB in this dispute at the DSB meeting on 27 April 2018 (DS479; WT/DSB/M/411). The following delegations made statements: the Russian Federation and the European Union.
- "Indonesia – Safeguard on Certain Iron or Steel Products": Indonesia informed the DSB of its intentions in respect of implementation of the recommendations and rulings of the DSB in these disputes at the DSB meeting on 26 September 2018 (DS490/496; WT/DSB/M/419). The following delegations also made statements: Chinese Taipei and Viet Nam.

## **7 STATUS REPORTS ON PROGRESS IN THE IMPLEMENTATION OF THE RECOMMENDATIONS ADOPTED BY THE DSB**

7.1. The DSB received status reports with respect to implementation of DSB rulings and recommendations during the period considered in this Report with regard to ten matters as follows:

- "United States – Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan": Status reports by the United States (WT/DS184/15/Add.178, 179, 180, 181, 182, 183, 184, 185, 186, 187 and 188) were submitted at the DSB meetings held on 22 November 2017 (WT/DSB/M/404), 22 January 2018 (WT/DSB/M/407), 28 February 2018 (WT/DSB/M/409), 27 March 2018 (WT/DSB/M/410), 27 April 2018 (WT/DSB/M/412), 28 May 2018 (WT/DSB/M/413), 22 June 2018 (WT/DSB/M/414), 20 July 2018 (WT/DSB/M/415), 27 August 2018 (WT/DSB/M/417), 26 September 2018 (WT/DSB/M/419) and 29 October 2018 (WT/DSB/M/420). In the course of the year, statements on this matter were made by the United States (11 times) and Japan (11).
- "United States – Section 110(5) of the US Copyright Act": Status reports by the United States (WT/DS160/24/Add.153, 154, 155, 156, 157, 158, 159, 160, 161, 162 and 163) were submitted at the DSB meetings held on 22 November 2017 (WT/DSB/M/404), 22 January 2018 (WT/DSB/M/407), 28 February 2018 (WT/DSB/M/409), 27 March 2018 (WT/DSB/M/410), 27 April 2018 (WT/DSB/M/412), 28 May 2018 (WT/DSB/M/413), 22 June 2018 (WT/DSB/M/414), 20 July 2018 (WT/DSB/M/415), 27 August 2018 (WT/DSB/M/417), 26 September 2018 (WT/DSB/M/419) and 29 October 2018 (WT/DSB/M/420). In the course of the year, statements on this matter were made by the United States (11 times), the European Union (11) and China (11).
- "European Communities – Measures Affecting the Approval and Marketing of Biotech Products": Status reports by the European Union (WT/DS291/37/Add.116, 117, 118, 119, 120, 121, 122, 123, 124, 125 and 126) were submitted at the DSB meetings held on 22 November 2017 (WT/DSB/M/404), 22 January 2018 (WT/DSB/M/407), 28 February 2018 (WT/DSB/M/409), 27 March 2018 (WT/DSB/M/410), 27 April 2018 (WT/DSB/M/412), 28 May 2018 (WT/DSB/M/413), 22 June 2018 (WT/DSB/M/414), 20 July 2018 (WT/DSB/M/415), 27 August 2018 (WT/DSB/M/417), 26 September 2018 (WT/DSB/M/419) and 29 October 2018 (WT/DSB/M/420). In the course of the year, statements on this matter were made by the European Union (11 times) and the United States (11).
- "Canada – Anti-Dumping Measures on Imports of Certain Carbon Steel Welded Pipe from the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu": Status reports by Canada (WT/DS482/7/Add.3 and 4) were submitted at the DSB meetings held on 22 November 2017 (WT/DSB/M/404) and 22 January 2018 (WT/DSB/M/407). In the course of the year, statements on this matter were made by Canada (2 times) and Chinese Taipei (2).
- "United States – Anti-Dumping and Countervailing Measures on Large Residential Washers from Korea": Status reports by United States (WT/DS464/17, Add.1, 2, 3, 4, 5, 6, 7, 8, 9 and 10) were submitted at the DSB meetings held on 22 November 2017 (WT/DSB/M/404), 22 January 2018 (WT/DSB/M/407), 28 February 2018 (WT/DSB/M/409), 27 March 2018 (WT/DSB/M/410), 27 April 2018 (WT/DSB/M/412), 28 May 2018 (WT/DSB/M/413), 22 June 2018 (WT/DSB/M/414), 20 July 2018 (WT/DSB/M/415), 27 August 2018 (WT/DSB/M/417), 26 September 2018 (WT/DSB/M/419) and 29 October 2018 (WT/DSB/M/420). In the course of the year, statements on this matter were made by the United States (11 times), Korea (11) and Canada (9).
- "China – Anti-Dumping Measures on Imports of Cellulose Pulp from Canada": Status reports by China (WT/DS483/7, Add.1, 2 and 3) were submitted at the DSB meetings held on 22 January 2018 (WT/DSB/M/407), 28 February 2018 (WT/DSB/M/409), 27 March 2018 (WT/DSB/M/410) and 27 April 2018 (WT/DSB/M/412). In the course of the year, statements on this matter were made by China (4 times) and Canada (4).
- "European Union – Anti-Dumping Measures on Biodiesel from Indonesia": Status reports by

the European Union (WT/DS480/8, Add.1 and 2) were submitted at the DSB meetings held on 27 August 2018 (WT/DSB/M/417), 26 September 2018 (WT/DSB/M/419) and 29 October 2018 (WT/DSB/M/420). In the course of the year, statements on this matter were made by the European Union (3 times) and Indonesia (3).

- "United States – Certain Methodologies and their Application to Anti-Dumping Proceedings Involving China": Status reports by the United States (WT/DS471/17, Add.1 and 2) were submitted at the DSB meetings held on 27 August 2018 (WT/DSB/M/417), 26 September 2018 (WT/DSB/M/419) and 29 October 2018 (WT/DSB/M/420). In the course of the year, statements on this matter were made by the United States (3 times) and China (3).
- "Indonesia – Measures Concerning the Importation of Chicken Meat and Chicken Products": Status reports by Indonesia (WT/DS484/18 and Add.1) were submitted at the DSB meetings held on 26 September 2018 (WT/DSB/M/419) and 29 October 2018 (WT/DSB/M/420). In the course of the year, statements on this matter were made by Indonesia (2 times) and Brazil (2).
- "United States – Anti-Dumping Measures on Certain Oil Country Tubular Goods from Korea": Status reports by the United States (WT/DS488/12 and Add.1) were submitted at the DSB meetings held on 26 September 2018 (WT/DSB/M/419) and 29 October 2018 (WT/DSB/M/420). In the course of the year, statements on this matter were made by the United States (2 times) and Korea (2).

## **8 MATTERS RAISED BY MEMBERS PURSUANT TO ARTICLE 21.6 OF THE DSU (SURVEILLANCE AND IMPLEMENTATION)**

8.1. The DSB considered at several meetings the implementation of the DSB recommendations and rulings with respect to four matters:

- "United States – Continued Dumping and Subsidy Offset Act of 2000" (DS217; DS234): the European Union raised the implementation of the DSB's recommendations and rulings in these disputes at the DSB meetings held on 22 November 2017 (WT/DSB/M/404), 22 January 2018 (WT/DSB/M/407), 28 February 2018 (WT/DSB/M/409), 27 March 2018 (WT/DSB/M/410), 27 April 2018 (WT/DSB/M/412), 28 May 2018 (WT/DSB/M/413), 22 June 2018 (WT/DSB/M/414), 20 July 2018 (WT/DSB/M/415), 27 August 2018 (WT/DSB/M/417), 26 September 2018 (WT/DSB/M/419) and 29 October 2018 (WT/DSB/M/420). In the course of the year the following delegations made statements: the European Union (11 times), Brazil (11), Canada (11), Chile (3) and the United States (11).
- "Canada – Anti-Dumping Measures on Imports of Certain Carbon Steel Welded Pipe from the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu" (DS482): Chinese Taipei raised the implementation of the DSB recommendations and rulings in this dispute at the DSB meeting held on 28 February 2018 (WT/DSB/M/409). The following delegations made statements: Chinese Taipei, Canada and the United States.
- "United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services" (DS285): Antigua and Barbuda raised the implementation of the DSB recommendations and rulings in this dispute at the DSB meeting held on 22 June 2018 (WT/DSB/M/414). The following delegations made statements: Antigua and Barbuda, Barbados, Cuba, Jamaica, the Bolivarian Republic of Venezuela, the United States and Dominica (speaking on behalf of the OECS member States).
- "European Communities and Certain Member States – Measures Affecting Trade in Large Civil Aircraft" (DS316): The United States raised the implementation of the DSB recommendations and rulings in this dispute at the DSB meetings held on 22 June 2018 (WT/DSB/M/414), 20 July 2018 (WT/DSB/M/415), 27 August 2018 (WT/DSB/M/417), 26 September 2018 (WT/DSB/M/419) and 29 October 2018 (WT/DSB/M/420). The following delegations made statements: the United States and the European Union.

## 9 RECOURSE TO ARTICLE 21.5 OF THE DSU (COMPLIANCE PANEL)

9.1. Four matters were referred by the DSB to compliance Panels pursuant to Article 21.5 of the DSU:

- "India – Certain Measures Relating to Solar Cells and Solar Modules": At its meeting on 9 February 2018, the DSB considered, for the first time, a panel request pursuant to Article 21.5 of the DSU by India (WT/DS456/20; WT/DSB/M/408). India, the United States, Canada, the European Union and Japan made statements. The DSB considered this matter, for a second time, at its meeting on 28 February 2018 (WT/DSB/M/409) and agreed, pursuant to Article 21.5 of the DSU, to refer to the original Panel, if possible, the matter raised by India in document WT/DS456/20. India and the United States made statements. It was agreed that the Panel would have standard terms of reference. The following delegations reserved their third-party rights to participate in the Panel's proceedings: Canada, China, the European Union, Indonesia, Japan, Korea, Norway, the Russian Federation, Singapore, Chinese Taipei and Thailand.
- "Thailand – Customs and Fiscal Measures on Cigarettes from the Philippines": At its meeting on 27 March 2018, the DSB considered a panel request pursuant to Article 21.5 of the DSU by the Philippines (WT/DS371/22; WT/DSB/M/410). At that meeting, the DSB agreed, pursuant to Article 21.5 of the DSU, to refer to the original Panel, if possible, the matter raised by the Philippines in document WT/DS371/20. The Philippines and Thailand made statements. It was agreed that the Panel would have standard terms of reference. The following delegations reserved their third-party rights to participate in the Panel's proceedings: Australia, China, Colombia, the European Union, India, Indonesia, Japan, the Russian Federation, Singapore and the United States.
- "United States – Countervailing Measures on Certain Hot-Rolled Carbon Steel Flat Products from India": At its meeting on 27 April 2018, the DSB considered, for the first time, a panel request pursuant to Article 21.5 of the DSU by India (WT/DS436/18; WT/DSB/M/412). India and the United States made statements. It was agreed that the Panel would have standard terms of reference. The following delegations reserved their third-party rights to participate in the Panel's proceedings: Canada, China, Egypt, the European Union, Japan and the Russian Federation.
- "European Communities and Certain Member States – Measures Affecting Trade in Large Civil Aircraft": At its meeting on 15 August 2018, the DSB considered, for the first time, a panel request pursuant to Article 21.5 of the DSU by the European Union (WT/DS316/39; WT/DSB/M/416). The European Union, the United States and Canada made statements. The DSB considered this matter, for a second time, at its meeting on 27 August 2018 (WT/DSB/M/417) and agreed, pursuant to Article 21.5 of the DSU, to refer to the original Panel, if possible, the matter raised by the European Union and certain member States in document WT/DS316/39. The European Union and the United States made statements. It was agreed that the Panel would have standard terms of reference. The following delegations reserved their third-party rights to participate in the Panel's proceedings: Australia, Brazil, China, India, Japan and Russia.
- "Russian Federation – Measures on the Importation of Live Pigs, Pork and Other Pig Products from the European Union": At its meeting on 29 October 2018, the DSB considered, for the first time, a panel request pursuant to Article 21.5 of the DSU by the European Union (WT/DS475/21; WT/DSB/M/420). The European Union and the Russian Federation made statements.

## 10 RECOURSE TO ARTICLE 22 OF THE DSU (COMPENSATION AND SUSPENSION OF CONCESSIONS)

10.1. During the period under review, five requests for DSB authorization to suspend concessions or other obligations had been referred to arbitration under Article 22.6 of the DSU:

- "Russian Federation – Measures on the Importation of Live Pigs, Pork and Other Pig Products



from the European Union": At the DSB meeting on 3 January 2018, following the European Union's request under Article 22.2 of the DSU contained in document WT/DS475/17, the DSB took note that the matter raised by the Russian Federation in document WT/DS475/18 had been referred to arbitration under Article 22.6 of the DSU. The following delegations made statements: the European Union, the Russian Federation and the United States (WT/DSB/M/405).

- "India – Certain Measures Relating to Solar Cells and Solar Modules": At the DSB meeting on 12 January 2018, following the US request under Article 22.2 of the DSU contained in document WT/DS456/18, the DSB took note that the matter raised by India in document WT/DS456/19 had been referred to arbitration under Article 22.6 of the DSU. The following delegations made statements: the United States, India, the European Union, Canada, Brazil, Japan and China (WT/DSB/M/406).
- "United States – Anti-Dumping and Countervailing Measures on Large Residential Washers from Korea": At the DSB meeting on 22 January 2018, following Korea's request under Article 22.2 of the DSU contained in document WT/DS464/18, the DSB took note that the matter raised by the United States in document WT/DS464/19 had been referred to arbitration under Article 22.6 of the DSU. The following delegations made statements: Korea, the United States, Canada, Mexico, Brazil and the European Union (WT/DSB/M/407).
- "Indonesia – Importation of Horticultural Products, Animals and Animal Products": At the DSB meeting on 15 August 2018, following the US request under Article 22.2 of the DSU contained in document WT/DS478/20, the DSB took note that the matter raised by Indonesia in document WT/DS478/21 had been referred to arbitration under Article 22.6 of the DSU. The following delegations made statements: the United States, Indonesia, New Zealand and Canada (WT/DSB/M/416).
- "United States – Certain Methodologies and their Application to Anti-Dumping Proceedings Involving China": At the DSB meeting on 21 September 2018, following China's request under Article 22.2 of the DSU contained in document WT/DS471/18, the DSB took note that the matter raised by the United States in document WT/DS471/19 had been referred to arbitration under Article 22.6 of the DSU. The following delegations made statements: China, the United States and Brazil (WT/DSB/M/418).

## 11 OTHER MATTERS

11.1. A variety of other matters were raised in the DSB:

11.2. At the DSB meetings held on 22 November 2017 (WT/DSB/M/404), 22 January 2018 (WT/DSB/M/407) and 27 March 2018 (WT/DSB/M/410), in keeping with the undertaking made by the Director-General to the DSB in October 2015 that there would be more transparency about the dispute settlement workload, the Chairperson reported to the DSB on the Appellate Body's workload, the number of disputes in the panel queue and at the panel composition stage and the ability of the Secretariat to meet expected demand.

11.3. At the DSB meeting held on 27 March 2018 (WT/DSB/M/410), Indonesia informed the DSB that it had agreed with Brazil on the reasonable period of time for implementation in the dispute on: "Indonesia – Chicken" (DS484). Brazil also made a statement on this matter.

11.4. At the DSB meeting held on 27 March 2018 (WT/DSB/M/410), China made a statement regarding the US investigation of China's acts, policies and practices related to technology transfer, intellectual property and innovation. The following delegations also made statements on this matter: the United States, Pakistan and Japan.

11.5. At the DSB meeting held on 27 April 2018 (WT/DSB/M/412), Colombia made a statement regarding a series of measures, which Panama had unilaterally adopted *vis-à-vis* certain WTO Members. Panama, Ecuador, Brazil, the Russian Federation and the European Union also made statements on this matter.

11.6. At the DSB meeting held on 27 April 2018 (WT/DSB/M/412), China made a statement on US actions under Section 301 of the Trade Act of 1974. The following delegations also made statements on this matter: the United States, Pakistan, the Russian Federation, Hong Kong, China; Japan, Chinese Taipei, the European Union, India, Brazil and Norway.

11.7. At the DSB meeting held on 28 May 2018 (WT/DSB/M/413), the European Union made a statement to inform the DSB, as set out in its communication (WT/DS316/34), concerning steps the EU had taken to bring its measures into compliance in the dispute: "EC and Certain Member States – Large Civil Aircraft". The United States also made a statement on this matter.

11.8. At the DSB meeting held on 28 May 2018 (WT/DSB/M/413), the United States made a statement regarding China's technology transfer policies. The following delegations also made statements: China, the European Union, Japan, Pakistan, Chinese Taipei, Brazil and the Bolivarian Republic of Venezuela.

11.9. At the DSB meeting held on 28 May 2018 (WT/DSB/M/413), the United States made a statement with regard to the item related to the Panel Report and the report contained in WT/DS316/AB/RW and Add.1 pertaining to the dispute: "EC and Certain Member States – Large Civil Aircraft" (DS316).

11.10. At the DSB meeting held on 22 June 2018 (WT/DSB/M/414), the Russian Federation informed the DSB that it had complied with the DSB's recommendations and rulings in the dispute on: "Russia – Anti-Dumping Duties on Light Commercial Vehicles from Germany and Italy" (DS479). The European Union also made a statement under this Agenda item.

11.11. At the DSB meeting held on 22 June 2018 (WT/DSB/M/414), the United States made a statement concerning Article 17.5 of the Understanding on Rules and Procedures Governing the Settlement of Disputes. The following delegations also made statements: the European Union, Brazil, Australia, New Zealand, the Philippines, Japan, Canada, Norway, Mexico, China, the Russian Federation, Uruguay, Guatemala and Thailand.

11.12. At the DSB meeting held on 22 June 2018 (WT/DSB/M/414), Indonesia made a statement regarding the reasonable period of time for implementation by Indonesia of the DSB recommendations and rulings in the disputes on: "Indonesia – Importation of Horticultural Products, Animals and Animal Products" (DS477/DS478). The United States and New Zealand also made statements under this Agenda item.

11.13. At the DSB meeting held on 20 July 2018 (WT/DSB/M/415), Honduras presented a non-paper entitled: "Fostering a Discussion on the Functioning of the Appellate Body" for future consideration by Members (JOB/DSB/2). The United States, Canada and Australia also made statements under this Agenda item. At the DSB meeting held on 26 September 2018 (WT/DSB/M/419), Honduras again presented the above-mentioned non-paper contained in JOB/DSB/2. The following delegations also made statements: Canada, Japan, Korea, New Zealand, the European Union, Norway, Australia, India, Switzerland, Singapore, Thailand, China, South Africa, the Philippines, Chinese Taipei, the United States, the Russian Federation, Panama, Ecuador, Brazil, Argentina, the United States, Turkey and Honduras. At the DSB meeting held on 29 October 2018 (WT/DSB/M/420) Honduras again raised this matter. The following delegations also made statements under this Agenda item: the United States, the European Union, China, the Dominican Republic, Ecuador, Thailand, Australia, Peru, Japan, Canada, Panama, Korea, Singapore, Venezuela, Chile, Brazil, El Salvador and Chinese Taipei.

11.14. At the DSB meeting held on 20 July 2018 (WT/DSB/M/415), China made a statement regarding the US implementation of the DSB's recommendations and rulings pertaining to the dispute DS471. The United States also made a statement under this Agenda item.

11.15. At the DSB meeting held on 27 August 2018 (WT/DSB/M/417), the United States made a statement concerning Article 17.6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes and appellate review of panel findings of fact, including domestic law. The following delegations also made statements under this Agenda item: Chile, Japan, Australia, Canada, Brazil, China, the Philippines, Mexico and the European Union.

11.16. At the DSB meeting held on 26 September 2018 (WT/DSB/M/419), China made a statement concerning Article 17.6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes and appellate review of panel findings of fact, including domestic law. The following delegations also made statements under this Agenda item: the United States, Japan, Brazil, Canada, Mexico, the European Union and Chile.

11.17. At the DSB meeting held on 29 October 2018 (WT/DSB/M/420), the United States made a statement concerning the issuance of advisory opinions on issues not necessary to resolve a dispute. The following delegations also made statements under this Agenda item: the European Union, Brazil, Japan, China, Canada, New Zealand, Chile and India.

## **12 CONCLUSION**

12.1. This brief overview demonstrates that during the period from 22 November 2017 through 29 October 2018, the DSB was called upon to consider a variety of significant matters and took a number of important decisions. As set out in detail above, the DSB approved a total of 45 new nominations proposed for inclusion on the Indicative List of Governmental and Non-Governmental Panelists. It established 13 Panels in accordance with Article 6 of the DSU and four matters were referred to compliance Panels pursuant to Article 21.5 of the DSU. The DSB adopted 14 Panel Reports and seven Appellate Body Reports. Five requests for DSB authorization to suspend concessions or other obligations had been referred to arbitration under Article 22.6 of the DSU. As part of its surveillance function, the DSB considered status reports on implementation with regard to ten matters.

12.2. This report underscores that the WTO dispute settlement mechanism is operating at a very high level of activity.

---