

**APPELLATE BODY**

**ANNUAL REPORT FOR 2010**

**JULY 2011**

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## CONTENTS

I.	Introduction .....	1
II.	Composition of the Appellate Body.....	4
III.	Appeals.....	4
IV.	Appellate Body Reports .....	6
V.	Participants and Third Participants in Appeals .....	14
VI.	Working Procedures for Appellate Review .....	15
VII.	Arbitrations under Article 21.3(c) of the DSU.....	18
VIII.	Technical Assistance.....	18
IX.	Other Activities .....	18
ANNEX 1	Members of the Appellate Body – 1 January to 31 December 2010: Biographical notes .....	21
ANNEX 2	Former Appellate Body Members and Chairpersons .....	24
ANNEX 3	Appeals filed: 1995–2010 .....	26
ANNEX 4	Percentage of panel reports appealed by year of adoption: 1995–2010.....	27
ANNEX 5	WTO agreements addressed in Appellate Body reports circulated through 2010 .....	28
ANNEX 6	Participants and third participants in appeals: 1995–2010 .....	29
ANNEX 7	Appellate Body Secretariat participation in technical assistance, training, and other activities in 2010 .....	49
ANNEX 8	WTO dispute settlement reports and arbitration awards: 1995–2010.....	52

## ABBREVIATIONS USED IN THIS ANNUAL REPORT

Abbreviation	Description
<i>Anti-Dumping Agreement</i>	<i>Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994</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>Rules of Conduct</i>	<i>Rules of Conduct for the Understanding on Rules and Procedures Governing the Settlement of Disputes</i> , adopted by the DSB on 3 December 1996, WT/DSB/RC/1
<i>SCM Agreement</i>	<i>Agreement on Subsidies and Countervailing Measures</i>
SPS	sanitary and phytosanitary
<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>Vienna Convention</i>	<i>Vienna Convention on the Law of Treaties</i> , done at Vienna, 23 May 1969, 1155 UNTS 331; 8 International Legal Materials 679
<i>Working Procedures</i>	<i>Working Procedures for Appellate Review</i> , WT/AB/WP/5, 4 January 2005 (the provisions of which apply to appeals initiated prior to 15 September 2010); and <i>Working Procedures for Appellate Review</i> , WT/AB/WP/6, 16 August 2010 (the provisions of which apply to appeals initiated on or after 15 September 2010)
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 2010

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#### I. Introduction

This Annual Report provides a summary of the activities undertaken in 2010 by the Appellate Body and its Secretariat.

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

A WTO Member may have recourse to the rules and procedures established in the DSU if it "considers that any benefits accruing to it directly or indirectly under the covered agreements are being impaired by measures taken by another Member".<sup>1</sup> The DSU procedures apply to disputes arising under any of the covered agreements, which are listed in Appendix 1 to the DSU and include the *WTO Agreement* and all the multilateral agreements annexed to it relating to trade in goods, trade in services, and the protection of intellectual property rights, as well as the DSU itself. Where the covered agreements contain special or additional rules and procedures in accordance with Article 1.2 and Appendix 2 of the DSU, these rules or procedures prevail to the extent that there is a difference. The application of the DSU to disputes under the plurilateral trade agreements annexed to the *WTO Agreement* is subject to the adoption of decisions by the parties to these agreements setting out the terms for the application to the individual agreement.

Proceedings under the DSU may be divided into several stages. In the first stage, Members are required to hold consultations in an effort to reach a mutually agreed solution to the matter in dispute. If the consultations are not successful, the dispute may advance to an adjudicative stage in which the complaining Member requests that the DSB establish a panel to examine the matter. Panelists are chosen by agreement of the parties; if the parties cannot agree, either party may request that the composition of the panel be determined by the WTO Director-General. Panels shall be composed of well-qualified governmental and/or non-governmental individuals with expertise in international trade law or policy. The panel's function is to "make an objective assessment of the matter before it, including an objective assessment of the facts of the case and the applicability of and conformity with the relevant covered agreements, and make such other findings as will assist the DSB in making the recommendations or in giving the rulings provided for in the covered agreements."<sup>2</sup> The panel process includes written submissions by the main parties and also by third parties that have notified their interest in the dispute to the DSB. Panels usually hold two meetings with the parties, one of which also includes a session with third parties. Panels set out their factual and legal findings

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

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

in an interim report that is subject to comments by the parties. The final report is issued to the parties, and is then circulated to all WTO Members in the three official languages of the WTO (English, French, and Spanish) and posted on the WTO website.

Article 17 of the DSU stipulates that a standing Appellate Body will be established by the DSB. The Appellate Body is composed of seven Members each appointed to a four-year term, with a possibility to be reappointed once. The expiration dates of terms are staggered, ensuring that not all Members begin and complete their terms at the same time. Members of the Appellate Body must be persons of recognized authority; with demonstrated expertise in law, international trade, and the subject matter of the covered agreements generally; and not be affiliated with any government. Members of the Appellate Body should be broadly representative of the membership of the WTO. Appellate Body Members elect a Chairperson to serve a one-year term, which can be extended for an additional one-year period. The Chairperson is responsible for the overall direction of Appellate Body business. Each appeal is heard by a Division of three Appellate Body Members. The process for the selection of Divisions is designed to ensure randomness, unpredictability, and opportunity for all Members to serve, regardless of their national origin. To ensure consistency and coherence in decision-making, Divisions exchange views with the other four Members of the Appellate Body before finalizing Appellate Body reports. The Appellate Body receives legal and administrative support from its Secretariat. The conduct of Members of the Appellate Body and its staff is regulated by the *Rules of Conduct for the Understanding on Rules and Procedures Governing the Settlement of Disputes (Rules of Conduct)*.<sup>3</sup> These Rules emphasize that Appellate Body Members shall be independent, impartial, and avoid any direct or indirect conflict of interest.

Any party to the dispute may appeal the panel report to the Appellate Body. WTO Members that were third parties at the panel stage may also participate and make written and oral submissions in the appellate proceedings, but they may not appeal the panel report. The appeal is limited to issues of law covered in the panel report and legal interpretations developed by the panel. Appellate proceedings are conducted in accordance with the procedures established in the DSU and the *Working Procedures for Appellate Review*<sup>4</sup> (the "*Working Procedures*"), drawn up by the Appellate Body in consultation with the Chairman of the DSB and the Director-General of the WTO, and communicated to WTO Members for their information. Proceedings include the filing of written submissions by the participants and the third participants, and an oral hearing. The Appellate Body report is circulated to WTO Members in the three official languages within 90 days of the date when the appeal was initiated, and is posted on the WTO website immediately upon circulation to Members.<sup>5</sup> In its report, the Appellate Body may uphold, modify, or reverse the legal findings and conclusions of the panel.

Panel and Appellate Body reports must be adopted by WTO Members acting collectively through the DSB. Under the reverse consensus rule, a report is adopted by the DSB unless all WTO Members formally object to its adoption.<sup>6</sup> Upon adoption, Appellate Body reports and panel reports (as modified by the Appellate Body) become binding upon the parties.

The final stage follows the adoption by the DSB of a panel or Appellate Body report that includes a finding of inconsistency of a measure of the responding Member with its WTO obligations.

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<sup>3</sup>The *Rules of Conduct*, as adopted by the DSB on 3 December 1996 (WT/DSB/RC/1), are directly incorporated into the *Working Procedures for Appellate Review* (WT/AB/WP/6), as Annex II thereto. (See WT/DSB/RC/2, WT/AB/WP/W/2)

<sup>4</sup>*Working Procedures for Appellate Review*, WT/AB/WP/5, 4 January 2005 (the provisions of which apply to appeals initiated prior to 15 September 2010); and *Working Procedures for Appellate Review*, WT/AB/WP/6, 16 August 2010 (the provisions of which apply to appeals initiated on or after 15 September 2010).

<sup>5</sup>Shorter timeframes apply in disputes involving prohibited subsidies. (See Rule 31 of the *Working Procedures*)

<sup>6</sup>Articles 16.4 and 17.14 of the DSU.

Article 21.3 of the DSU provides that the responding Member should in principle comply immediately. However, where immediate compliance is "impracticable", the responding Member shall have a reasonable period of time to implement the DSB's recommendations and rulings. The "reasonable period of time" may be determined by the DSB, by agreement between the parties, or through arbitration pursuant to Article 21.3(c) of the DSU. In such arbitration, a guideline for the arbitrator is that the reasonable period of time to implement panel or Appellate Body recommendations should not exceed 15 months from the date of adoption of a panel or Appellate Body report. However, that time may be shorter or longer, depending upon the particular circumstances. Arbitrators have indicated that the reasonable period of time shall be the shortest time possible in the implementing Member's legal system. To date, arbitrations pursuant to Article 21.3(c) of the DSU have been conducted by current or former Appellate Body Members acting in an individual capacity.

Where the parties disagree "as to existence or consistency with a covered agreement of measures taken to comply", the matter may be referred to the original panel in what is known as "Article 21.5 compliance proceedings". The report of the panel in the Article 21.5 compliance proceedings may be appealed. Upon their adoption by the DSB, panel and Appellate Body reports in Article 21.5 compliance proceedings become binding on the parties.

If the responding Member does not bring its WTO-inconsistent measure into compliance with its obligations under the covered agreements within the reasonable period of time, the complaining Member may request negotiations with the responding Member with a view to finding mutually acceptable compensation as a temporary and voluntary alternative to full compliance. Compensation is subject to acceptance by the complaining Member, and must be consistent with the WTO agreements. If no satisfactory compensation is agreed upon, the complaining Member may request authorization from the DSB, pursuant to Article 22 of the DSU, to suspend the application of concessions or other obligations under the WTO agreements to the responding Member. The level of the suspension of concessions or other obligations authorized by the DSB shall be equivalent to the level of the nullification or impairment resulting from non-compliance with the DSB recommendations and rulings. The responding Member may request arbitration if it objects to the level of suspension proposed or considers that the principles and procedures concerning the sector or covered agreement to which the suspension may apply have not been followed. In principle, the suspension of concessions or other obligations must relate to the same trade sector or agreement as the measure found to be inconsistent. However, if this is impracticable or ineffective for the complaining Member and if circumstances are serious enough, the complaining party may seek authorization to suspend concessions with respect to other sectors or agreements. Such arbitration shall be carried out by the original panel, if its members are available. Compensation and the suspension of concessions or other obligations are temporary measures; neither is to be preferred to full implementation.<sup>7</sup>

A party to a dispute may request good offices, conciliation, or mediation as alternative methods of dispute resolution at any time.<sup>8</sup> In addition, under Article 25 of the DSU, WTO Members may have recourse to arbitration as an alternative to the regular procedures set out in the DSU and described above.<sup>9</sup> Recourse to arbitration and the procedures to be followed are subject to mutual agreement of the parties.<sup>10</sup>

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<sup>7</sup>Article 22.1 of the DSU.

<sup>8</sup>Article 5 of the DSU.

<sup>9</sup>There has been only one recourse to Article 25 of the DSU and it was not in lieu of panel or Appellate Body proceedings. Rather, the purpose of that arbitration was to set an amount of compensation pending full compliance by the responding Member. (See Award of the Arbitrators, *US – Section 110(5) Copyright Act (Article 25)*)

<sup>10</sup>Articles 21 and 22 of the DSU apply *mutatis mutandis* to decisions by arbitrators.

## II. Composition of the Appellate Body

The Appellate Body is a standing body composed of seven Members appointed by the DSB for a term of four years with the possibility of being reappointed once for another four-year term.

The composition of the Appellate Body in 2010 is set out in Table 1.

**TABLE 1: COMPOSITION OF THE APPELLATE BODY 1 JANUARY TO 31 DECEMBER 2010**

Name	Nationality	Term(s) of office
Lilia R. Bautista	Philippines	2007–2011
Jennifer Hillman	United States	2007–2011
Shotaro Oshima	Japan	2008–2012
Ricardo Ramírez-Hernández	Mexico	2009–2013
David Unterhalter	South Africa	2006–2009 2009–2013
Peter Van den Bossche	Belgium	2009–2013
Yuejiao Zhang	China	2008–2012

Pursuant to Rule 5(1) of the *Working Procedures*, David Unterhalter served as Chairman of the Appellate Body from 11 December 2009 to 16 December 2010.<sup>11</sup> Appellate Body Members elected Lilia Bautista to serve as Chair of the Appellate Body commencing on 17 December 2010.<sup>12</sup>

Biographical information about the Members of the Appellate Body is provided in Annex 1. A list of former Appellate Body Members and Chairpersons is provided in Annex 2.

The Appellate Body receives legal and administrative support from the Appellate Body Secretariat, in accordance with Article 17.7 of the DSU. The Secretariat currently comprises a Director and a team of ten lawyers, one administrative assistant, and three support staff. Werner Zdouc has been the Director of the Appellate Body Secretariat since 2006.

## III. Appeals

Under Rule 20(1) of the *Working Procedures*, an appeal is commenced by giving notice in writing to the DSB and filing a Notice of Appeal with the Appellate Body Secretariat. Rule 23(1) of the *Working Procedures* allows a party to the dispute other than the initial appellant to join the appeal, or appeal on the basis of other alleged errors, by filing a Notice of Other Appeal within 5 days of the filing of the Notice of Appeal.

Three appeals were filed in 2010. Two of the appeals included an "other appeal". All three appeals related to original proceedings. Further information regarding the three appeals filed in 2010 is provided in Table 2.

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<sup>11</sup>WT/DSB/50.

<sup>12</sup>WT/DSB/52.

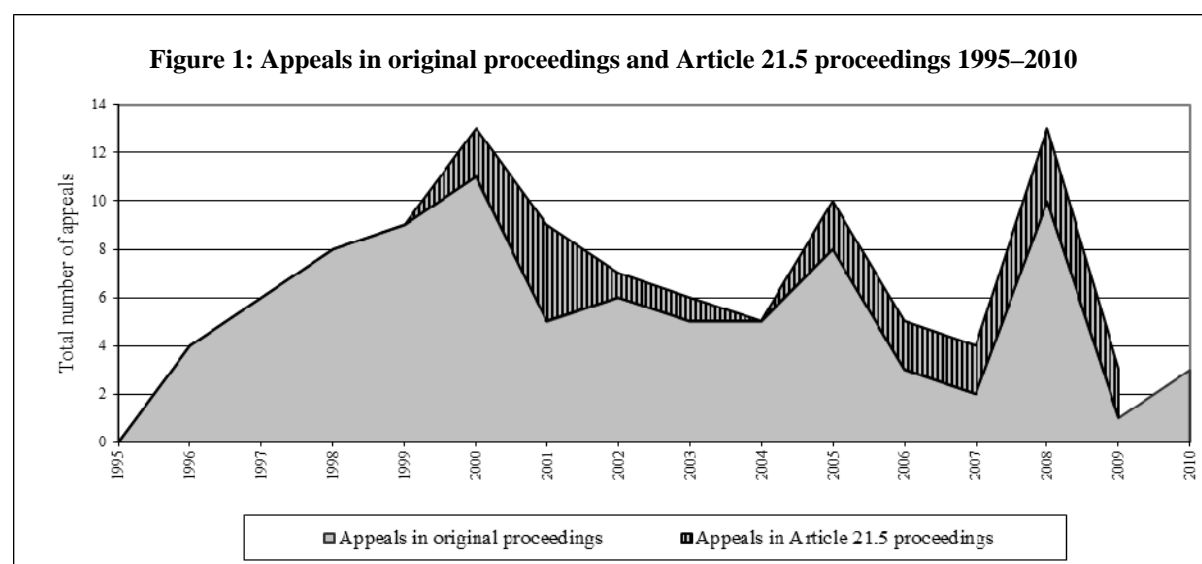
**TABLE 2: APPEALS FILED IN 2010**

Panel reports appealed	Date of appeal	Appellant <sup>a</sup>	Document number	Other appellant <sup>b</sup>	Document number
<i>Australia – Apples</i>	31 Aug 2010	Australia	WT/DS367/13 and Corr.1	New Zealand	WT/DS367/14
<i>EC and certain member States – Large Civil Aircraft</i>	21 July 2010	European Union	WT/DS316/12	United States	WT/DS316/13
<i>US – Anti-Dumping and Countervailing Duties (China)</i>	1 Dec 2010	China	WT/DS379/6	---	---

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

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

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

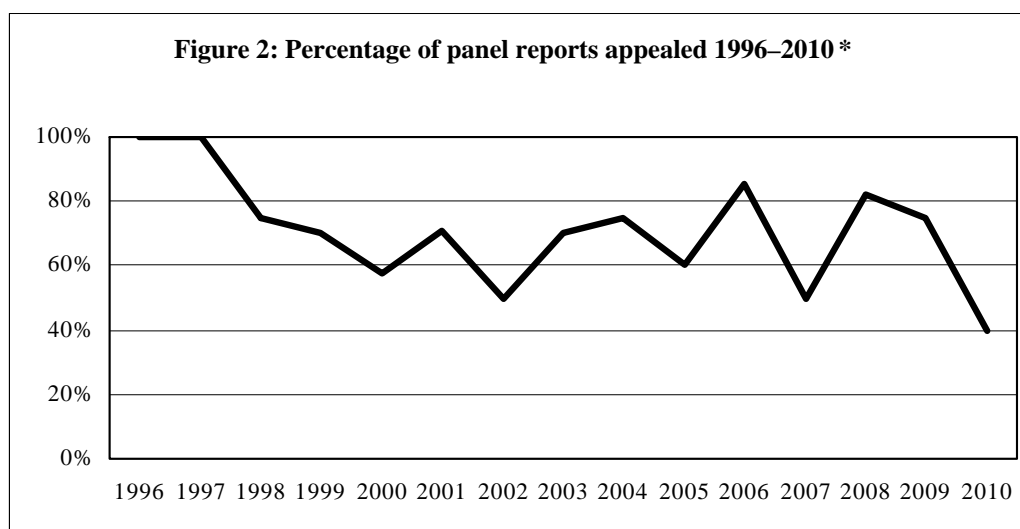


Nine panel reports were circulated during 2010. For three of these reports, the 60-day deadline for adoption or appeal does not expire until 2011.<sup>13</sup> Three other panel reports were adopted by the DSB without there having been an appeal.<sup>14</sup> The three remaining panel reports were appealed during 2010. Thus, three out of the six panel reports for which the 60-day deadline expired in 2010 were appealed, yielding an appeal rate for the year of 50%.

Figure 2 shows the percentage of panel reports appealed by year of adoption since 1996. No panel reports were appealed in 1995. The overall average of panel reports that have been appealed from 1995 to 2010 is 67 per cent. A breakdown of the percentage of panel reports appealed each year is provided in Annex 4.

<sup>13</sup>The panel reports in *Thailand – Cigarettes (Philippines)*, *EC – Fasteners (China)*, and *US – Tyres (China)* were circulated on 15 November, 3 December, and 13 December 2010, respectively.

<sup>14</sup>The panel reports in *US – Anti-Dumping Measures on PET Bags*, *EC – IT Products*, and *US – Poultry (China)* were adopted by the DSB on 18 February, 21 September, and 25 October 2010, respectively.



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

#### IV. Appellate Body Reports

One Appellate Body report was circulated during 2010, the details of which are summarized in Table 3. As of the end of 2010, the Appellate Body has circulated a total of 101 reports. There were two appeals in progress at the end of 2010.

**TABLE 3: APPELLATE BODY REPORTS CIRCULATED IN 2010**

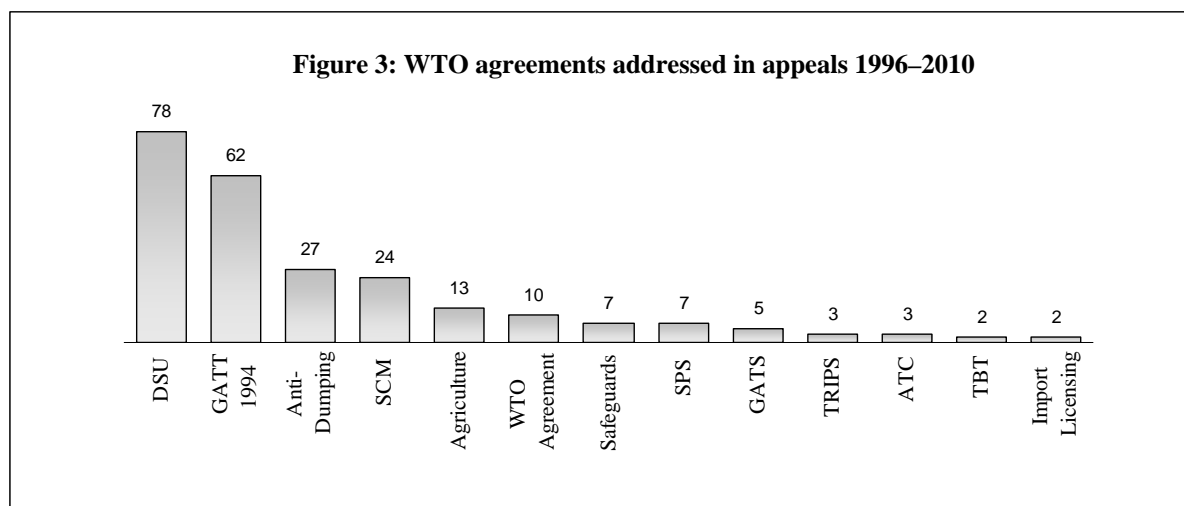
Case Title	Document number	Date circulated	Date adopted by the DSB
<i>Australia – Apples</i>	WT/DS367/AB/R	29 Nov 2010	17 Dec 2010

The following table shows which WTO agreements were addressed in the Appellate Body report circulated in 2010.

**TABLE 4: WTO AGREEMENTS ADDRESSED IN APPELLATE BODY REPORTS CIRCULATED IN 2010**

Case	Document number	WTO agreements covered
<i>Australia – Apples</i>	WT/DS367/AB/R	SPS Agreement DSU

Figure 3 shows the number of times specific WTO agreements have been addressed in the 101 Appellate Body reports circulated from 1996 through 2010.



Annex 5 contains a breakdown by year of the frequency with which the specific WTO agreements have been addressed in appeals from 1996 through 2010.

The Appellate Body's findings and conclusions in the Appellate Body report circulated in 2010 are summarized below.

#### **Appellate Body Report, *Australia – Apples*, WT/DS367/AB/R**

This dispute arose from a complaint brought by New Zealand with respect to 17 conditions imposed upon the importation of New Zealand apples into Australia. These measures were among those recommended in the *Final import risk analysis report for apples from New Zealand* (the "IRA")<sup>15</sup> and subsequently adopted by Australia's Director of Animal and Plant Quarantine pursuant to the *Quarantine Act 1908*.<sup>16</sup>

New Zealand challenged 17 of the measures specified in the IRA in relation to three pests, namely, fire blight, European canker and apple leafcurling midge ("ALCM").<sup>17</sup> Such measures include: requirements that apples be sourced from fire blight- and European canker-free orchards, requirements for the inspection and/or treatment of apples (such as disinfection and/or fumigation), as well as various requirements relating to the inspection, registration and operation of orchards and/or packing houses and verification of compliance with such requirements. Eight of the measures relate to fire blight, four relate to European canker, one relates to ALCM, and three are "general" measures that relate to all three of these pests.

Early in the proceedings, the parties to the dispute agreed that one of the measures<sup>18</sup> was no longer applied by Australia. New Zealand notified the Panel that it would not pursue its claims in

<sup>15</sup>Biosecurity Australia, *Final Import Risk Analysis Report for Apples from New Zealand* (Canberra, November 2006) (the "IRA"), Part B (Panel Exhibit AUS-2), p. 8.

<sup>16</sup>Biosecurity Australia Policy Memorandum 2007/07, *Biosecurity Policy Determination – Importation of Apples from New Zealand*, 27 March 2007 (Panel Exhibit NZ-2) quoted, in relevant part, in Panel Report, para. 7.165.

<sup>17</sup>Fire blight, European canker and ALCM are among the 16 quarantine pests analyzed in the IRA. (Panel Report, paras. 2.38 and 2.39 (quoting IRA, Part B, pp. 47 and 48))

<sup>18</sup>This measure consisted of the requirement that an orchard/block be suspended for the season on the basis that any evidence of pruning or other activities carried out before the inspection could constitute an attempt to remove or hide symptoms of European canker.

relation to this measure. The Panel, therefore, proceeded in its analysis of New Zealand's claims with respect to the remaining 16 measures (the "16 measures at issue").<sup>19</sup>

1. Annex A(1) to the SPS Agreement: "SPS Measures"

Australia appealed the Panel's finding that each of the 16 measures at issue were SPS measures in the sense of Annex A(1) to the *SPS Agreement*. Australia took issue with the Panel's finding that the 16 measures constitute SPS measures not only as a whole, but also individually. Australia suggested that there were four principal measures, two for fire blight and one each for European canker and ALCM, and that several of the requirements identified by New Zealand were merely "ancillary". According to Australia, such ancillary measures or requirements are meaningless if taken individually, as they are dependent on, and merely serve to implement or maintain the principal measures. Thus, Australia contended that these ancillary requirements could not be challenged individually under the *SPS Agreement*.

The Appellate Body considered the definition of SPS measure in Annex A(1) to the *SPS Agreement*, and recalled that, for purposes of WTO dispute settlement, a measure may be, in principle, any act or omission attributable to the organs of the State. The Appellate Body observed that for a measure to fall within the scope of the *SPS Agreement*, it must satisfy the definition set forth in Annex A(1). A fundamental element of this definition is that the measure must be "applied to protect" one of the interests listed in sub-paragraphs (a) through (d). The Appellate Body considered that the purpose of a measure and its relationship to the interests listed in Annex A(1) must be ascertained on the basis of objective considerations. The Appellate Body also examined the last sentence of Annex A(1) and noted that the list of SPS measures detailed therein is illustrative. The Appellate Body considered that this list sets out a number of examples of the different types of measures that may—when they exhibit the appropriate nexus to the purposes specified in Annex A(1)(a) through (d)—constitute SPS measures subject to the disciplines of the *SPS Agreement*.

The Appellate Body found that, contrary to Australia's assertions, the Panel had assessed whether the 16 measures at issue individually met the requirements of Annex A(1) to the *SPS Agreement*. The Panel analyzed the purpose of each measure, in addition to the measures as a whole, and in each case found that the relevant purpose corresponded to the purposes set out in Annex A(1)(a) to the *SPS Agreement*. Moreover, Australia did not object to the Panel's classification of the 16 measures as regulations, requirements, or procedures within the meaning of the last sentence of Annex A(1).

The Appellate Body also rejected Australia's contention that many of the 16 measures were ancillary—that is, mere administrative or procedural requirements with no operation other than to enhance the efficacy of a mechanism for protecting animal or plant life or health. The Appellate Body agreed with the Panel that there is no support in the text of Annex A(1) to the *SPS Agreement* for the distinction between principal and ancillary measures suggested by Australia.

2. The Panel's Assessment of the IRA under Article 5.1 of the SPS Agreement

In its appeal of the Panel's findings under Articles 5.1, 5.2 and 2.2 of the *SPS Agreement*, Australia made three principal claims. First, Australia argued that the Panel misapplied the standard of review applicable to a Panel's evaluation of claims raised under Articles 5.1 and 5.2 of the *SPS Agreement*. Second, Australia claimed that the Panel erred in its assessment of the IRA's use of "expert judgement" in situations of scientific uncertainty. Third, Australia contended that the Panel

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<sup>19</sup>Panel Report, para. 1.20.

erred because it failed to assess the materiality of the flaws it found with the individual steps and factors in the IRA.

The Appellate Body clarified the standard of review that applies to a panel reviewing a risk assessment under Article 5.1 of the *SPS Agreement*. Referring to its reports in *EC – Hormones*, *Japan – Agricultural Products II*, *Japan – Apples*, and *US/Canada – Continued Suspension*, the Appellate Body stated that a panel reviewing a risk assessment should first establish whether the scientific basis of the risk assessment comes from a respected and qualified source and can accordingly be considered "legitimate science" in conformity with the standards of the relevant scientific community; and then determine whether the reasoning of the risk assessor is objective and coherent and that, therefore, its conclusions find sufficient support in the underlying science.

The Appellate Body rejected Australia's claim that the Panel should have limited its analysis to a simple review of whether the intermediate conclusions reached by the IRA "fall within a range that could be considered legitimate by the scientific community". The Appellate Body explained the distinction between the underlying scientific evidence and the conclusions of the risk assessment and found that the Panel did not err in reviewing whether the IRA's intermediate reasoning and conclusions were objective and coherent, that is, whether the conclusions found sufficient support in the scientific evidence relied upon.

Regarding the IRA's use of "expert judgement" to address scientific uncertainty in the risk assessment, the Appellate Body stated that what Australia refers to as "expert judgement"<sup>20</sup> in its appeal forms an integral part of the reasoning of the risk assessor and should, therefore, have been subject to the same scrutiny by the Panel as other parts of the IRA. The Appellate Body found that the Panel did not err in requiring that the IRA base its conclusions, including those that were reached through the exercise of expert judgement, on the available scientific evidence and that, therefore, the Panel correctly assessed whether the reasoning in the IRA revealed the existence of an objective and rational link between the conclusions reached and the scientific evidence.

Moreover, the Appellate Body agreed with the Panel's view that the IRA did not sufficiently document its use of "expert judgement" and that the IRA should have explained how it arrived at the expert judgements it made at intermediate steps. In this respect the Appellate Body disagreed with Australia's argument that the International Standards for Phytosanitary Measures (ISPMs) of the International Plant Protection Convention (IPPC) do not suggest any need for an explanation of how a particular "expert judgement" was reached. Instead, the Appellate Body found that the documentation of how "expert judgement" is reached is instrumental to establish compliance with the relevant provisions of the *SPS Agreement* (such as, Articles 2.2, 5.1 and 5.2) and is also provided for in both ISPM No. 2 and ISPM No. 11, which call for documentation of the entire risk assessment process, not excluding the use of expert judgement.

The Appellate Body also found that the Panel did not err, because, as Australia argued, it failed to assess the materiality of the flaws it found in the IRA's intermediate steps and factors. The Appellate Body noted that the Panel reached its conclusions based on a comprehensive analysis of all the steps and factors it reviewed and indicated that the IRA failed to consider properly a number of factors that could have a "major" impact on the assessment of risk for fire blight and ALCM. The Appellate Body observed that, although the Panel did not in its reasoning explicitly analyze the relative gravity, or magnitude, of each flaw that it found at each relevant importation step or with each factor relating to the entry, establishment and spread of fire blight and ALCM, the Panel clearly

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<sup>20</sup>"Expert judgement", or the collective judgement of the six members of the IRA team, was exercised in order to reach intermediate conclusions at a number of steps in the risk analysis, in situations where there was limited scientific evidence available or where the underlying biological process was highly variable.

indicated that, taken together, these faults were enough to mean that the IRA did not constitute a proper risk assessment within the meaning of Article 5.1 of the *SPS Agreement*.

Having rejected the above three claims of error by Australia, the Appellate Body upheld the Panel's findings that the IRA was not a proper risk assessment according to Article 5.1 of the *SPS Agreement*, and that the flaws in the IRA also constituted a failure, under Article 5.2 of the *SPS Agreement*, to take sufficiently into account factors such as the available scientific evidence, the relevant processes and production methods in New Zealand and Australia, and the actual prevalence of fire blight and viable ALCM. Accordingly, the Appellate Body also upheld the Panel's ultimate finding that Australia's SPS measures regarding fire blight, and ALCM, as well as the "general" measures linked to these pests are inconsistent with Articles 5.1 and 5.2 of the *SPS Agreement*, and that, by implication, these measures are also inconsistent with Article 2.2 of the *SPS Agreement*.

3. Article 11 of the DSU

Australia claimed on appeal that the Panel failed to make an objective assessment of the matter, as required by Article 11 of the DSU, because it disregarded critical aspects of the appointed experts' testimony that were favourable to Australia. Australia also claimed that the Panel acted inconsistently with Article 11 of the DSU because its conclusions were based upon a fundamental misunderstanding of a significant aspect of Australia's risk assessment methodology.

Regarding the Panel's use of the testimony of its appointed experts, the Appellate Body observed that whether a panel reproduces and discusses certain testimony in the report depends on factors such as the relevance of the testimony to the panel's reasoning and objective assessment on a given issue, the context in which the statement was made, as well as the importance attached by the parties to the testimony.

The Appellate Body found that the Panel did not disregard or fail to engage with significant evidence that was favourable to Australia's case, in its treatment of the individual statements by experts identified by Australia on appeal. Although the Panel did not reproduce or discuss certain of these statements, the Appellate Body was satisfied that the Panel had addressed the significance of the statements in its analysis and/or that the statements did not have the meaning or significance attributed to them by Australia. The Appellate Body also noted that Australia had extracted some of the statements it argued were favourable to its case out of the broader context in which the Panel had properly assessed them.

Regarding the Panel's assessment of the IRA methodology, the Appellate Body rejected Australia's claim that the Panel had misunderstood the methodology used in the IRA and, thus, acted inconsistently with Article 11 of the DSU. The Panel disagreed with the IRA's assignment of a probability interval (0 to  $10^{-6}$ ) to events that, based on the scientific evidence, would almost certainly not occur, because that probability interval, when combined with uniform distribution and applied in the context of projected imports of apples, predicted events that would occur with relative frequency. The Appellate Body observed that assigning a probability value that does not objectively correspond to the IRA's own definition of "negligible", that is, an event that "would almost certainly not occur", has the effect of inflating the overall probability of importation and may result in the overestimation of the unrestricted annual risk. The Appellate Body found that this also demonstrates that, insofar as the methodological flaws in the IRA, and notably the choice of the probability interval of 0 to  $10^{-6}$  for events with a negligible likelihood of occurring, magnify the risk assessed, the Panel correctly found that they constituted an independent basis for the inconsistency of Australia's SPS measures with Articles 5.1, 5.2, and 2.2 of the *SPS Agreement*.

Having rejected Australia's claims that the Panel disregarded evidence and misunderstood the IRA methodology, the Appellate Body found that Australia had not established that the Panel failed to make an objective assessment of the facts under Article 11 of the DSU.

4. Article 5.6 of the SPS Agreement

Australia appealed the Panel's findings that the measures relating to fire blight and ALCM are inconsistent with Article 5.6 of the *SPS Agreement* because they are more trade restrictive than required to achieve Australia's appropriate level of protection. In particular, Australia alleged that the Panel misinterpreted the requirements of Article 5.6 and misapplied the burden of proof by requiring New Zealand to establish only that the alternative measures "might" or "may" achieve Australia's appropriate level of protection, instead of requiring New Zealand to demonstrate that such measures "would" do so. Australia contended that the Panel improperly relied on its findings under Article 5.1 regarding flaws in the IRA to find that New Zealand's Article 5.6 claim had been established. Australia further disagreed with the Panel's interpretation of "appropriate level of protection" under Article 5.6, arguing that the Panel wrongly focused entirely on the likelihood of entry, establishment and spread and disregarded the potential biological and economic consequences of the pests.

The Appellate Body began its analysis by noting that under Article 5.6 of the *SPS Agreement* a complainant must demonstrate that three elements exist in order to succeed in its claim, namely: (i) that the alternative measure proposed by the complainant is reasonably available taking into account technical and economic feasibility; (ii) that it achieves the Member's appropriate level of sanitary or phytosanitary protection; and (iii) that it is significantly less restrictive to trade than the SPS measure contested. Only the second element of this three-pronged test was at issue in this appeal.

The Appellate Body then turned to the Panel's analysis of this second element of New Zealand's Article 5.6 claim and noted that the Panel had adopted a two-step approach in which a complainant is required, *first*, to demonstrate that the importing Member has overestimated in its risk assessment the level of risk associated with the imported product; and *second*, whether the alternative measure proposed by the complainant might reduce the level of risk to, or below, the appropriate level of protection. The Appellate Body also noted that the Panel had repeatedly stated that it had to be careful not to "conduct a *de novo* review" in the course of its Article 5.6 analysis.

The Appellate Body found that there was no basis in Article 5.6 of the *SPS Agreement* for the Panel's first step—that a complainant must "cast doubt" upon the importing Member's risk assessment as a precondition to moving to the second step. The Appellate Body emphasized that the obligations in Articles 5.1 and 5.6 of the *SPS Agreement* are distinct and legally independent of each other. An analysis under Article 5.6 of the *SPS Agreement* requires a panel to assess whether the alternative measure meets the importing Member's appropriate level of protection on the basis of affirmative findings that the complainant has made out its *prima facie* case. In this dispute, the Panel was required to undertake its own analysis of whether the alternative measures proposed by New Zealand met Australia's appropriate level of protection. Thus, the fundamental flaw in the Panel's analysis was that the Panel assumed that, because it could not conduct its own risk assessment, the only way in which it could evaluate New Zealand's Article 5.6 claim was by relying upon its review of the IRA. Therefore, since the Panel failed to find affirmatively that New Zealand had made out its case, but instead relied on its previous findings under Articles 5.1, 5.2 and 2.2, the Appellate Body reversed the Panel's findings that the measures relating to fire blight and ALCM were inconsistent with Article 5.6 of the *SPS Agreement*.

Turning to whether it could complete the legal analysis, the Appellate Body noted that Australia had not challenged the Panel's findings on the first and third conditions under Article 5.6.

Thus, the Appellate Body sought to evaluate whether there were sufficient factual findings by the Panel and uncontested facts on the record to allow it to complete the analysis with respect to the second condition in Article 5.6, that is, whether the alternative measures proposed by New Zealand achieve Australia's appropriate level of protection.

Australia argued that whether an alternative measure satisfied the appropriate level of protection is an issue that must be analyzed in a "proper" risk assessment. The Appellate Body disagreed with Australia noting that, unlike Article 5.1, Article 5.6 does not require that the alternative measure be tested through a risk assessment and that Article 5.6 required an assessment, through a comparison with a hypothetical alternative measure, of whether the SPS measures in place are more trade restrictive than required to achieve the appropriate level of protection. The Appellate Body further observed that the fact that a complainant is not required to undertake a risk assessment under Article 5.6 of the *SPS Agreement* does not imply that, in putting forth an alternative measure, the complainant is not required to adduce a scientific basis on which to support its assertion that such a measure meets the importing Member's appropriate level of protection. A complainant could, but is not required to, rely on a risk assessment as a source of evidence relevant to its proposed alternative measure. The Appellate Body concluded that whether the complainant has discharged its burden under Article 5.6 is a matter of legal characterization.

With these considerations in mind, the Appellate Body proceeded to analyze, for both fire blight<sup>21</sup> and ALCM<sup>22</sup>, whether there were sufficient factual findings by the Panel or undisputed facts on the record to determine: (i) the level of protection that Australia has set; (ii) what level of protection would be achieved by New Zealand's alternative measure; and (iii) whether that level of protection would achieve Australia's appropriate level of protection. As an initial matter, the Appellate Body noted that the Panel had made a finding that Australia's appropriate level of protection was aimed at reducing risk to a very low level, "but not to zero".

Turning to the second issue, namely, determining what level of protection would be achieved by New Zealand's alternative measure, the Panel reviewed a fair amount of evidence relevant to this issue in respect of both pests. However, the Panel discussed but did not make findings on much of this evidence, nor on the specific propositions put forward by New Zealand. Nor did the Panel make affirmative findings on the *overall* risk associated with the proposed alternative measures for fire blight and ALCM, that is, the risk of entry, establishment and spread, as well as potential biological and economic consequences. The Appellate Body, thus, found itself unable to complete the legal analysis as to what level of protection would be achieved by New Zealand's proposed alternative measures for fire blight and ALCM.

5. New Zealand's Other Appeal – Annex C(1)(a) and Article 8 of the *SPS Agreement*

New Zealand appealed the Panel's finding that the claims under Annex C(1)(a) and Article 8 of the *SPS Agreement* were outside the Panel's terms of reference. In particular, New Zealand argued on appeal that there is no obligation to identify the measure that *directly* causes the violation of an obligation and that, by so requiring, the Panel blurred the distinction between measures and claims under Article 6.2 of the DSU. New Zealand alleged that, while the "IRA process" could have been an appropriate measure for its "undue delay" claims, this does not preclude that other measures could equally be the target of a claim under Annex C(1)(a) and Article 8 of the *SPS Agreement*.

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<sup>21</sup>New Zealand's proposed alternative measure in regard to fire blight was "the restriction of imports to apple fruit that are mature and symptomless". (Panel Report, para. 7.1109, quoting New Zealand's first written submission to the Panel, para. 4.4489)

<sup>22</sup>New Zealand's proposed alternative measure in regard to ALCM was "a 600-unit inspection of each import lot" along with remedial action (fumigation or rejection for export) if ALCM are detected. (Panel Report, para. 7.1267)

Consequently, New Zealand submitted, the 16 measures were an appropriate target of a challenge under such provisions since they were not developed "without undue delay".

The Appellate Body began its analysis by referring to the text of Article 6.2 of the DSU and noted that this provision lays down two main requirements, namely, the identification of the measure at issue, and a summary of the legal basis of the complaint sufficient to present the problem clearly (the claim).

The Appellate Body expressed concern with the way in which the Panel reached its finding that New Zealand's claims were outside its terms of reference. First, the Appellate Body found that the Panel appeared to have conflated the requirement to identify the measure at issue with the requirement to identify the legal basis of the complaint (the claim). The Panel analyzed the *measures* that were or should have been identified by New Zealand, but then went on to find that New Zealand's *claims* were outside its terms of reference. Second, the Appellate Body disagreed with the analysis the Panel conducted in respect of whether New Zealand had identified the specific measure at issue, as provided for in Article 6.2 of the DSU. In the Panel's opinion, New Zealand was required to identify the "IRA process" itself as the measure at issue, because this is the measure that *causes* or *can cause* a violation of Annex C(1)(a) and Article 8. In so ruling, the Panel effectively required New Zealand not only to identify the measure at issue and the claims, as required in Article 6.2 of the DSU, but also to ensure that the identified measure at issue be one that *can* violate the obligation invoked. The latter requirement, however, is not contained in Article 6.2 of the DSU. Thus, the Panel confused a jurisdictional issue with a substantive one.

Since the Appellate Body considered that the issue of whether a measure causes or can cause the violation of an obligation is not a jurisdictional question but a substantive issue to be addressed and resolved on the merits, the Appellate Body reversed the Panel's finding that New Zealand's claims under Annex C(1)(a) and Article 8 were outside the Panel's terms of reference.

The Appellate Body then turned to complete the legal analysis. The Appellate Body analyzed the text of Annex C(1)(a) and Article 8 of the *SPS Agreement*—which require that the procedures that check and ensure fulfilment of SPS measures be undertaken and completed without undue delay—and found that the focus of the obligations in these provisions is on *procedures* and, in particular, on control, inspection and approval procedures. The Appellate Body added that, while procedures may constitute measures that violate the obligations in Annex C and Article 8, other measures may also breach those obligations, such as a failure to act "without undue delay" or measures that prohibit or otherwise impede the undertaking or completion of a procedure "without undue delay".

The Appellate Body then examined whether the 16 measures at issue are inconsistent with the obligation to complete relevant procedures "without undue delay" as provided for in Annex C(1)(a). In this regard, the Appellate Body found that the 16 measures specify a number of substantive actions that the New Zealand Government, as well as New Zealand apple exporters and producers, must undertake in order to be able to export apples to Australia. In its claims under Annex C(1)(a) and Article 8, however, New Zealand did not challenge the substantive content of these measures, but, rather, the time taken in the development of these measures. Since the 16 measures do not refer to their development, the Appellate Body disagreed with New Zealand that the mere reference to the 16 measures at issue could, by implication, be read as a reference to the development of such measures.

Finally, the Appellate Body recognized that, in ordinary circumstances, eight years is a very long time to complete a risk assessment, and that, as also stated by the panel in *EC – Approval and Marketing of Biotech Products*, "a lengthy delay for which no adequate explanation is provided might in some circumstances permit the inference that the delay is 'undue'". Although New Zealand had pointed to evidence relating to the question of whether the *IRA process* was unduly delayed, such *IRA process* was not a measure at issue. Thus, the Appellate Body found that New Zealand had not

established that the 16 measures at issue are inconsistent with Annex C(1)(a) and Article 8 of the *SPS Agreement*.

## V. Participants and Third Participants in Appeals

Table 5 lists the WTO Members that participated in appeals for which an Appellate Body report was circulated in 2010. It distinguishes between a Member that filed a Notice of Appeal pursuant to Rule 20 of the *Working Procedures* and a Member that filed a Notice of Other Appeal pursuant to Rule 23(1) (known as the "other appellant"). Rule 23(1) provides that "a party to the dispute other than the original appellant may join in that appeal, or appeal on the basis of other alleged errors in the issues of law covered in the panel report and legal interpretations developed by the panel". Under the *Working Procedures*, parties wishing to appeal a panel report pursuant to Rule 23(1) are required to file a Notice of Other Appeal within 5 days after the filing of the Notice of Appeal.

Table 5 also identifies those Members that participated in appeals as third participants under paragraph (1), (2), or (4) of Rule 24 of the *Working Procedures*. Under Rule 24(1), a WTO Member that was a third party to the panel proceedings may file a written submission as a third participant within 21 days of the filing of the Notice of Appeal. Pursuant to Rule 24(2), a Member that was a third party to the panel proceedings that has not filed a written submission may, within 21 days of the filing of the Notice of Appeal, notify its intention to appear at the oral hearing and whether it intends to make a statement at the hearing. Rule 24(4) provides that a Member that was a third party to the panel proceedings and has neither filed a written submission in accordance with Rule 24(1), nor given notice in accordance with Rule 24(2), may notify its intention to appear at the oral hearing and request to make a statement.

**TABLE 5: PARTICIPANTS AND THIRD PARTICIPANTS IN APPEALS  
FOR WHICH AN APPELLATE BODY REPORT WAS CIRCULATED IN 2010**

Case	Appellant <sup>a</sup>	Other appellant <sup>b</sup>	Appellee(s) <sup>c</sup>	Third participants		
				Rule 24(1)	Rule 24(2)	Rule 24(4)
<i>Australia – Apples</i>	Australia	New Zealand	New Zealand Australia	European Union Japan United States	Chinese Taipei	Chile Pakistan

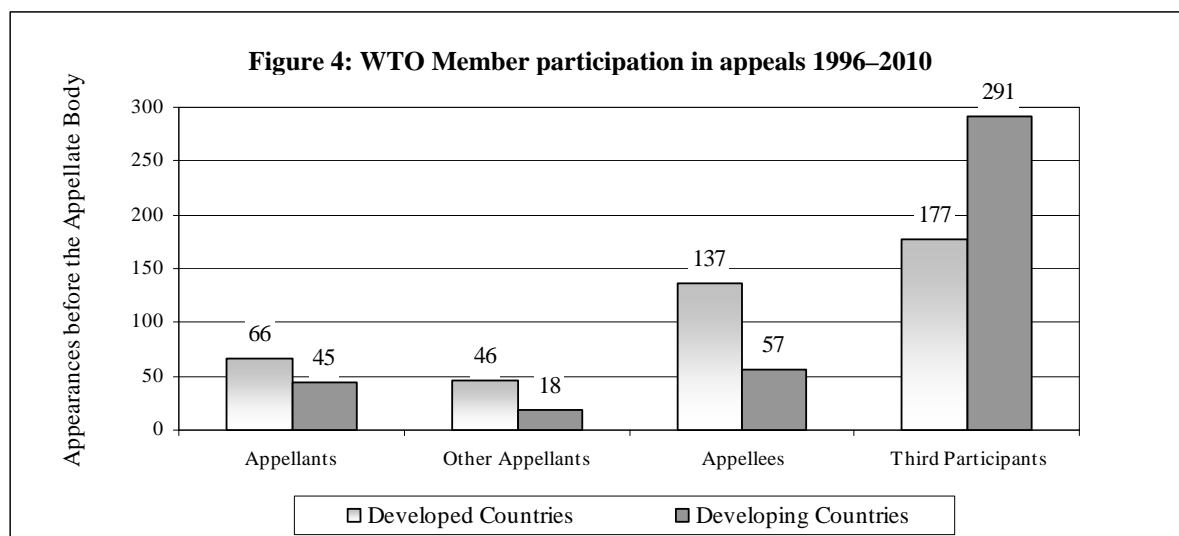
<sup>a</sup> Pursuant to Rule 20 of the *Working Procedures*.

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

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

A total of 8 WTO Members appeared at least once as appellant, other appellant, appellee, or third participant in appeals for which an Appellate Body report was circulated in 2010. Of these 8 WTO Members, 5 were developed country Members and 3 were developing country Members.

Figure 4 shows the ratio of developed country Members to developing country Members in terms of appearances made as appellant, other appellant, appellee, and third participant in appellate proceedings from 1996 through 2010.



Annex 6 provides a statistical summary and details on WTO Members' participation as appellant, other appellant, appellee, and third participant in appeals for which an Appellate Body report was circulated from 1996 through 2010.

## VI. Working Procedures for Appellate Review

### A. Amendments to the *Working Procedures*

The *Working Procedures for Appellate Review* were adopted on 16 February 1996 pursuant to Article 17.9 of the DSU, which provides for the Appellate Body to draw up its working procedures in consultation with the Chairman of the DSB and the Director-General. Rule 32(2) of the *Working Procedures* specifies that the same procedures apply in the event of amendments to those working procedures. In 2010, the Appellate Body amended the *Working Procedures* for the fifth time<sup>23</sup> since their adoption in 1996. The latest amendments came into effect on 15 September 2010 and are applicable to appeals initiated on or after that date. A consolidated version of the *Working Procedures* incorporating these amendments was circulated on 16 August 2010 as WTO document WT/AB/WP/6.

In the context of the latest amendments, the Appellate Body had initially proposed three amendments, which were communicated to the Chairman of the Dispute Settlement Body by letter of 16 December 2009 and were subsequently circulated to all WTO Members as document WT/AB/WP/W/10. The first proposed amendment provided that an appellant's written submission would be filed when an appeal is commenced, namely, on the same day as the filing of a Notice of Appeal, rather than seven days after an appeal is commenced, as was provided under the *Working Procedures* effective at the time of the proposal. The deadlines for the Notice of Other Appeal, written submissions, and third-party notifications would be advanced accordingly, and third participants' submissions would be due three days after, instead of on the same day as, appellees' submissions. The purpose of this amendment was to allow the Appellate Body and the WTO Members to focus on the substance of the issues raised in an appeal as early as possible, thereby facilitating a more efficient use of time during the 90-day period.

<sup>23</sup>The first two amendments, adopted in 1997 and 2002, respectively, related to the term of office of the Chairman of the Appellate Body. The third, adopted in 2003, concerned enhancement of third party participation at the oral hearing. Finally, in 2005, the Appellate Body adopted changes to certain defined terms, appellant submission deadlines, multiple appeal deadlines, as well as rules regarding notices of appeals, clerical errors, and oral hearings.

The second proposed amendment explicitly authorized, subject to certain conditions, parties and third parties to file documents with the Appellate Body, and serve documents on other parties and third parties, by electronic mail. The Appellate Body considered that the proposed amendment reflected the practice developed in recent years and would assist participants and third participants in the filing process and better accord with their actual working practices. This proposal would also have allowed parties and third parties to file paper copies of their submissions the day after, rather than on the same day as, the filing of the electronic version. The third proposed amendment would have introduced a procedure for consolidating appellate proceedings where two or more disputes share a high degree of commonality and are closely related in time. This proposed amendment was intended to maximize the efficient use of limited time and resources by codifying the practice of consolidating appellate proceedings before a single Division when appeals of separate, but similar, panel reports are filed at or around the same time.

Upon receiving the Appellate Body's letter introducing these proposed amendments, the then Chairman of the DSB, Ambassador John Gero, initiated a process of consultation with WTO Members regarding the proposed amendments, in accordance with the DSB Decision of 19 December 2002.<sup>24</sup> The process of consultation was completed by Ambassador Gero's successor as Chairman of the DSB, Ambassador Yonov Frederick Agah. During the consultation process, an informal and a formal DSB meeting were held, respectively, in April and May, 2011. WTO Members made oral statements at these meetings, and some Members also submitted written comments concerning the proposed amendments after the second meeting. Having benefited from the comments of WTO Members, and having consulted the Director-General and the Chairman of the DSB in accordance with Article 17.9 of the DSU, the Appellate Body adopted a final version of the amendments on 27 July 2010. The text of the amended *Working Procedures*, as well as accompanying explanations by the Appellate Body, was communicated to the Chairman of the DSB by letter on the same day.<sup>25</sup> With one exception, the Appellate Body decided to proceed with the proposed amendments, albeit in modified form.

With regard to the deadlines for filing documents and for the oral hearing, the following amendments were adopted. First, Rules 21(1), 23(1), and 23(3) were amended to provide that the appellant's submission will be due on the same day as the filing of the Notice of Appeal, and that the Notice of Other Appeal and the other appellant's submission will be due 5 days after the filing of the Notice of Appeal. The Appellate Body thus adopted, without modification, its proposal to eliminate the seven-day period between the filing of the Notice of Appeal and the appellant's submission. In its letter of 27 July, the Appellate Body noted that, whereas some WTO Members did not share the view that the time between the release of a panel report to the parties and the initiation of an appeal makes it appropriate to advance certain deadlines within the 90-day appeal period, many WTO Members recognized that doing so will allow for a more efficient allocation of the limited time available during an appeal.

Second, Rules 22(1) and 23(4) were amended to provide that an appellee's submission will be due 18 days after the filing of the Notice of Appeal, thus maintaining the time-period between the appellant's submission and the appellees' submissions that had been provided under the *Working Procedures*. This represented a modification of the initial proposal that the appellees' submissions be due 15 days after the filing of the Notice of Appeal. In making this modification, the Appellate Body took into account certain WTO Members' expressed preference that there be no reduction in the time period between the filing of the appellant's submission and the filing of the appellee's submission, as well as the overall objective of enhancing the efficient use of the limited time available in appellate proceedings for all participants.

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<sup>24</sup>See WT/DSB/31.

<sup>25</sup>See WT/AB/WP/W/11.

Third, Rules 24(1) and 24(2) were amended to provide that third participants' submissions and notifications will be due 21 days after the filing of the Notice of Appeal, that is, 3 days after the deadline for the filing of the appellee's submission. This amendment thus maintained the staggered deadlines initially proposed by the Appellate Body between the filing of the appellees' submissions and the third participants' submissions. The Appellate Body explained that the staggered deadlines would enable third participants that file written submissions to comment on the positions of all participants, rather than only on those of appellants and other appellants. The Appellate Body also agreed with the observation made by several Members that such a staggered deadline could contribute to a more efficient oral hearing. The Appellate Body emphasized, however, that the amendment would not result in any reduced opportunity for third participants to make oral statements and respond to questions at the oral hearing. Fourth, Rule 27(1) was amended to provide that oral hearings will, as a general rule, be held between 30 and 45 days after the filing of the Notice of Appeal. The Appellate Body adopted this range of dates to accommodate the amended deadlines for written submissions. Finally, Annex I of the *Working Procedures* was also amended to reflect the new timetable for the filing of written documents and for the holding of oral hearings in both general and prohibited subsidies appeals.

With regard to the filing and service of documents, the following amendments were adopted. First, paragraphs 1, 2, and 4 of Rule 18 were amended to provide that official versions of documents in paper form are to be submitted to the Appellate Body Secretariat by 17:00 Geneva time on the day that the document is due. In addition, paragraph 4 of Rule 18 was amended to provide that an electronic copy of each such document should also be submitted to the Appellate Body by the same deadline. By adopting these amendments, the Appellate Body modified its initial proposal that documents sent by e-mail could be followed by paper copies thereof the next day, and that, in case of discrepancy between the electronic copy and the paper copies, only the electronic copy be taken into account by the Appellate Body. In so doing, the Appellate Body took account of the WTO Members' concerns, notably with respect to such issues as potential technical glitches, the confidentiality of e-mails, and difficulties in verifying the timing of e-mails and the identity of their senders. The Appellate Body further explained that, given that a preference was expressed for maintaining the status quo pending implementation of a secure digital dispute settlement registry that could be used to upload and download documents, it had decided to proceed with amendments that reflect current practice and are less extensive than those originally proposed.

The Appellate Body decided not to introduce the amendment regarding the consolidation of appellate proceedings. The Appellate Body reiterated its view that a more systematic approach to consolidation, including identification of the criteria to be taken into account in the determination of when consolidation would be appropriate, would benefit all potential participants in an appeal. Nonetheless, the Appellate Body noted that many WTO Members expressed a preference for maintaining the status quo. Thus, the Appellate Body stated that it would continue to take decisions on consolidation in appropriate cases on the basis of Rule 16(1), after consulting with the participants.

Finally, the above amendments necessitated that certain consequential amendments be made to the *Working Procedures*, including: (i) a row added to the Table set out in Annex III indicating the latest amendments to the *Working Procedures* and the relevant explanatory documents and DSB meeting minutes; (ii) an express reference, in the text of paragraphs 1 and 2, to the fact that there have been amendments to the *Working Procedures*.

#### B. Procedural Issues Arising from *Australia – Apples*

By joint letter, Australia and New Zealand requested the Appellate Body to authorize public observation of the oral hearing. Third participants were invited to comment in writing on the request and on the proposed logistical arrangements. In a Procedural Ruling dated 14 September 2010, the Division hearing the appeal authorized public observation of the oral hearing by means of

simultaneous closed-circuit television broadcast, shown in a separate room.<sup>26</sup> The oral hearing was held on 11 and 12 October 2010.

## **VII. Arbitrations under Article 21.3(c) of the DSU**

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

No Article 21.3(c) arbitration proceedings were carried out in 2010.

## **VIII. Technical Assistance**

Appellate Body Secretariat staff participated in the WTO Biennial Technical Assistance and Training Plan: 2010-2011<sup>27</sup>, particularly in activities relating to training in dispute settlement procedures. Overall, Appellate Body Secretariat staff participated in 21 technical assistance activities during the course of 2010.

Annex 7 provides further information about the activities carried out by Appellate Body Secretariat staff in 2010 falling under the WTO Technical Assistance and Training Plan.

## **IX. Other Activities**

The Appellate Body Secretariat participates in the WTO internship programme, which allows post-graduate university students to gain practical experience and a deeper knowledge of the global multilateral trading system. Interns in the Appellate Body Secretariat obtain first-hand experience of the procedural and substantive aspects of WTO dispute settlement and, in particular, appellate proceedings. The internship programme is open to nationals of WTO Members and to nationals of countries and customs territories engaged in accession negotiations. The Appellate Body Secretariat routinely hosts two interns concurrently; each internship is generally for a three-month period. During 2010, the Appellate Body Secretariat welcomed interns from Brazil, Cape Verde, Colombia, Germany, Greece, Japan, St. Lucia, Sweden, Uganda, Ukraine, and the United States. A total of 90 post-graduate students, of 44 nationalities, have completed internships with the Appellate Body Secretariat since 1998. Further information about the WTO internship programme, including eligibility requirements and application instructions, may be obtained online at: <[http://www.wto.org/english/thewto\\_e/vacan\\_e/intern\\_e.htm](http://www.wto.org/english/thewto_e/vacan_e/intern_e.htm)>.

Appellate Body Secretariat staff participate in briefings organized for groups visiting the WTO, including students. In these briefings, Appellate Body Secretariat staff speak to visitors about the WTO dispute settlement system in general, and appellate proceedings in particular. Appellate Body Secretariat staff also participate as judges in moot court competitions. A summary of these activities carried out by Appellate Body Secretariat staff during the course of 2010 can be found in Annex 7.

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<sup>26</sup>The Procedural Ruling is attached as Annex III the Appellate Body Report in *Australia – Apples*.

<sup>27</sup>WT/COMTD/W/170/Rev.1.

The Appellate Body Secretariat also hosts a *Speakers Series*, in which it invites scholars and practitioners with expertise in law, economics, and trade policy to speak on topical issues relating to international trade, public international law, and international dispute settlement. Dr. Jorge Huerta-Goldman, Professor Don McRae, and Dr. Rohan Perera participated in the *Speakers Series* in 2010.



## ANNEX 1

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### MEMBERS OF THE APPELLATE BODY (1 JANUARY TO 31 DECEMBER 2010)

#### BIOGRAPHICAL NOTES

**Lilia R. Bautista** (Philippines) (2007–2011)

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

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

**Jennifer Hillman** (United States) (2007–2011)

Born in the United States on 29 January 1957, Jennifer Hillman is a Senior Transatlantic Fellow at the German Marshall Fund for the United States. She served as a Distinguished Visiting Fellow and Adjunct Professor of Law at the Georgetown University Law Center's Institute of International Economic Law.

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

**Shotaro Oshima** (Japan) (2008–2012)

Born in Japan on 20 September 1943, Shotaro Oshima is a law graduate from the University of Tokyo. Since April 2008, he is Visiting Professor at the Graduate School of Public Policy, the University of Tokyo. He was a diplomat in the Japanese Foreign Service until March 2008, when he retired after 40 years of service, his last overseas posting being Ambassador to the Republic of Korea.

From 2002 to 2005, Mr. Oshima was Japan's Permanent Representative to the WTO, during which time he served as Chair of the General Council and of the Dispute Settlement Body. Prior to

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

**Ricardo Ramírez-Hernández** (Mexico) (2009–2013)

Born in Mexico on 17 October 1968, Ricardo Ramírez holds the Chair of International Trade Law at the Mexican National University (UNAM) in Mexico City. He was Head of the International Trade Practice for Latin America at the law firm of Chadbourne & Parke in Mexico City. His practice has focused on issues related to NAFTA and trade across Latin America, including international trade dispute resolution.

Prior to practicing with a law firm, Mr. Ramírez was Deputy General Counsel for Trade Negotiations of the Ministry of Economy in Mexico for more than a decade. In this capacity, he provided advice on trade and competition policy matters related to 11 Free Trade Agreements signed by Mexico, as well as with respect to multilateral agreements, including those related to the WTO, the Free Trade Area of the Americas (FTAA), and the Latin American Integration Association (ALADI).

Mr. Ramírez also represented Mexico in complex international trade litigation and investment arbitration proceedings. He acted as lead counsel to the Mexican government in several WTO disputes. He has also served on NAFTA panels.

Mr. Ramírez holds an LL.M. degree in International Business Law from the Washington College of Law of the American University, and a law degree from the Universidad Autónoma Metropolitana.

**David Unterhalter** (South Africa) (2006–2013)

Born in South Africa on 18 November 1958, David Unterhalter holds degrees from Trinity College, Cambridge, the University of the Witwatersrand, and University College, Oxford. Mr. Unterhalter has been a Professor of Law at the University of the Witwatersrand in South Africa since 1998, and from 2000 to 2006, he was the Director of the Mandela Institute, University of the Witwatersrand, an institute focusing on global law. He was Visiting Professor of Law at Columbia Law School in 2008.

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

**Peter Van den Bossche** (European Communities: Belgium) (2009–2013)

Born in Belgium on 31 March 1959, Peter Van den Bossche is Professor of International Economic Law at Maastricht University where he serves as Director of the Advanced Master Programme in International and European Economic Law (IEEL). He also serves on the faculty of the World Trade Institute in Berne, the China EU School of Law (CESL) in Beijing, the IELPO programme of the University of Barcelona, the Trade Policy Training Centre in Africa (trapca) in

Arusha and the IEEM Academy of International Trade and Investment Law in Macau. Mr. Van den Bossche is a Member of the Board of Editors of the *Journal of International Economic Law*.

Mr. Van den Bossche holds a Doctorate in Law from the European University Institute in Florence, an LL.M. from the University of Michigan Law School, and a Licence en Droit *magna cum laude* from the University of Antwerp. From 1990 to 1992, he served as a Référendaire of Advocate General W. van Gerven at the European Court of Justice in Luxembourg. From 1997 to 2001, Mr. Van den Bossche was Counsellor and subsequently Acting Director of the WTO Appellate Body Secretariat. In 2001 he returned to academia and from 2002 to 2009 frequently acted as a consultant to international organisations and developing countries on issues of international economic law.

Mr. Van den Bossche has published extensively in the field of international economic law. The second edition of his textbook *The Law and Policy of the World Trade Organization* was published by Cambridge University Press in 2008.

**Yuejiao Zhang** (China) (2008–2012)

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

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

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**Director of the Appellate Body Secretariat**

**Werner Zdouc**

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

## ANNEX 2

### I. FORMER APPELLATE BODY MEMBERS

Name	Nationality	Term(s) of office
Said El-Naggar	Egypt	1995–2000 *
Mitsuo Matsushita	Japan	1995–2000 *
Christopher Beeby	New Zealand	1995–1999 1999–2000
Claus-Dieter Ehlermann	Germany	1995–1997 1997–2001
Florentino Feliciano	Philippines	1995–1997 1997–2001
Julio Lacarte-Muró	Uruguay	1995–1997 1997–2001
James Bacchus	United States	1995–1999 1999–2003
John Lockhart	Australia	2001–2005 2005–2006
Yasuhei Taniguchi	Japan	2000–2003 2003–2007
Merit E. Janow	United States	2003–2007 **
Arumugamangalam Venkatatchalam Ganesan	India	2000–2004 2004–2008
Georges Michel Abi-Saab	Egypt	2000–2004 2004–2008
Luiz Olavo Baptista	Brazil	2001–2005 2005–2009
Giorgio Sacerdoti	Italy	2001–2005 2005–2009

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

\*\* Ms. Janow decided not to seek a second term of office. Her term ended on 11 December 2007.

Mr. Christopher Beeby passed away on 19 March 2000.

Mr. Said El-Naggar passed away on 11 April 2004.

Mr. John Lockhart passed away on 13 January 2006.

## II. FORMER CHAIRPERSONS OF THE APPELLATE BODY

Name	Nationality	Term(s) as Chairperson
Julio Lacarte-Muró	Uruguay	7 February 1996 – 6 February 1997 7 February 1997 – 6 February 1998
Christopher Beeby	New Zealand	7 February 1998 – 6 February 1999
Said El-Naggar	Egypt	7 February 1999 – 6 February 2000
Florentino Feliciano	Philippines	7 February 2000 – 6 February 2001
Claus-Dieter Ehlermann	Germany	7 February 2001 – 10 December 2001
James Bacchus	United States	15 December 2001 – 14 December 2002 15 December 2002 – 10 December 2003
Georges Abi-Saab	Egypt	13 December 2003 – 12 December 2004
Yasuhei Taniguchi	Japan	17 December 2004 – 16 December 2005
Arumugamangalam Venkatachalam Ganesan	India	17 December 2005 – 16 December 2006
Giorgio Sacerdoti	Italy	17 December 2006 – 16 December 2007
Luiz Olavo Baptista	Brazil	17 December 2007 – 16 December 2008
David Unterhalter	South Africa	18 December 2008 – 11 December 2009 12 December 2009 – 16 December 2010

### ANNEX 3

#### APPEALS FILED: 1995–2010

Year	Notices of Appeal filed	Appeals in original proceedings	Appeals in Article 21.5 proceedings
1995	0	0	0
1996	4	4	0
1997	6 <sup>a</sup>	6	0
1998	8	8	0
1999	9 <sup>b</sup>	9	0
2000	13 <sup>c</sup>	11	2
2001	9 <sup>d</sup>	5	4
2002	7 <sup>e</sup>	6	1
2003	6 <sup>f</sup>	5	1
2004	5	5	0
2005	10	8	2
2006	5	3	2
2007	4	2	2
2008	13	10	3
2009	3	1	2
2010	3	3	0
<b>Total</b>	<b>105</b>	<b>86</b>	<b>19</b>

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

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

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

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

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

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

## ANNEX 4

### PERCENTAGE OF PANEL REPORTS APPEALED BY YEAR OF ADOPTION: 1995–2010 <sup>a</sup>

Year of adoption	All panel reports			Panel reports other than Article 21.5 reports <sup>b</sup>			Article 21.5 panel reports		
	Panel reports adopted <sup>c</sup>	Panel reports appealed <sup>d</sup>	Percentage appealed <sup>e</sup>	Panel reports adopted	Panel reports appealed	Percentage appealed	Panel reports adopted	Panel reports appealed	Percentage appealed
1996	2	2	100%	2	2	100%	0	0	–
1997	5	5	100%	5	5	100%	0	0	–
1998	12	9	75%	12	9	75%	0	0	–
1999	10	7	70%	9	7	78%	1	0	0%
2000	19	11	58%	15	9	60%	4	2	50%
2001	17	12	71%	13	9	69%	4	3	75%
2002	12	6	50%	11	5	45%	1	1	100%
2003	10	7	70%	8	5	63%	2	2	100%
2004	8	6	75%	8	6	75%	0	0	–
2005	20	12	60%	17	11	65%	3	1	33%
2006	7	6	86%	4	3	75%	3	3	100%
2007	10	5	50%	6	3	50%	4	2	50%
2008	11	9	82%	8	6	75%	3	3	100%
2009	8	6	75%	6	4	67%	2	2	100%
2010	5	2	40%	5	2	40%	0	0	–
<b>Total</b>	<b>156</b>	<b>105</b>	<b>67%</b>	<b>129</b>	<b>86</b>	<b>67%</b>	<b>27</b>	<b>19</b>	<b>70%</b>

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

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

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

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

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

# ANNEX 5

## WTO AGREEMENTS ADDRESSED IN APPELLATE BODY REPORTS CIRCULATED THROUGH 2010<sup>a</sup>

Year of circulation	DSU	WTO Agmt	GATT 1994	Agriculture	SPS	ATC	TBT	TRIMs	Anti-Dumping	Import Licensing	SCM	Safe-guards	GATS	TRIPS
1996	0	0	2	0	0	0	0	0	0	0	0	0	0	0
1997	4	1	5	1	0	2	0	0	0	1	1	0	1	1
1998	7	1	4	1	2	0	0	0	1	1	0	0	0	0
1999	7	1	6	1	1	0	0	0	0	0	2	1	0	0
2000	8	1	7	2	0	0	0	0	2	0	5	2	1	1
2001	7	1	3	1	0	1	1	0	4	0	1	2	0	0
2002	8	2	4	3	0	0	1	0	1	0	3	1	1	1
2003	4	2	3	0	1	0	0	0	4	0	1	1	0	0
2004	2	0	5	0	0	0	0	0	2	0	1	0	0	0
2005	9	0	5	2	0	0	0	0	2	0	4	0	1	0
2006	5	0	3	0	0	0	0	0	3	0	2	0	0	0
2007	5	0	2	1	0	0	0	0	2	0	1	0	0	0
2008	8	1	9	1	2	0	0	0	3	0	3	0	0	0
2009	3	0	4	0	0	0	0	0	3	0	0	0	1	0
2010	1	0	0	0	1	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>78</b>	<b>10</b>	<b>62</b>	<b>13</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>27</b>	<b>2</b>	<b>24</b>	<b>7</b>	<b>5</b>	<b>3</b>

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

## ANNEX 6

### PARTICIPANTS AND THIRD PARTICIPANTS IN APPEALS: 1995–2010

As of the end of 2010, there were 153 WTO Members, of which 67 have participated in appeals in which Appellate Body reports were circulated between 1996 and 2010.<sup>1</sup>

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

#### I. STATISTICAL SUMMARY

WTO Member	Appellant	Other appellant	Appellee	Third participant	Total
Antigua & Barbuda	1	0	1	0	2
Argentina	2	3	5	12	22
Australia	3	1	6	23	33
Barbados	0	0	0	1	1
Belize	0	0	0	4	4
Benin	0	0	0	1	1
Bolivarian Republic of Venezuela	0	0	1	6	7
Bolivia, Plurinational State of	0	0	0	1	1
Brazil	8	4	12	23	47
Cameroon	0	0	0	3	3
Canada	10	7	16	15	48
Chad	0	0	0	2	2
Chile	3	0	2	8	13
China	4	1	2	26	33
Colombia	0	0	0	7	7
Costa Rica	1	0	0	3	4
Côte d'Ivoire	0	0	0	4	4
Cuba	0	0	0	4	4
Dominica	0	0	0	4	4
Dominican Republic	1	0	1	3	5
Ecuador	0	2	2	6	10
Egypt	0	0	0	2	2

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

WTO Member	Appellant	Other appellant	Appellee	Third participant	Total
El Salvador	0	0	0	2	2
European Union	18	13	35	48	114
Fiji	0	0	0	1	1
Ghana	0	0	0	2	2
Grenada	0	0	0	1	1
Guatemala	1	1	1	4	7
Guyana	0	0	0	1	1
Honduras	1	1	2	1	5
Hong Kong, China	0	0	0	8	8
India	6	2	7	23	38
Indonesia	0	0	1	1	2
Israel	0	0	0	1	1
Jamaica	0	0	0	5	5
Japan	6	4	11	39	60
Kenya	0	0	0	1	1
Korea	4	3	6	16	29
Madagascar	0	0	0	1	1
Malaysia	1	0	1	0	2
Malawi	0	0	0	1	1
Mauritius	0	0	0	2	2
Mexico	5	1	4	27	37
New Zealand	0	3	6	11	20
Nicaragua	0	0	0	4	4
Nigeria	0	0	0	1	1
Norway	0	1	1	13	15
Pakistan	0	0	2	3	5
Panama	0	0	0	3	3
Paraguay	0	0	0	5	5
Peru	0	0	1	2	3
Philippines	1	0	1	1	3
Poland	0	0	1	0	1
Senegal	0	0	0	1	1
St Lucia	0	0	0	4	4
St Kitts & Nevis	0	0	0	1	1

WTO Member	Appellant	Other appellant	Appellee	Third participant	Total
St Vincent & the Grenadines	0	0	0	3	3
Suriname	0	0	0	3	3
Swaziland	0	0	0	1	1
Switzerland	0	1	1	0	2
Chinese Taipei	0	0	0	20	20
Tanzania	0	0	0	1	1
Thailand	4	0	5	16	25
Trinidad & Tobago	0	0	0	1	1
Turkey	1	0	0	1	2
United States	29	16	60	28	133
Viet Nam	0	0	0	2	2
<b>Total</b>	<b>110</b>	<b>64</b>	<b>194</b>	<b>468</b>	<b>836</b>

## II. DETAILS BY YEAR OF CIRCULATION

### 1996

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

**1997**

Case	Appellant	Other appellant(s)	Appellee(s)	Third participant(s)
<i>US – Underwear</i> WT/DS24/AB/R	Costa Rica	- - -	United States	India
<i>Brazil – Desiccated Coconut</i> WT/DS22/AB/R	Philippines	Brazil	Brazil Philippines	European Communities United States
<i>US – Wool Shirts and Blouses</i> WT/DS33/AB/R and Corr.1	India	- - -	United States	- - -
<i>Canada – Periodicals</i> WT/DS31/AB/R	Canada	United States	Canada United States	- - -
<i>EC – Bananas III</i> WT/DS27/AB/R	European Communities	Ecuador 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 St Lucia St Vincent & the Grenadines Senegal Suriname Venezuela
<i>India – Patents (US)</i> WT/DS50/AB/R	India	- - -	United States	European Communities

**1998**

<b>Case</b>	<b>Appellant</b>	<b>Other appellant(s)</b>	<b>Appellee(s)</b>	<b>Third participant(s)</b>
<i>EC – Hormones</i> WT/DS26/AB/R, WT/DS48/AB/R	European Communities	Canada United States	Canada European Communities United States	Australia New Zealand Norway
<i>Argentina – Textiles and Apparel</i> WT/DS56/AB/R and Corr.1	Argentina	- - -	United States	European Communities
<i>EC – Computer Equipment</i> WT/DS62/AB/R, WT/DS67/AB/R WT/DS68/AB/R	European Communities	- - -	United States	Japan
<i>EC – Poultry</i> WT/DS69/AB/R	Brazil	European Communities	Brazil European Communities	Thailand United States
<i>US – Shrimp</i> WT/DS58/AB/R	United States	- - -	India Malaysia Pakistan Thailand	Australia Ecuador European Communities Hong Kong, China Mexico Nigeria
<i>Australia – Salmon</i> WT/DS18/AB/R	Australia	Canada	Australia Canada	European Communities India Norway United States
<i>Guatemala – Cement I</i> WT/DS60/AB/R	Guatemala	- - -	Mexico	United States

**1999**

Case	Appellant	Other appellant(s)	Appellee(s)	Third participant(s)
<i>Korea – Alcoholic Beverages</i> WT/DS75/AB/R, WT/DS84/AB/R	Korea	- - -	European Communities United States	Mexico
<i>Japan – Agricultural Products II</i> WT/DS76/AB/R	Japan	United States	Japan United States	Brazil European Communities
<i>Brazil – Aircraft</i> WT/DS46/AB/R	Brazil	Canada	Brazil Canada	European Communities United States
<i>Canada – Aircraft</i> WT/DS70/AB/R	Canada	Brazil	Brazil Canada	European Communities United States
<i>India – Quantitative Restrictions</i> WT/DS90/AB/R	India	- - -	United States	- - -
<i>Canada – Dairy</i> WT/DS103/AB/R, WT/DS113/AB/R and Corr.1	Canada	- - -	New Zealand United States	- - -
<i>Turkey – Textiles</i> WT/DS34/AB/R	Turkey	- - -	India	Hong Kong, China Japan Philippines
<i>Chile – Alcoholic Beverages</i> WT/DS87/AB/R, WT/DS110/AB/R	Chile	- - -	European Communities	Mexico United States
<i>Argentina – Footwear (EC)</i> WT/DS121/AB/R	Argentina	European Communities	Argentina European Communities	Indonesia United States
<i>Korea – Dairy</i> WT/DS98/AB/R	Korea	European Communities	Korea European Communities	United States

**2000**

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

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

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

**2001**

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

**2002**

Case	Appellant	Other appellant(s)	Appellee(s)	Third participant(s)
<i>US – Section 211 Appropriations Act</i> WT/DS176/AB/R	European Communities	United States	European Communities United States	- - -
<i>US – FSC</i> (Article 21.5 – EC) WT/DS108/AB/RW	United States	European Communities	European Communities United States	Australia Canada India Japan
<i>US – Line Pipe</i> WT/DS202/AB/R	United States	Korea	Korea United States	Australia Canada European Communities Japan Mexico
<i>India – Autos</i> <sup>c</sup> WT/DS146/AB/R, WT/DS175/AB/R	India	- - -	European Communities United States	Korea
<i>Chile – Price Band System</i> WT/DS207/AB/R and Corr.1	Chile	- - -	Argentina	Australia Brazil Colombia Ecuador European Communities Paraguay United States Venezuela
<i>EC – Sardines</i> WT/DS231/AB/R	European Communities	- - -	Peru	Canada Chile Ecuador United States Venezuela
<i>US – Carbon Steel</i> WT/DS213/AB/R and Corr.1	United States	European Communities	European Communities United States	Japan Norway
<i>US – Countervailing Measures on Certain EC Products</i> WT/DS212/AB/R	United States	- - -	European Communities	Brazil India Mexico
<i>Canada – Dairy</i> (Article 21.5 – New Zealand and US II) WT/DS103/AB/RW2, WT/DS113/AB/RW2	Canada	- - -	New Zealand United States	Argentina Australia European Communities

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

**2003**

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

**2004**

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

**2005**

Case	Appellant	Other appellant(s)	Appellee(s)	Third participant(s)
<i>US – Upland Cotton</i> WT/DS267/AB/R	United States	Brazil	Brazil United States	Argentina Australia Benin Canada Chad China European Communities India New Zealand Pakistan Paraguay Chinese Taipei Venezuela
<i>US – Gambling</i> WT/DS285/AB/R and Corr.1	United States	Antigua & Barbuda	Antigua & Barbuda United States	Canada European Communities Japan Mexico Chinese Taipei
<i>EC – Export Subsidies on Sugar</i> WT/DS265/AB/R, WT/DS266/AB/R WT/DS283/AB/R	European Communities	Australia Brazil Thailand	Australia Brazil European Communities Thailand	Barbados Belize Canada China Colombia Côte d'Ivoire Cuba Fiji Guyana India Jamaica Kenya Madagascar Malawi Mauritius New Zealand Paraguay St Kitts & Nevis Swaziland Tanzania Trinidad & Tobago United States

**2005** (cont'd)

Case	Appellant	Other appellant(s)	Appellee(s)	Third participant(s)
<i>Dominican Republic – Import and Sale of Cigarettes</i> WT/DS302/AB/R	Dominican Republic	Honduras	Dominican Republic Honduras	China El Salvador European Communities Guatemala United States
<i>US – Countervailing Duty Investigation on DRAMS</i> WT/DS296/AB/R	United States	Korea	Korea United States	China European Communities Japan Chinese Taipei
<i>EC – Chicken Cuts</i> WT/DS269/AB/R, WT/DS286/AB/R and Corr.1	European Communities	Brazil Thailand	Brazil European Communities Thailand	China United States
<i>Mexico – Anti-Dumping Measures on Rice</i> WT/DS295/AB/R	Mexico	- - -	United States	China European Communities
<i>US – Anti-Dumping Measures on Oil Country Tubular Goods</i> WT/DS282/AB/R	Mexico	United States	Mexico United States	Argentina Canada China European Communities Japan Chinese Taipei
<i>US – Softwood Lumber IV</i> (Article 21.5 – Canada) WT/DS257/AB/RW	United States	Canada	Canada United States	China European Communities

**2006**

Case	Appellant	Other appellant(s)	Appellee(s)	Third participant(s)
<i>US – FSC</i> (Article 21.5 – EC II) WT/DS108/AB/RW2	United States	European Communities	European Communities United States	Australia Brazil China
<i>Mexico – Taxes on Soft Drinks</i> WT/DS308/AB/R	Mexico	- - -	United States	Canada China European Communities Guatemala Japan
<i>US – Softwood Lumber VI</i> (Article 21.5 – Canada) WT/DS277/AB/RW and Corr.1	Canada	- - -	United States	China European Communities
<i>US – Zeroing (EC)</i> WT/DS294/AB/R and Corr.1	European Communities	United States	United States European Communities	Argentina Brazil China Hong Kong, China India Japan Korea Mexico Norway Chinese Taipei
<i>US – Softwood Lumber V</i> (Article 21.5 – Canada) WT/DS264/AB/RW	Canada	- - -	United States	China European Communities India Japan New Zealand Thailand
<i>EC – Selected Customs Matters</i> WT/DS315/AB/R	United States	European Communities	European Communities United States	Argentina Australia Brazil China Hong Kong, China India Japan Korea Chinese Taipei

**2007**

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

**2008**

Case	Appellant	Other appellant(s)	Appellee(s)	Third participant(s)
<i>US – Stainless Steel (Mexico)</i> WT/DS344/AB/R	Mexico	- - -	United States	Chile China European Communities Japan Thailand
<i>US – Upland Cotton (Article 21.5 – Brazil)</i> WT/DS267/AB/RW	United States	Brazil	Brazil United States	Argentina Australia Canada Chad China European Communities India Japan New Zealand Thailand
<i>US – Shrimp (Thailand)</i> WT/DS343/AB/R	Thailand	United States	United States Thailand	Brazil Chile China European Communities India Japan Korea Mexico Viet Nam
<i>US – Customs Bond Directive</i> WT/DS345/AB/R	India	United States	United States India	Brazil China European Communities Japan Thailand

**2008** (cont'd)

Case	Appellant	Other appellant(s)	Appellee(s)	Third participant(s)
<i>US – Continued Suspension</i> WT/DS320/AB/R	European Communities	United States	United States European Communities	Australia Brazil China India Mexico New Zealand Norway Chinese Taipei
<i>Canada – Continued Suspension</i> WT/DS321/AB/R	European Communities	Canada	Canada European Communities	Australia Brazil China India Mexico New Zealand Norway Chinese Taipei
<i>India – Additional Import Duties</i> WT/DS360/AB/R	United States	India	India United States	Australia Chile European Communities Japan Viet Nam
<i>EC – Bananas III</i> (Article 21.5 – Ecuador II) WT/DS27/AB/RW2/ECU and Corr.1	European Communities	Ecuador	Ecuador European Communities	Belize Brazil Cameroon Colombia Côte d'Ivoire Dominica Dominican Republic Ghana Jamaica Japan Nicaragua Panama St Lucia St Vincent & the Grenadines Suriname United States

**2008** (cont'd)

Case	Appellant	Other appellant(s)	Appellee(s)	Third participant(s)
<i>EC – Bananas III</i> (Article 21.5 – US) WT/DS27/AB/RW/USA and Corr.1	European Communities	- - -	United States	Belize Brazil Cameroon Colombia Côte d'Ivoire Dominica Dominican Republic Ecuador Jamaica Japan Mexico Nicaragua Panama St Lucia St Vincent & the Grenadines Suriname
<i>China – Auto Parts (EC)</i> WT/DS339/AB/R	China	- - -	European Communities	Argentina Australia Brazil Japan Mexico Chinese Taipei Thailand
<i>China – Auto Parts (US)</i> WT/DS340/AB/R	China	- - -	United States	Argentina Australia Brazil Japan Mexico Chinese Taipei Thailand
<i>China – Auto Parts (Canada)</i> WT/DS342/AB/R	China	- - -	Canada	Argentina Australia Brazil Japan Mexico Chinese Taipei Thailand

**2009**

<b>Case</b>	<b>Appellant</b>	<b>Other appellant(s)</b>	<b>Appellee(s)</b>	<b>Third participant(s)</b>
<i>US – Continued Zeroing</i> WT/DS350/AB/R	European Communities	United States	European Communities United States	Brazil China Egypt India Japan Korea Mexico Norway Chinese Taipei Thailand
<i>US – Zeroing (EC)</i> (Article 21.5 – EC) WT/DS294/AB/RW and Corr.1	European Communities	United States	European Communities United States	India Japan Korea Mexico Norway Chinese Taipei Thailand
<i>US – Zeroing (Japan)</i> (Article 21.5 – Japan) WT/DS322/AB/RW	United States	- - -	Japan	China European Communities Hong Kong, China Korea Mexico Norway Chinese Taipei Thailand
<i>China – Publications and Audiovisual Products</i> WT/DS363/AB/R	China	United States	China United States	Australia European Communities Japan Korea Chinese Taipei

**2010**

<b>Case</b>	<b>Appellant</b>	<b>Other appellant(s)</b>	<b>Appellee(s)</b>	<b>Third participant(s)</b>
<i>Australia – Apples</i>	Australia	New Zealand	New Zealand Australia	Chile European Union Japan Pakistan Chinese Taipei United States

## ANNEX 7

### APPELLATE BODY SECRETARIAT PARTICIPATION IN TECHNICAL ASSISTANCE, TRAINING, AND OTHER ACTIVITIES IN 2010

#### I. WTO BIENNIAL TECHNICAL ASSISTANCE AND TRAINING PLAN: 2010–2011

Course / Seminar	Location	Dates
National Seminar on Competition Policy and Trade Remedies	Libreville, Gabon (French)	23 February 2010
Regional Trade Policy Course for Latin America – Basic Principles	Bogotá, Colombia (Spanish)	25–26 February 2010
International Trade Law Post-Graduate Course ("The WTO and its Dispute Settlement System")	Turin, Italy (English)	29 March–1 April 2010
National Dispute Settlement Understanding Course	Port Louis, Mauritius (English)	12–16 April 2010
Regional DSU Course for Arabia and Middle East	Abu Dhabi (English)	26–30 April 2010
Regional Trade Policy Course for Latin America – Dispute Settlement	Bogotá, Colombia (Spanish)	28–30 April 2010
Regional Dispute Settlement Understanding for Africa	Cape Town, South Africa (English)	10–14 May 2010
Regional Trade Policy Course for Asia/Pacific – Basic Principles	Singapore (English)	20–21 May 2010
National Seminar on Trade Remedies	Antananarivo, Madagascar (French)	1–4 June 2010
National Seminar on WTO Dispute Settlement	Havana, Cuba (Spanish)	28 June–2 July 2010
Regional Trade Policy Course for Asia/Pacific – Dispute Settlement	Singapore (English)	19–22 July 2010
Regional Trade Policy Course for Asia/Pacific – Dispute Settlement	Singapore (English)	26–29 July 2010
Regional Trade Policy Course for French-Speaking Africa – Dispute Settlement	Cotonou, Benin (French)	5–6 October 2010
WTO Short Regional Trade Policy Course for CEECAC Region	Istanbul, Turkey (English)	26–29 October 2010
Regional Trade Policy Course for English-Speaking Africa – Dispute Settlement	Manzini, Swaziland (English)	24–26 November 2010

## II. OTHER ACTIVITIES – 2010

Activity	Location	Dates
ELSA Moot Court Competition (Regional Round)	São Paulo, Brazil	2–6 March 2010
ELSA Moot Court Competition (Regional Round)	Helsinki, Finland	10–14 March 2010
ELSA Moot Court Competition (Regional Round)	Chinese Taipei	17–20 March 2010
ELSA Moot Court Competition (Finals)	Santo Domingo, Dominican Republic	24–29 May 2010
IELPO Moot Court Competition	Barcelona, Spain	11–12 June 2010
Dispute Settlement Course, LL.M. Program, University of Western Cape, South Africa	Cape Town, South Africa (English)	20–23 September 2010

## III. BRIEFINGS TO GROUPS VISITING THE WTO – 2010

Activity	Location	Dates
The Interaction Times, São Paulo – "Introduction to the WTO"	Geneva, Switzerland	January 2010
Handelsakademie Wien – "Introduction to the WTO"	Geneva, Switzerland	February 2010
Australian National University College of Law – "WTO Dispute Settlement"	Geneva, Switzerland	February 2010
University of Reading School of Law – "WTO Dispute Settlement"	Geneva, Switzerland	March 2010
Université de Genève – "Le mécanisme de règlement des différends de l'OMC: Quel rôle dans la gouvernance globale?"	Geneva, Switzerland	March 2010
John Marshall Law School, Chicago – "WTO Dispute Settlement"	Geneva, Switzerland	March 2010
University of Michigan Law School	Geneva, Switzerland	March 2010
Graduate School of International Policy Management at the Monterey Institute of International Studies, California (via Skype)	Geneva, Switzerland	March 2010
Universities of Moscow and St. Petersburg	Geneva, Switzerland	April 2010
Lawyers from assorted Swedish trade departments	Geneva, Switzerland	April 2010
Antwerp University – "WTO Dispute Settlement"	Geneva, Switzerland	April 2010

Activity	Location	Dates
Santa Clara University, California	Geneva, Switzerland	April 2010
Amsterdam Law School – "WTO Dispute Settlement"	Geneva, Switzerland	May 2010
Vietnamese Officials – "WTO Dispute Settlement Procedures"	Geneva, Switzerland	May 2010
Lipscomb University, Tennessee – "WTO Dispute Settlement"	Geneva, Switzerland	May 2010
Bern University, Switzerland – "WTO Dispute Settlement"	Geneva, Switzerland	May 2010
Neuchatel University, Switzerland – "Rules of Interpretation"	Geneva, Switzerland	May 2010
Graduate Institute, Geneva – "Appellate Review"	Geneva, Switzerland	May 2010
Queen's University, Ontario, Canada	Geneva, Switzerland	June 2010
Cologne University – "WTO Dispute Settlement"	Geneva, Switzerland	June 2010
Washington College of Law, Washington, D.C.	Geneva, Switzerland	June 2010
Santa Clara University School of Law, California – "WTO Dispute Settlement"	Geneva, Switzerland	June 2010
ELSA Lviv, Ukraine – "WTO Dispute Settlement"	Geneva, Switzerland	July 2010
EAFIT University of Medellín, Colombia (at UNCTAD)	Geneva, Switzerland	October 2010

## ANNEX 8

### WTO DISPUTE SETTLEMENT REPORTS AND ARBITRATION AWARDS: 1995–2010

Short Title	Full Case Title and Citation
<i>Argentina – Ceramic Tiles</i>	Panel Report, <i>Argentina – Definitive Anti-Dumping Measures on Imports of Ceramic Floor Tiles from Italy</i> , WT/DS189/R, adopted 5 November 2001, DSR 2001:XII, 6241
<i>Argentina – Footwear (EC)</i>	Appellate Body Report, <i>Argentina – Safeguard Measures on Imports of Footwear</i> , WT/DS121/AB/R, adopted 12 January 2000, DSR 2000:I, 515
<i>Argentina – Footwear (EC)</i>	Panel Report, <i>Argentina – Safeguard Measures on Imports of Footwear</i> , WT/DS121/R, adopted 12 January 2000, as modified by Appellate Body Report WT/DS121/AB/R, DSR 2000:II, 575
<i>Argentina – Hides and Leather</i>	Panel Report, <i>Argentina – Measures Affecting the Export of Bovine Hides and Import of Finished Leather</i> , WT/DS155/R and Corr.1, adopted 16 February 2001, DSR 2001:V, 1779
<i>Argentina – Hides and Leather (Article 21.3(c))</i>	Award of the Arbitrator, <i>Argentina – Measures Affecting the Export of Bovine Hides and Import of Finished Leather – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS155/10, 31 August 2001, DSR 2001:XII, 6013
<i>Argentina – Poultry Anti-Dumping Duties</i>	Panel Report, <i>Argentina – Definitive Anti-Dumping Duties on Poultry from Brazil</i> , WT/DS241/R, adopted 19 May 2003, DSR 2003:V, 1727
<i>Argentina – Preserved Peaches</i>	Panel Report, <i>Argentina – Definitive Safeguard Measure on Imports of Preserved Peaches</i> , WT/DS238/R, adopted 15 April 2003, DSR 2003:III, 1037
<i>Argentina – Textiles and Apparel</i>	Appellate Body Report, <i>Argentina – Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items</i> , WT/DS56/AB/R and Corr.1, adopted 22 April 1998, DSR 1998:III, 1003
<i>Argentina – Textiles and Apparel</i>	Panel Report, <i>Argentina – Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items</i> , WT/DS56/R, adopted 22 April 1998, as modified by Appellate Body Report WT/DS56/AB/R, DSR 1998:III, 1033
<i>Australia – Apples</i>	Appellate Body Report, <i>Australia – Measures Affecting the Importation of Apples from New Zealand</i> , WT/DS367/AB/R, adopted 17 December 2010
<i>Australia – Apples</i>	Panel Report, <i>Australia – Measures Affecting the Importation of Apples from New Zealand</i> , WT/DS367/R, adopted 17 December 2010, as modified by Appellate Body Report WT/DS367/AB/R
<i>Australia – Automotive Leather II</i>	Panel Report, <i>Australia – Subsidies Provided to Producers and Exporters of Automotive Leather</i> , WT/DS126/R, adopted 16 June 1999, DSR 1999:III, 951
<i>Australia – Automotive Leather II (Article 21.5 – US)</i>	Panel Report, <i>Australia – Subsidies Provided to Producers and Exporters of Automotive Leather – Recourse to Article 21.5 of the DSU by the United States</i> , WT/DS126/RW and Corr.1, adopted 11 February 2000, DSR 2000:III, 1189
<i>Australia – Salmon</i>	Appellate Body Report, <i>Australia – Measures Affecting Importation of Salmon</i> , WT/DS18/AB/R, adopted 6 November 1998, DSR 1998:VIII, 3327
<i>Australia – Salmon</i>	Panel Report, <i>Australia – Measures Affecting Importation of Salmon</i> , WT/DS18/R and Corr.1, adopted 6 November 1998, as modified by Appellate Body Report WT/DS18/AB/R, DSR 1998:VIII, 3407

Short Title	Full Case Title and Citation
<i>Australia – Salmon</i> (Article 21.3(c))	Award of the Arbitrator, <i>Australia – Measures Affecting Importation of Salmon – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS18/9, 23 February 1999, DSR 1999:I, 267
<i>Australia – Salmon</i> (Article 21.5 – Canada)	Panel Report, <i>Australia – Measures Affecting Importation of Salmon – Recourse to Article 21.5 of the DSU by Canada</i> , WT/DS18/RW, adopted 20 March 2000, DSR 2000:IV, 2031
<i>Brazil – Aircraft</i>	Appellate Body Report, <i>Brazil – Export Financing Programme for Aircraft</i> , WT/DS46/AB/R, adopted 20 August 1999, DSR 1999:III, 1161
<i>Brazil – Aircraft</i>	Panel Report, <i>Brazil – Export Financing Programme for Aircraft</i> , WT/DS46/R, adopted 20 August 1999, as modified by Appellate Body Report WT/DS46/AB/R, DSR 1999:III, 1221
<i>Brazil – Aircraft</i> (Article 21.5 – Canada)	Appellate Body Report, <i>Brazil – Export Financing Programme for Aircraft – Recourse by Canada to Article 21.5 of the DSU</i> , WT/DS46/AB/RW, adopted 4 August 2000, DSR 2000:VIII, 4067
<i>Brazil – Aircraft</i> (Article 21.5 – Canada)	Panel Report, <i>Brazil – Export Financing Programme for Aircraft – Recourse by Canada to Article 21.5 of the DSU</i> , WT/DS46/RW, adopted 4 August 2000, as modified by Appellate Body Report WT/DS46/AB/RW, DSR 2000:IX, 4093
<i>Brazil – Aircraft</i> (Article 21.5 – Canada II)	Panel Report, <i>Brazil – Export Financing Programme for Aircraft – Second Recourse by Canada to Article 21.5 of the DSU</i> , WT/DS46/RW/2, adopted 23 August 2001, DSR 2001:X, 5481
<i>Brazil – Aircraft</i> (Article 22.6 – Brazil)	Decision by the Arbitrators, <i>Brazil – Export Financing Programme for Aircraft – Recourse to Arbitration by Brazil under Article 22.6 of the DSU and Article 4.11 of the SCM Agreement</i> , WT/DS46/ARB, 28 August 2000, DSR 2002:I, 19
<i>Brazil – Desiccated Coconut</i>	Appellate Body Report, <i>Brazil – Measures Affecting Desiccated Coconut</i> , WT/DS22/AB/R, adopted 20 March 1997, DSR 1997:I, 167
<i>Brazil – Desiccated Coconut</i>	Panel Report, <i>Brazil – Measures Affecting Desiccated Coconut</i> , WT/DS22/R, adopted 20 March 1997, as upheld by Appellate Body Report WT/DS22/AB/R, DSR 1997:I, 189
<i>Brazil – Retreaded Tyres</i>	Appellate Body Report, <i>Brazil – Measures Affecting Imports of Retreaded Tyres</i> , WT/DS332/AB/R, adopted 17 December 2007, DSR 2007:IV, 1527
<i>Brazil – Retreaded Tyres</i>	Panel Report, <i>Brazil – Measures Affecting Imports of Retreaded Tyres</i> , WT/DS332/R, adopted 17 December 2007, as modified by Appellate Body Report WT/DS332/AB/R, DSR 2007:V, 1649
<i>Brazil – Retreaded Tyres</i> (Article 21.3(c))	Award of the Arbitrator, <i>Brazil – Measures Affecting Imports of Retreaded Tyres – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS332/16, 29 August 2008
<i>Canada – Aircraft</i>	Appellate Body Report, <i>Canada – Measures Affecting the Export of Civilian Aircraft</i> , WT/DS70/AB/R, adopted 20 August 1999, DSR 1999:III, 1377
<i>Canada – Aircraft</i>	Panel Report, <i>Canada – Measures Affecting the Export of Civilian Aircraft</i> , WT/DS70/R, adopted 20 August 1999, as upheld by Appellate Body Report WT/DS70/AB/R, DSR 1999:IV, 1443
<i>Canada – Aircraft</i> (Article 21.5 – Brazil)	Appellate Body Report, <i>Canada – Measures Affecting the Export of Civilian Aircraft – Recourse by Brazil to Article 21.5 of the DSU</i> , WT/DS70/AB/RW, adopted 4 August 2000, DSR 2000:IX, 4299

Short Title	Full Case Title and Citation
<i>Canada – Aircraft</i> (Article 21.5 – Brazil)	Panel Report, <i>Canada – Measures Affecting the Export of Civilian Aircraft – Recourse by Brazil to Article 21.5 of the DSU</i> , WT/DS70/RW, adopted 4 August 2000, as modified by Appellate Body Report WT/DS70/AB/RW, DSR 2000:IX, 4315
<i>Canada – Aircraft Credits and Guarantees</i>	Panel Report, <i>Canada – Export Credits and Loan Guarantees for Regional Aircraft</i> , WT/DS222/R and Corr.1, adopted 19 February 2002, DSR 2002:III, 849
<i>Canada – Aircraft Credits and Guarantees</i> (Article 22.6 – Canada)	Decision by the Arbitrator, <i>Canada – Export Credits and Loan Guarantees for Regional Aircraft – Recourse to Arbitration by Canada under Article 22.6 of the DSU and Article 4.11 of the SCM Agreement</i> , WT/DS222/ARB, 17 February 2003, DSR 2003:III, 1187
<i>Canada – Autos</i>	Appellate Body Report, <i>Canada – Certain Measures Affecting the Automotive Industry</i> , WT/DS139/AB/R, WT/DS142/AB/R, adopted 19 June 2000, DSR 2000:VI, 2985
<i>Canada – Autos</i>	Panel Report, <i>Canada – Certain Measures Affecting the Automotive Industry</i> , WT/DS139/R, WT/DS142/R, adopted 19 June 2000, as modified by Appellate Body Report WT/DS139/AB/R, WT/DS142/AB/R, DSR 2000:VII, 3043
<i>Canada – Autos</i> (Article 21.3(c))	Award of the Arbitrator, <i>Canada – Certain Measures Affecting the Automotive Industry – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS139/12, WT/DS142/12, 4 October 2000, DSR 2000:X, 5079
<i>Canada – Continued Suspension</i>	Appellate Body Report, <i>Canada – Continued Suspension of Obligations in the EC – Hormones Dispute</i> , WT/DS321/AB/R, adopted 14 November 2008
<i>Canada – Continued Suspension</i>	Panel Report, <i>Canada – Continued Suspension of Obligations in the EC – Hormones Dispute</i> , WT/DS321/R, adopted 14 November 2008, as modified by Appellate Body Report WT/DS321/AB/R
<i>Canada – Dairy</i>	Appellate Body Report, <i>Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products</i> , WT/DS103/AB/R, WT/DS113/AB/R and Corr.1, adopted 27 October 1999, DSR 1999:V, 2057
<i>Canada – Dairy</i>	Panel Report, <i>Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products</i> , WT/DS103/R, WT/DS113/R, adopted 27 October 1999, as modified by Appellate Body Report WT/DS103/AB/R, WT/DS113/AB/R, DSR 1999:VI, 2097
<i>Canada – Dairy</i> (Article 21.5 – New Zealand and US)	Appellate Body Report, <i>Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products – Recourse to Article 21.5 of the DSU by New Zealand and the United States</i> , WT/DS103/AB/RW, WT/DS113/AB/RW, adopted 18 December 2001, DSR 2001:XIII, 6829
<i>Canada – Dairy</i> (Article 21.5 – New Zealand and US)	Panel Report, <i>Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products – Recourse to Article 21.5 of the DSU by New Zealand and the United States</i> , WT/DS103/RW, WT/DS113/RW, adopted 18 December 2001, as reversed by Appellate Body Report WT/DS103/AB/RW, WT/DS113/AB/RW, DSR 2001:XIII, 6865
<i>Canada – Dairy</i> (Article 21.5 – New Zealand and US II)	Appellate Body Report, <i>Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products – Second Recourse to Article 21.5 of the DSU by New Zealand and the United States</i> , WT/DS103/AB/RW2, WT/DS113/AB/RW2, adopted 17 January 2003, DSR 2003:I, 213

Short Title	Full Case Title and Citation
<i>Canada – Dairy (Article 21.5 – New Zealand and US II)</i>	Panel Report, <i>Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products – Second Recourse to Article 21.5 of the DSU by New Zealand and the United States</i> , WT/DS103/RW2, WT/DS113/RW2, adopted 17 January 2003, as modified by Appellate Body Report WT/DS103/AB/RW2, WT/DS113/AB/RW2, DSR 2003:I, 255
<i>Canada – Patent Term</i>	Appellate Body Report, <i>Canada – Term of Patent Protection</i> , WT/DS170/AB/R, adopted 12 October 2000, DSR 2000:X, 5093
<i>Canada – Patent Term</i>	Panel Report, <i>Canada – Term of Patent Protection</i> , WT/DS170/R, adopted 12 October 2000, as upheld by Appellate Body Report WT/DS170/AB/R, DSR 2000:XI, 5121
<i>Canada – Patent Term (Article 21.3(c))</i>	Award of the Arbitrator, <i>Canada – Term of Patent Protection – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS170/10, 28 February 2001, DSR 2001:V, 2031
<i>Canada – Periodicals</i>	Appellate Body Report, <i>Canada – Certain Measures Concerning Periodicals</i> , WT/DS31/AB/R, adopted 30 July 1997, DSR 1997:I, 449
<i>Canada – Periodicals</i>	Panel Report, <i>Canada – Certain Measures Concerning Periodicals</i> , WT/DS31/R and Corr.1, adopted 30 July 1997, as modified by Appellate Body Report WT/DS31/AB/R, DSR 1997:I, 481
<i>Canada – Pharmaceutical Patents</i>	Panel Report, <i>Canada – Patent Protection of Pharmaceutical Products</i> , WT/DS114/R, adopted 7 April 2000, DSR 2000:V, 2289
<i>Canada – Pharmaceutical Patents (Article 21.3(c))</i>	Award of the Arbitrator, <i>Canada – Patent Protection of Pharmaceutical Products – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS114/13, 18 August 2000, DSR 2002:I, 3
<i>Canada – Wheat Exports and Grain Imports</i>	Appellate Body Report, <i>Canada – Measures Relating to Exports of Wheat and Treatment of Imported Grain</i> , WT/DS276/AB/R, adopted 27 September 2004, DSR 2004:VI, 2739
<i>Canada – Wheat Exports and Grain Imports</i>	Panel Report, <i>Canada – Measures Relating to Exports of Wheat and Treatment of Imported Grain</i> , WT/DS276/R, adopted 27 September 2004, as upheld by Appellate Body Report WT/DS276/AB/R, DSR 2004:VI, 2817
<i>Chile – Alcoholic Beverages</i>	Appellate Body Report, <i>Chile – Taxes on Alcoholic Beverages</i> , WT/DS87/AB/R, WT/DS110/AB/R, adopted 12 January 2000, DSR 2000:I, 281
<i>Chile – Alcoholic Beverages</i>	Panel Report, <i>Chile – Taxes on Alcoholic Beverages</i> , WT/DS87/R, WT/DS110/R, adopted 12 January 2000, as modified by Appellate Body Report WT/DS87/AB/R, WT/DS110/AB/R, DSR 2000:I, 303
<i>Chile – Alcoholic Beverages (Article 21.3(c))</i>	Award of the Arbitrator, <i>Chile – Taxes on Alcoholic Beverages – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS87/15, WT/DS110/14, 23 May 2000, DSR 2000:V, 2583
<i>Chile – Price Band System</i>	Appellate Body Report, <i>Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products</i> , WT/DS207/AB/R, adopted 23 October 2002, DSR 2002:VIII, 3045 (Corr.1, DSR 2006:XII, 5473)
<i>Chile – Price Band System</i>	Panel Report, <i>Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products</i> , WT/DS207/R, adopted 23 October 2002, as modified by Appellate Body Report WT/DS207/AB/R, DSR 2002:VIII, 3127
<i>Chile – Price Band System (Article 21.3(c))</i>	Award of the Arbitrator, <i>Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS207/13, 17 March 2003, DSR 2003:III, 1237

Short Title	Full Case Title and Citation
<i>Chile – Price Band System (Article 21.5 – Argentina)</i>	Appellate Body Report, <i>Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products – Recourse to Article 21.5 of the DSU by Argentina</i> , WT/DS207/AB/RW, adopted 22 May 2007, DSR 2007:II, 513
<i>Chile – Price Band System (Article 21.5 – Argentina)</i>	Panel Report, <i>Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products – Recourse to Article 21.5 of the DSU by Argentina</i> , WT/DS207/RW and Corr.1, adopted 22 May 2007, as upheld by Appellate Body Report WT/DS207/AB/RW, DSR 2007:II-III, 613
<i>China – Auto Parts</i>	Appellate Body Reports, <i>China – Measures Affecting Imports of Automobile Parts</i> , WT/DS339/AB/R, WT/DS340/AB/R, WT/DS342/AB/R, adopted 12 January 2009
<i>China – Auto Parts</i>	Panel Reports, <i>China – Measures Affecting Imports of Automobile Parts</i> , WT/DS339/R, WT/DS340/R, WT/DS342/R and Add.1 and Add.2, adopted 12 January 2009, as upheld (WT/DS339/R) and as modified (WT/DS340/R, WT/DS342/R) by Appellate Body Reports WT/DS339/AB/R, WT/DS340/AB/R, WT/DS342/AB/R
<i>China – Intellectual Property Rights</i>	Panel Report, <i>China – Measures Affecting the Protection and Enforcement of Intellectual Property Rights</i> , WT/DS362/R, adopted 20 March 2009
<i>China – Publications and Audiovisual Products</i>	Appellate Body Report, <i>China – Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products</i> , WT/DS363/AB/R, adopted 19 January 2010
<i>China – Publications and Audiovisual Products</i>	Panel Report, <i>China – Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products</i> , WT/DS363/R and Corr.1, adopted 19 January 2010, as modified by Appellate Body Report WT/DS363/AB/R
<i>China – Raw Materials Exports</i>	Panel Reports, <i>China – Measures Related to the Exportation of Various Raw Materials</i> , WT/DS394/R, WT/DS395/R, WT/DS398/R, circulated to WTO Members 5 July 2011 [adoption/appeal pending]
<i>Colombia – Ports of Entry</i>	Panel Report, <i>Colombia – Indicative Prices and Restrictions on Ports of Entry</i> , WT/DS366/R and Corr.1, adopted 20 May 2009
<i>Colombia – Ports of Entry (Article 21.3(c))</i>	Award of the Arbitrator, <i>Colombia – Indicative Prices and Restrictions on Ports of Entry – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS366/13, 2 October 2009
<i>Dominican Republic – Import and Sale of Cigarettes</i>	Appellate Body Report, <i>Dominican Republic – Measures Affecting the Importation and Internal Sale of Cigarettes</i> , WT/DS302/AB/R, adopted 19 May 2005, DSR 2005:XV, 7367
<i>Dominican Republic – Import and Sale of Cigarettes</i>	Panel Report, <i>Dominican Republic – Measures Affecting the Importation and Internal Sale of Cigarettes</i> , WT/DS302/R, adopted 19 May 2005, as modified by Appellate Body Report WT/DS302/AB/R, DSR 2005:XV, 7425
<i>Dominican Republic – Import and Sale of Cigarettes (Article 21.3(c))</i>	Report of the Arbitrator, <i>Dominican Republic – Measures Affecting the Importation and Internal Sale of Cigarettes – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS302/17, 29 August 2005, DSR 2005:XXIII, 11665
<i>EC – The ACP-EC Partnership Agreement</i>	Award of the Arbitrator, <i>European Communities – The ACP-EC Partnership Agreement – Recourse to Arbitration Pursuant to the Decision of 14 November 2001</i> , WT/L/616, 1 August 2005, DSR 2005:XXIII, 11669

Short Title	Full Case Title and Citation
<i>EC – The ACP-EC Partnership Agreement II</i>	Award of the Arbitrator, <i>European Communities – The ACP-EC Partnership Agreement – Second Recourse to Arbitration Pursuant to the Decision of 14 November 2001</i> , WT/L/625, 27 October 2005, DSR 2005:XXIII, 11703
<i>EC – Approval and Marketing of Biotech Products</i>	Panel Report, <i>European Communities – Measures Affecting the Approval and Marketing of Biotech Products</i> , WT/DS291/R, WT/DS292/R, WT/DS293/R, Add.1 to Add.9, and Corr.1, adopted 21 November 2006, DSR 2006:III-VIII, 847
<i>EC – Asbestos</i>	Appellate Body Report, <i>European Communities – Measures Affecting Asbestos and Asbestos-Containing Products</i> , WT/DS135/AB/R, adopted 5 April 2001, DSR 2001:VII, 3243
<i>EC – Asbestos</i>	Panel Report, <i>European Communities – Measures Affecting Asbestos and Asbestos-Containing Products</i> , WT/DS135/R and Add.1, adopted 5 April 2001, as modified by Appellate Body Report WT/DS135/AB/R, DSR 2001:VIII, 3305
<i>EC – Bananas III</i>	Appellate Body Report, <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas</i> , WT/DS27/AB/R, adopted 25 September 1997, DSR 1997:II, 591
<i>EC – Bananas III (Ecuador)</i>	Panel Report, <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas, Complaint by Ecuador</i> , WT/DS27/R/ECU, adopted 25 September 1997, as modified by Appellate Body Report WT/DS27/AB/R, DSR 1997:III, 1085
<i>EC – Bananas III (Guatemala and Honduras)</i>	Panel Report, <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas, Complaint by Guatemala and Honduras</i> , WT/DS27/R/GTM, WT/DS27/R/HND, adopted 25 September 1997, as modified by Appellate Body Report WT/DS27/AB/R, DSR 1997:II, 695
<i>EC – Bananas III (Mexico)</i>	Panel Report, <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas, Complaint by Mexico</i> , WT/DS27/R/MEX, adopted 25 September 1997, as modified by Appellate Body Report WT/DS27/AB/R, DSR 1997:II, 803
<i>EC – Bananas III (US)</i>	Panel Report, <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas, Complaint by the United States</i> , WT/DS27/R/USA, adopted 25 September 1997, as modified by Appellate Body Report WT/DS27/AB/R, DSR 1997:II, 943
<i>EC – Bananas III (Article 21.3(c))</i>	Award of the Arbitrator, <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS27/15, 7 January 1998, DSR 1998:I, 3
<i>EC – Bananas III (Article 21.5 – EC)</i>	Panel Report, <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas – Recourse to Article 21.5 of the DSU by the European Communities</i> , WT/DS27/RW/EEC, 12 April 1999, and Corr.1, unadopted, DSR 1999:II, 783
<i>EC – Bananas III (Article 21.5 – Ecuador)</i>	Panel Report, <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas – Recourse to Article 21.5 of the DSU by Ecuador</i> , WT/DS27/RW/ECU, adopted 6 May 1999, DSR 1999:II, 803

Short Title	Full Case Title and Citation
<i>EC – Bananas III</i> (Article 21.5 – Ecuador II) / <i>EC – Bananas III</i> (Article 21.5 – US)	Appellate Body Reports, <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas – Second Recourse to Article 21.5 of the DSU by Ecuador</i> , WT/DS27/AB/RW2/ECU, adopted 11 December 2008, and Corr.1 / <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas – Recourse to Article 21.5 of the DSU by the United States</i> , WT/DS27/AB/RW/USA and Corr.1, adopted 22 December 2008
<i>EC – Bananas III</i> (Article 21.5 – Ecuador II)	Panel Report, <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas – Second Recourse to Article 21.5 of the DSU by Ecuador</i> , WT/DS27/RW2/ECU, adopted 11 December 2008, as modified by Appellate Body Report WT/DS27/AB/RW2/ECU
<i>EC – Bananas III</i> (Article 21.5 – US)	Panel Report, <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas – Recourse to Article 21.5 of the DSU by the United States</i> , WT/DS27/RW/USA and Corr.1, adopted 22 December 2008, as upheld by Appellate Body Report WT/DS27/AB/RW/USA
<i>EC – Bananas III (Ecuador)</i> (Article 22.6 – EC)	Decision by the Arbitrators, <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas – Recourse to Arbitration by the European Communities under Article 22.6 of the DSU</i> , WT/DS27/ARB/ECU, 24 March 2000, DSR 2000:V, 2237
<i>EC – Bananas III (US)</i> (Article 22.6 – EC)	Decision by the Arbitrators, <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas – Recourse to Arbitration by the European Communities under Article 22.6 of the DSU</i> , WT/DS27/ARB, 9 April 1999, DSR 1999:II, 725
<i>EC – Bed Linen</i>	Appellate Body Report, <i>European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India</i> , WT/DS141/AB/R, adopted 12 March 2001, DSR 2001:V, 2049
<i>EC – Bed Linen</i>	Panel Report, <i>European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India</i> , WT/DS141/R, adopted 12 March 2001, as modified by Appellate Body Report WT/DS141/AB/R, DSR 2001:VI, 2077
<i>EC – Bed Linen</i> (Article 21.5 – India)	Appellate Body Report, <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> , WT/DS141/AB/RW, adopted 24 April 2003, DSR 2003:III, 965
<i>EC – Bed Linen</i> (Article 21.5 – India)	Panel Report, <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> , WT/DS141/RW, adopted 24 April 2003, as modified by Appellate Body Report WT/DS141/AB/RW, DSR 2003:IV, 1269
<i>EC – Butter</i>	Panel Report, <i>European Communities – Measures Affecting Butter Products</i> , WT/DS72/R, 24 November 1999, unadopted
<i>EC – Chicken Cuts</i>	Appellate Body Report, <i>European Communities – Customs Classification of Frozen Boneless Chicken Cuts</i> , WT/DS269/AB/R, WT/DS286/AB/R, adopted 27 September 2005, and Corr.1, DSR 2005:XIX, 9157
<i>EC – Chicken Cuts (Brazil)</i>	Panel Report, <i>European Communities – Customs Classification of Frozen Boneless Chicken Cuts, Complaint by Brazil</i> , WT/DS269/R, adopted 27 September 2005, as modified by Appellate Body Report WT/DS269/AB/R, WT/DS286/AB/R, DSR 2005:XIX, 9295

Short Title	Full Case Title and Citation
<i>EC – Chicken Cuts (Thailand)</i>	Panel Report, <i>European Communities – Customs Classification of Frozen Boneless Chicken Cuts, Complaint by Thailand</i> , WT/DS286/R, adopted 27 September 2005, as modified by Appellate Body Report WT/DS269/AB/R, WT/DS286/AB/R, DSR 2005:XX, 9721
<i>EC – Chicken Cuts (Article 21.3(c))</i>	Award of the Arbitrator, <i>European Communities – Customs Classification of Frozen Boneless Chicken Cuts – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS269/13, WT/DS286/15, 20 February 2006
<i>EC – Commercial Vessels</i>	Panel Report, <i>European Communities – Measures Affecting Trade in Commercial Vessels</i> , WT/DS301/R, adopted 20 June 2005, DSR 2005:XV, 7713
<i>EC – Computer Equipment</i>	Appellate Body Report, <i>European Communities – Customs Classification of Certain Computer Equipment</i> , WT/DS62/AB/R, WT/DS67/AB/R, WT/DS68/AB/R, adopted 22 June 1998, DSR 1998:V, 1851
<i>EC – Computer Equipment</i>	Panel Report, <i>European Communities – Customs Classification of Certain Computer Equipment</i> , WT/DS62/R, WT/DS67/R, WT/DS68/R, adopted 22 June 1998, as modified by Appellate Body Report WT/DS62/AB/R, WT/DS67/AB/R, WT/DS68/AB/R, DSR 1998:V, 1891
<i>EC – Countervailing Measures on DRAM Chips</i>	Panel Report, <i>European Communities – Countervailing Measures on Dynamic Random Access Memory Chips from Korea</i> , WT/DS299/R, adopted 3 August 2005, DSR 2005:XVIII, 8671
<i>EC – Export Subsidies on Sugar</i>	Appellate Body Report, <i>European Communities – Export Subsidies on Sugar</i> , WT/DS265/AB/R, WT/DS266/AB/R, WT/DS283/AB/R, adopted 19 May 2005, DSR 2005:XIII, 6365
<i>EC – Export Subsidies on Sugar (Australia)</i>	Panel Report, <i>European Communities – Export Subsidies on Sugar, Complaint by Australia</i> , WT/DS265/R, adopted 19 May 2005, as modified by Appellate Body Report WT/DS265/AB/R, WT/DS266/AB/R, WT/DS283/AB/R, DSR 2005:XIII, 6499
<i>EC – Export Subsidies on Sugar (Brazil)</i>	Panel Report, <i>European Communities – Export Subsidies on Sugar, Complaint by Brazil</i> , WT/DS266/R, adopted 19 May 2005, as modified by Appellate Body Report WT/DS265/AB/R, WT/DS266/AB/R, WT/DS283/AB/R, DSR 2005:XIV, 6793
<i>EC – Export Subsidies on Sugar (Thailand)</i>	Panel Report, <i>European Communities – Export Subsidies on Sugar, Complaint by Thailand</i> , WT/DS283/R, adopted 19 May 2005, as modified by Appellate Body Report WT/DS265/AB/R, WT/DS266/AB/R, WT/DS283/AB/R, DSR 2005:XIV, 7071
<i>EC – Export Subsidies on Sugar (Article 21.3(c))</i>	Award of the Arbitrator, <i>European Communities – Export Subsidies on Sugar – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS265/33, WT/DS266/33, WT/DS283/14, 28 October 2005, DSR 2005:XXIII, 11581
<i>EC – Fasteners (China)</i>	Panel Report, <i>European Communities – Definitive Anti-Dumping Measures on Certain Iron or Steel Fasteners from China</i> , WT/DS397/R, circulated to WTO Members 3 December 2010 [appeal in progress]
<i>EC – Hormones</i>	Appellate Body Report, <i>EC Measures Concerning Meat and Meat Products (Hormones)</i> , WT/DS26/AB/R, WT/DS48/AB/R, adopted 13 February 1998, DSR 1998:I, 135
<i>EC – Hormones (Canada)</i>	Panel Report, <i>EC Measures Concerning Meat and Meat Products (Hormones), Complaint by Canada</i> , WT/DS48/R/CAN, adopted 13 February 1998, as modified by Appellate Body Report WT/DS26/AB/R, WT/DS48/AB/R, DSR 1998:II, 235

Short Title	Full Case Title and Citation
<i>EC – Hormones (US)</i>	Panel Report, <i>EC Measures Concerning Meat and Meat Products (Hormones), Complaint by the United States</i> , WT/DS26/R/USA, adopted 13 February 1998, as modified by Appellate Body Report WT/DS26/AB/R, WT/DS48/AB/R, DSR 1998:III, 699
<i>EC – Hormones (Article 21.3(c))</i>	Award of the Arbitrator, <i>EC Measures Concerning Meat and Meat Products (Hormones) – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS26/15, WT/DS48/13, 29 May 1998, DSR 1998:V, 1833
<i>EC – Hormones (Canada) (Article 22.6 – EC)</i>	Decision by the Arbitrators, <i>European Communities – Measures Concerning Meat and Meat Products (Hormones), Original Complaint by Canada – Recourse to Arbitration by the European Communities under Article 22.6 of the DSU</i> , WT/DS48/ARB, 12 July 1999, DSR 1999:III, 1135
<i>EC – Hormones (US) (Article 22.6 – EC)</i>	Decision by the Arbitrators, <i>European Communities – Measures Concerning Meat and Meat Products (Hormones), Original Complaint by the United States – Recourse to Arbitration by the European Communities under Article 22.6 of the DSU</i> , WT/DS26/ARB, 12 July 1999, DSR 1999:III, 1105
<i>EC – IT Products</i>	Panel Report, <i>European Communities and its member States – Tariff Treatment of Certain Information Technology Products</i> , WT/DS375/R, WT/DS376/R, WT/DS377/R, adopted 21 September 2010
<i>EC – Poultry</i>	Appellate Body Report, <i>European Communities – Measures Affecting the Importation of Certain Poultry Products</i> , WT/DS69/AB/R, adopted 23 July 1998, DSR 1998:V, 2031
<i>EC – Poultry</i>	Panel Report, <i>European Communities – Measures Affecting the Importation of Certain Poultry Products</i> , WT/DS69/R, adopted 23 July 1998, as modified by Appellate Body Report WT/DS69/AB/R, DSR 1998:V, 2089
<i>EC – Salmon (Norway)</i>	Panel Report, <i>European Communities – Anti-Dumping Measure on Farmed Salmon from Norway</i> , WT/DS337/R, adopted 15 January 2008, and Corr.1, DSR 2008:I, 3
<i>EC – Sardines</i>	Appellate Body Report, <i>European Communities – Trade Description of Sardines</i> , WT/DS231/AB/R, adopted 23 October 2002, DSR 2002:VIII, 3359
<i>EC – Sardines</i>	Panel Report, <i>European Communities – Trade Description of Sardines</i> , WT/DS231/R and Corr.1, adopted 23 October 2002, as modified by Appellate Body Report WT/DS231/AB/R, DSR 2002:VIII, 3451
<i>EC – Scallops (Canada)</i>	Panel Report, <i>European Communities – Trade Description of Scallops – Request by Canada</i> , WT/DS7/R, 5 August 1996, unadopted, DSR 1996:I, 89
<i>EC – Scallops (Peru and Chile)</i>	Panel Report, <i>European Communities – Trade Description of Scallops – Requests by Peru and Chile</i> , WT/DS12/R, WT/DS14/R, 5 August 1996, unadopted, DSR 1996:I, 93
<i>EC – Selected Customs Matters</i>	Appellate Body Report, <i>European Communities – Selected Customs Matters</i> , WT/DS315/AB/R, adopted 11 December 2006, DSR 2006:IX, 3791
<i>EC – Selected Customs Matters</i>	Panel Report, <i>European Communities – Selected Customs Matters</i> , WT/DS315/R, adopted 11 December 2006, as modified by Appellate Body Report WT/DS315/AB/R, DSR 2006:IX-X, 3915
<i>EC – Tariff Preferences</i>	Appellate Body Report, <i>European Communities – Conditions for the Granting of Tariff Preferences to Developing Countries</i> , WT/DS246/AB/R, adopted 20 April 2004, DSR 2004:III, 925

Short Title	Full Case Title and Citation
<i>EC – Tariff Preferences</i>	Panel Report, <i>European Communities – Conditions for the Granting of Tariff Preferences to Developing Countries</i> , WT/DS246/R, adopted 20 April 2004, as modified by Appellate Body Report WT/DS/246/AB/R, DSR 2004:III, 1009
<i>EC – Tariff Preferences (Article 21.3(c))</i>	Award of the Arbitrator, <i>European Communities – Conditions for the Granting of Tariff Preferences to Developing Countries – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS246/14, 20 September 2004, DSR 2004:IX, 4313
<i>EC – Trademarks and Geographical Indications (Australia)</i>	Panel Report, <i>European Communities – Protection of Trademarks and Geographical Indications for Agricultural Products and Foodstuffs, Complaint by Australia</i> , WT/DS290/R, adopted 20 April 2005, DSR 2005:X, 4603
<i>EC – Trademarks and Geographical Indications (US)</i>	Panel Report, <i>European Communities – Protection of Trademarks and Geographical Indications for Agricultural Products and Foodstuffs, Complaint by the United States</i> , WT/DS174/R, adopted 20 April 2005, DSR 2005:VIII, 3499
<i>EC – Tube or Pipe Fittings</i>	Appellate Body Report, <i>European Communities – Anti-Dumping Duties on Malleable Cast Iron Tube or Pipe Fittings from Brazil</i> , WT/DS219/AB/R, adopted 18 August 2003, DSR 2003:VI, 2613
<i>EC – Tube or Pipe Fittings</i>	Panel Report, <i>European Communities – Anti-Dumping Duties on Malleable Cast Iron Tube or Pipe Fittings from Brazil</i> , WT/DS219/R, adopted 18 August 2003, as modified by Appellate Body Report WT/DS219/AB/R, DSR 2003:VII, 2701
<i>EC and certain member States – Large Civil Aircraft</i>	Appellate Body Report, <i>European Communities and Certain Member States – Measures Affecting Trade in Large Civil Aircraft</i> , WT/DS316/AB/R, adopted 1 June 2011
<i>EC and certain member States – Large Civil Aircraft</i>	Panel Report, <i>European Communities and Certain Member States – Measures Affecting Trade in Large Civil Aircraft</i> , WT/DS316/R, adopted 1 June 2011, as modified by Appellate Body Report, WT/DS316/AB/R
<i>Egypt – Steel Rebar</i>	Panel Report, <i>Egypt – Definitive Anti-Dumping Measures on Steel Rebar from Turkey</i> , WT/DS211/R, adopted 1 October 2002, DSR 2002:VII, 2667
<i>Guatemala – Cement I</i>	Appellate Body Report, <i>Guatemala – Anti-Dumping Investigation Regarding Portland Cement from Mexico</i> , WT/DS60/AB/R, adopted 25 November 1998, DSR 1998:IX, 3767
<i>Guatemala – Cement I</i>	Panel Report, <i>Guatemala – Anti-Dumping Investigation Regarding Portland Cement from Mexico</i> , WT/DS60/R, adopted 25 November 1998, as reversed by Appellate Body Report WT/DS60/AB/R, DSR 1998:IX, 3797
<i>Guatemala – Cement II</i>	Panel Report, <i>Guatemala – Definitive Anti-Dumping Measures on Grey Portland Cement from Mexico</i> , WT/DS156/R, adopted 17 November 2000, DSR 2000:XI, 5295
<i>India – Additional Import Duties</i>	Appellate Body Report, <i>India – Additional and Extra-Additional Duties on Imports from the United States</i> , WT/DS360/AB/R, adopted 17 November 2008
<i>India – Additional Import Duties</i>	Panel Report, <i>India – Additional and Extra-Additional Duties on Imports from the United States</i> , WT/DS360/R, adopted 17 November 2008, as reversed by Appellate Body Report WT/DS360/AB/R

Short Title	Full Case Title and Citation
<i>India – Autos</i>	Appellate Body Report, <i>India – Measures Affecting the Automotive Sector</i> , WT/DS146/AB/R, WT/DS175/AB/R, adopted 5 April 2002, DSR 2002:V, 1821
<i>India – Autos</i>	Panel Report, <i>India – Measures Affecting the Automotive Sector</i> , WT/DS146/R, WT/DS175/R and Corr.1, adopted 5 April 2002, DSR 2002:V, 1827
<i>India – Patents (EC)</i>	Panel Report, <i>India – Patent Protection for Pharmaceutical and Agricultural Chemical Products, Complaint by the European Communities and their member States</i> , WT/DS79/R, adopted 22 September 1998, DSR 1998:VI, 2661
<i>India – Patents (US)</i>	Appellate Body Report, <i>India – Patent Protection for Pharmaceutical and Agricultural Chemical Products</i> , WT/DS50/AB/R, adopted 16 January 1998, DSR 1998:I, 9
<i>India – Patents (US)</i>	Panel Report, <i>India – Patent Protection for Pharmaceutical and Agricultural Chemical Products, Complaint by the United States</i> , WT/DS50/R, adopted 16 January 1998, as modified by Appellate Body Report WT/DS50/AB/R, DSR 1998:I, 41
<i>India – Quantitative Restrictions</i>	Appellate Body Report, <i>India – Quantitative Restrictions on Imports of Agricultural, Textile and Industrial Products</i> , WT/DS90/AB/R, adopted 22 September 1999, DSR 1999:IV, 1763
<i>India – Quantitative Restrictions</i>	Panel Report, <i>India – Quantitative Restrictions on Imports of Agricultural, Textile and Industrial Products</i> , WT/DS90/R, adopted 22 September 1999, as upheld by Appellate Body Report WT/DS90/AB/R, DSR 1999:V, 1799
<i>Indonesia – Autos</i>	Panel Report, <i>Indonesia – Certain Measures Affecting the Automobile Industry</i> , WT/DS54/R, WT/DS55/R, WT/DS59/R, WT/DS64/R and Corr.1 and 2, adopted 23 July 1998, and Corr. 3 and 4, DSR 1998:VI, 2201
<i>Indonesia – Autos (Article 21.3(c))</i>	Award of the Arbitrator, <i>Indonesia – Certain Measures Affecting the Automobile Industry – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS54/15, WT/DS55/14, WT/DS59/13, WT/DS64/12, 7 December 1998, DSR 1998:IX, 4029
<i>Japan – Agricultural Products II</i>	Appellate Body Report, <i>Japan – Measures Affecting Agricultural Products</i> , WT/DS76/AB/R, adopted 19 March 1999, DSR 1999:I, 277
<i>Japan – Agricultural Products II</i>	Panel Report, <i>Japan – Measures Affecting Agricultural Products</i> , WT/DS76/R, adopted 19 March 1999, as modified by Appellate Body Report WT/DS76/AB/R, DSR 1999:I, 315
<i>Japan – Alcoholic Beverages II</i>	Appellate Body Report, <i>Japan – Taxes on Alcoholic Beverages</i> , WT/DS8/AB/R, WT/DS10/AB/R, WT/DS11/AB/R, adopted 1 November 1996, DSR 1996:I, 97
<i>Japan – Alcoholic Beverages II</i>	Panel Report, <i>Japan – Taxes on Alcoholic Beverages</i> , WT/DS8/R, WT/DS10/R, WT/DS11/R, adopted 1 November 1996, as modified by Appellate Body Report WT/DS8/AB/R, WT/DS10/AB/R, WT/DS11/AB/R, DSR 1996:I, 125
<i>Japan – Alcoholic Beverages II (Article 21.3(c))</i>	Award of the Arbitrator, <i>Japan – Taxes on Alcoholic Beverages – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS8/15, WT/DS10/15, WT/DS11/13, 14 February 1997, DSR 1997:I, 3
<i>Japan – Apples</i>	Appellate Body Report, <i>Japan – Measures Affecting the Importation of Apples</i> , WT/DS245/AB/R, adopted 10 December 2003, DSR 2003:IX, 4391

Short Title	Full Case Title and Citation
<i>Japan – Apples</i>	Panel Report, <i>Japan – Measures Affecting the Importation of Apples</i> , WT/DS245/R, adopted 10 December 2003, as upheld by Appellate Body Report WT/DS245/AB/R, DSR 2003:IX, 4481
<i>Japan – Apples (Article 21.5 – US)</i>	Panel Report, <i>Japan – Measures Affecting the Importation of Apples – Recourse to Article 21.5 of the DSU by the United States</i> , WT/DS245/RW, adopted 20 July 2005, DSR 2005:XVI, 7911
<i>Japan – DRAMs (Korea)</i>	Appellate Body Report, <i>Japan – Countervailing Duties on Dynamic Random Access Memories from Korea</i> , WT/DS336/AB/R and Corr.1, adopted 17 December 2007, DSR 2007:VII, 2703
<i>Japan – DRAMs (Korea)</i>	Panel Report, <i>Japan – Countervailing Duties on Dynamic Random Access Memories from Korea</i> , WT/DS336/R, adopted 17 December 2007, as modified by Appellate Body Report WT/DS336/AB/R, DSR 2007:VII, 2805
<i>Japan – DRAMs (Korea) (Article 21.3(c))</i>	Award of the Arbitrator, <i>Japan – Countervailing Duties on Dynamic Random Access Memories from Korea – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS336/16, 5 May 2008
<i>Japan – Film</i>	Panel Report, <i>Japan – Measures Affecting Consumer Photographic Film and Paper</i> , WT/DS44/R, adopted 22 April 1998, DSR 1998:IV, 1179
<i>Japan – Quotas on Laver</i>	Panel Report, <i>Japan – Import Quotas on Dried Laver and Seasoned Laver</i> , WT/DS323/R, 1 February 2006, unadopted
<i>Korea – Alcoholic Beverages</i>	Appellate Body Report, <i>Korea – Taxes on Alcoholic Beverages</i> , WT/DS75/AB/R, WT/DS84/AB/R, adopted 17 February 1999, DSR 1999:I, 3
<i>Korea – Alcoholic Beverages</i>	Panel Report, <i>Korea – Taxes on Alcoholic Beverages</i> , WT/DS75/R, WT/DS84/R, adopted 17 February 1999, as modified by Appellate Body Report WT/DS75/AB/R, WT/DS84/AB/R, DSR 1999:I, 44
<i>Korea – Alcoholic Beverages (Article 21.3(c))</i>	Award of the Arbitrator, <i>Korea – Taxes on Alcoholic Beverages – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS75/16, WT/DS84/14, 4 June 1999, DSR 1999:II, 937
<i>Korea – Certain Paper</i>	Panel Report, <i>Korea – Anti-Dumping Duties on Imports of Certain Paper from Indonesia</i> , WT/DS312/R, adopted 28 November 2005, DSR 2005:XXII, 10637
<i>Korea – Certain Paper (Article 21.5 – Indonesia)</i>	Panel Report, <i>Korea – Anti-Dumping Duties on Imports of Certain Paper from Indonesia – Recourse to Article 21.5 of the DSU by Indonesia</i> , WT/DS312/RW, adopted 22 October 2007, DSR 2007:VIII, 3369
<i>Korea – Commercial Vessels</i>	Panel Report, <i>Korea – Measures Affecting Trade in Commercial Vessels</i> , WT/DS273/R, adopted 11 April 2005, DSR 2005:VII, 2749
<i>Korea – Dairy</i>	Appellate Body Report, <i>Korea – Definitive Safeguard Measure on Imports of Certain Dairy Products</i> , WT/DS98/AB/R, adopted 12 January 2000, DSR 2000:I, 3
<i>Korea – Dairy</i>	Panel Report, <i>Korea – Definitive Safeguard Measure on Imports of Certain Dairy Products</i> , WT/DS98/R and Corr.1, adopted 12 January 2000, as modified by Appellate Body Report WT/DS98/AB/R, DSR 2000:I, 49
<i>Korea – Procurement</i>	Panel Report, <i>Korea – Measures Affecting Government Procurement</i> , WT/DS163/R, adopted 19 June 2000, DSR 2000:VIII, 3541
<i>Korea – Various Measures on Beef</i>	Appellate Body Report, <i>Korea – Measures Affecting Imports of Fresh, Chilled and Frozen Beef</i> , WT/DS161/AB/R, WT/DS169/AB/R, adopted 10 January 2001, DSR 2001:I, 5

Short Title	Full Case Title and Citation
<i>Korea – Various Measures on Beef</i>	Panel Report, <i>Korea – Measures Affecting Imports of Fresh, Chilled and Frozen Beef</i> , WT/DS161/R, WT/DS169/R, adopted 10 January 2001, as modified by Appellate Body Report WT/DS161/AB/R, WT/DS169/AB/R, DSR 2001:I, 59
<i>Mexico – Anti-Dumping Measures on Rice</i>	Appellate Body Report, <i>Mexico – Definitive Anti-Dumping Measures on Beef and Rice, Complaint with Respect to Rice</i> , WT/DS295/AB/R, adopted 20 December 2005, DSR 2005:XXII, 10853
<i>Mexico – Anti-Dumping Measures on Rice</i>	Panel Report, <i>Mexico – Definitive Anti-Dumping Measures on Beef and Rice, Complaint with Respect to Rice</i> , WT/DS295/R, adopted 20 December 2005, as modified by Appellate Body Report WT/DS295/AB/R, DSR 2005:XXIII, 11007
<i>Mexico – Corn Syrup</i>	Panel Report, <i>Mexico – Anti-Dumping Investigation of High Fructose Corn Syrup (HFCS) from the United States</i> , WT/DS132/R, adopted 24 February 2000, and Corr.1, DSR 2000:III, 1345
<i>Mexico – Corn Syrup (Article 21.5 – US)</i>	Appellate Body Report, <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> , WT/DS132/AB/RW, adopted 21 November 2001, DSR 2001:XIII, 6675
<i>Mexico – Corn Syrup (Article 21.5 – US)</i>	Panel Report, <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> , WT/DS132/RW, adopted 21 November 2001, as upheld by Appellate Body Report WT/DS132/AB/RW, DSR 2001:XIII, 6717
<i>Mexico – Olive Oil</i>	Panel Report, <i>Mexico – Definitive Countervailing Measures on Olive Oil from the European Communities</i> , WT/DS341/R, adopted 21 October 2008, DSR 2008:IX, 3179
<i>Mexico – Steel Pipes and Tubes</i>	Panel Report, <i>Mexico – Anti-Dumping Duties on Steel Pipes and Tubes from Guatemala</i> , WT/DS331/R, adopted 24 July 2007, DSR 2007:IV, 1207
<i>Mexico – Taxes on Soft Drinks</i>	Appellate Body Report, <i>Mexico – Tax Measures on Soft Drinks and Other Beverages</i> , WT/DS308/AB/R, adopted 24 March 2006, DSR 2006:I, 3
<i>Mexico – Taxes on Soft Drinks</i>	Panel Report, <i>Mexico – Tax Measures on Soft Drinks and Other Beverages</i> , WT/DS308/R, adopted 24 March 2006, as modified by Appellate Body Report WT/DS308/AB/R, DSR 2006:I, 43
<i>Mexico – Telecoms</i>	Panel Report, <i>Mexico – Measures Affecting Telecommunications Services</i> , WT/DS204/R, adopted 1 June 2004, DSR 2004:IV, 1537
<i>Thailand – Cigarettes (Philippines)</i>	Appellate Body Report, <i>Thailand – Customs and Fiscal Measures on Cigarettes from the Philippines</i> , WT/DS371/AB/R, circulated to WTO Members 17 June 2011
<i>Thailand – Cigarettes (Philippines)</i>	Panel Report, <i>Thailand – Customs and Fiscal Measures on Cigarettes from the Philippines</i> , WT/DS371/R [appealed/adoption pending]
<i>Thailand – H-Beams</i>	Appellate Body Report, <i>Thailand – Anti-Dumping Duties on Angles, Shapes and Sections of Iron or Non-Alloy Steel and H-Beams from Poland</i> , WT/DS122/AB/R, adopted 5 April 2001, DSR 2001:VII, 2701
<i>Thailand – H-Beams</i>	Panel Report, <i>Thailand – Anti-Dumping Duties on Angles, Shapes and Sections of Iron or Non-Alloy Steel and H-Beams from Poland</i> , WT/DS122/R, adopted 5 April 2001, as modified by Appellate Body Report WT/DS122/AB/R, DSR 2001:VII, 2741

Short Title	Full Case Title and Citation
<i>Turkey – Rice</i>	Panel Report, <i>Turkey – Measures Affecting the Importation of Rice</i> , WT/DS334/R, adopted 22 October 2007, DSR 2007:VI, 2151
<i>Turkey – Textiles</i>	Appellate Body Report, <i>Turkey – Restrictions on Imports of Textile and Clothing Products</i> , WT/DS34/AB/R, adopted 19 November 1999, DSR 1999:VI, 2345
<i>Turkey – Textiles</i>	Panel Report, <i>Turkey – Restrictions on Imports of Textile and Clothing Products</i> , WT/DS34/R, adopted 19 November 1999, as modified by Appellate Body Report WT/DS34/AB/R, DSR 1999:VI, 2363
<i>US – 1916 Act</i>	Appellate Body Report, <i>United States – Anti-Dumping Act of 1916</i> , WT/DS136/AB/R, WT/DS162/AB/R, adopted 26 September 2000, DSR 2000:X, 4793
<i>US – 1916 Act (EC)</i>	Panel Report, <i>United States – Anti-Dumping Act of 1916, Complaint by the European Communities</i> , WT/DS136/R and Corr.1, adopted 26 September 2000, as upheld by Appellate Body Report WT/DS136/AB/R, WT/DS162/AB/R, DSR 2000:X, 4593
<i>US – 1916 Act (Japan)</i>	Panel Report, <i>United States – Anti-Dumping Act of 1916, Complaint by Japan</i> , WT/DS162/R and Add.1, adopted 26 September 2000, as upheld by Appellate Body Report WT/DS136/AB/R, WT/DS162/AB/R, DSR 2000:X, 4831
<i>US – 1916 Act (Article 21.3(c))</i>	Award of the Arbitrator, <i>United States – Anti-Dumping Act of 1916 – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS136/11, WT/DS162/14, 28 February 2001, DSR 2001:V, 2017
<i>US – 1916 Act (EC) (Article 22.6 – US)</i>	Decision by the Arbitrators, <i>United States – Anti-Dumping Act of 1916, Original Complaint by the European Communities – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS136/ARB, 24 February 2004, DSR 2004:IX, 4269
<i>US – Anti-Dumping and Countervailing Duties (China)</i>	Appellate Body Report, <i>United States – Definitive Anti-Dumping and Countervailing Duties on Certain Products from China</i> , WT/DS379/AB/R, adopted 25 March 2011
<i>US – Anti-Dumping and Countervailing Duties (China)</i>	Panel Report, <i>United States – Definitive Anti-Dumping and Countervailing Duties on Certain Products from China</i> , WT/DS379/R, adopted 25 March 2011, as modified by Appellate Body Report WT/DS379/AB/R
<i>US – Anti-Dumping Measures on Oil Country Tubular Goods</i>	Appellate Body Report, <i>United States – Anti-Dumping Measures on Oil Country Tubular Goods (OCTG) from Mexico</i> , WT/DS282/AB/R, adopted 28 November 2005, DSR 2005:XX, 10127
<i>US – Anti-Dumping Measures on Oil Country Tubular Goods</i>	Panel Report, <i>United States – Anti-Dumping Measures on Oil Country Tubular Goods (OCTG) from Mexico</i> , WT/DS282/R, adopted 28 November 2005, as modified by Appellate Body Report WT/DS282/AB/R, DSR 2005:XXI, 10225
<i>US – Anti-Dumping Measures on PET Bags</i>	Panel Report, <i>United States – Anti-Dumping Measures on Polyethylene Retail Carrier Bags from Thailand</i> , WT/DS383/R, adopted 18 February 2010
<i>US – Carbon Steel</i>	Appellate Body Report, <i>United States – Countervailing Duties on Certain Corrosion-Resistant Carbon Steel Flat Products from Germany</i> , WT/DS213/AB/R and Corr.1, adopted 19 December 2002, DSR 2002:IX, 3779

Short Title	Full Case Title and Citation
<i>US – Carbon Steel</i>	Panel Report, <i>United States – Countervailing Duties on Certain Corrosion-Resistant Carbon Steel Flat Products from Germany</i> , WT/DS213/R and Corr.1, adopted 19 December 2002, as modified by Appellate Body Report WT/DS213/AB/R, DSR 2002:IX, 3833
<i>US – Certain EC Products</i>	Appellate Body Report, <i>United States – Import Measures on Certain Products from the European Communities</i> , WT/DS165/AB/R, adopted 10 January 2001, DSR 2001:I, 373
<i>US – Certain EC Products</i>	Panel Report, <i>United States – Import Measures on Certain Products from the European Communities</i> , WT/DS165/R and Add.1, adopted 10 January 2001, as modified by Appellate Body Report WT/DS165/AB/R, DSR 2001:II, 413
<i>US – Continued Suspension</i>	Appellate Body Report, <i>United States – Continued Suspension of Obligations in the EC – Hormones Dispute</i> , WT/DS320/AB/R, adopted 14 November 2008, DSR 2008:X, 3507
<i>US – Continued Suspension</i>	Panel Report, <i>United States – Continued Suspension of Obligations in the EC – Hormones Dispute</i> , WT/DS320/R, adopted 14 November 2008, as modified by Appellate Body Report WT/DS320/AB/R, DSR 2008:XI, 3891
<i>US – Continued Zeroing</i>	Appellate Body Report, <i>United States – Continued Existence and Application of Zeroing Methodology</i> , WT/DS350/AB/R, adopted 19 February 2009
<i>US – Continued Zeroing</i>	Panel Report, <i>United States – Continued Existence and Application of Zeroing Methodology</i> , WT/DS350/R, adopted 19 February 2009, as modified as Appellate Body Report WT/DS350/AB/R
<i>US – Corrosion-Resistant Steel Sunset Review</i>	Appellate Body Report, <i>United States – Sunset Review of Anti-Dumping Duties on Corrosion-Resistant Carbon Steel Flat Products from Japan</i> , WT/DS244/AB/R, adopted 9 January 2004, DSR 2004:I, 3
<i>US – Corrosion-Resistant Steel Sunset Review</i>	Panel Report, <i>United States – Sunset Review of Anti-Dumping Duties on Corrosion-Resistant Carbon Steel Flat Products from Japan</i> , WT/DS244/R, adopted 9 January 2004, as modified by Appellate Body Report WTDS244/AB/R, DSR 2004:I, 85
<i>US – Cotton Yarn</i>	Appellate Body Report, <i>United States – Transitional Safeguard Measure on Combed Cotton Yarn from Pakistan</i> , WT/DS192/AB/R, adopted 5 November 2001, DSR 2001:XII, 6027
<i>US – Cotton Yarn</i>	Panel Report, <i>United States – Transitional Safeguard Measure on Combed Cotton Yarn from Pakistan</i> , WT/DS192/R, adopted 5 November 2001, as modified by Appellate Body Report WT/DS192/AB/R, DSR 2001:XII, 6067
<i>US – Countervailing Duty Investigation on DRAMS</i>	Appellate Body Report, <i>United States – Countervailing Duty Investigation on Dynamic Random Access Memory Semiconductors (DRAMS) from Korea</i> , WT/DS296/AB/R, adopted 20 July 2005, DSR 2005:XVI, 8131
<i>US – Countervailing Duty Investigation on DRAMS</i>	Panel Report, <i>United States – Countervailing Duty Investigation on Dynamic Random Access Memory Semiconductors (DRAMS) from Korea</i> , WT/DS296/R, adopted 20 July 2005, as modified by Appellate Body Report WT/DS296/AB/R, DSR 2005:XVII, 8243
<i>US – Countervailing Measures on Certain EC Products</i>	Appellate Body Report, <i>United States – Countervailing Measures Concerning Certain Products from the European Communities</i> , WT/DS212/AB/R, adopted 8 January 2003, DSR 2003:I, 5

Short Title	Full Case Title and Citation
<i>US – Countervailing Measures on Certain EC Products</i>	Panel Report, <i>United States – Countervailing Measures Concerning Certain Products from the European Communities</i> , WT/DS212/R, adopted 8 January 2003, as modified by Appellate Body Report WT/DS212/AB/R, DSR 2003:I, 73
<i>US – Countervailing Measures on Certain EC Products (Article 21.5 – EC)</i>	Panel Report, <i>United States – Countervailing Measures Concerning Certain Products from the European Communities – Recourse to Article 21.5 of the DSU by the European Communities</i> , WT/DS212/RW, adopted 27 September 2005, DSR 2005:XVIII, 8950
<i>US – Customs Bond Directive</i>	Panel Report, <i>United States – Customs Bond Directive for Merchandise Subject to Anti-Dumping/Countervailing Duties</i> , WT/DS345/R, adopted 1 August 2008, as modified by Appellate Body Report WT/DS343/AB/R / WT/DS345/AB/R, DSR 2008:VIII, 2925
<i>US – DRAMS</i>	Panel Report, <i>United States – Anti-Dumping Duty on Dynamic Random Access Memory Semiconductors (DRAMS) of One Megabit or Above from Korea</i> , WT/DS99/R, adopted 19 March 1999, DSR 1999:II, 521
<i>US – DRAMS (Article 21.5 – Korea)</i>	Panel Report, <i>United States – Anti-Dumping Duty on Dynamic Random Access Memory Semiconductors (DRAMS) of One Megabit or Above from Korea – Recourse to Article 21.5 of the DSU by Korea</i> , WT/DS99/RW, 7 November 2000, unadopted
<i>US – Export Restraints</i>	Panel Report, <i>United States – Measures Treating Exports Restraints as Subsidies</i> , WT/DS194/R and Corr.2, adopted 23 August 2001, DSR 2001:XI, 5767
<i>US – FSC</i>	Appellate Body Report, <i>United States – Tax Treatment for "Foreign Sales Corporations"</i> , WT/DS108/AB/R, adopted 20 March 2000, DSR 2000:III, 1619
<i>US – FSC</i>	Panel Report, <i>United States – Tax Treatment for "Foreign Sales Corporations"</i> , WT/DS108/R, adopted 20 March 2000, as modified by Appellate Body Report WT/DS108/AB/R, DSR 2000:IV, 1675
<i>US – FSC (Article 21.5 – EC)</i>	Appellate Body Report, <i>United States – Tax Treatment for "Foreign Sales Corporations" – Recourse to Article 21.5 of the DSU by the European Communities</i> , WT/DS108/AB/RW, adopted 29 January 2002, DSR 2002:I, 55
<i>US – FSC (Article 21.5 – EC)</i>	Panel Report, <i>United States – Tax Treatment for "Foreign Sales Corporations" – Recourse to Article 21.5 of the DSU by the European Communities</i> , WT/DS108/RW, adopted 29 January 2002, as modified by Appellate Body Report WT/DS108/AB/RW, DSR 2002:I, 119
<i>US – FSC (Article 21.5 – EC II)</i>	Appellate Body Report, <i>United States – Tax Treatment for "Foreign Sales Corporations" – Second Recourse to Article 21.5 of the DSU by the European Communities</i> , WT/DS108/AB/RW2, adopted 14 March 2006, DSR 2006:XI, 4721
<i>US – FSC (Article 21.5 – EC II)</i>	Panel Report, <i>United States – Tax Treatment for "Foreign Sales Corporations" – Second Recourse to Article 21.5 of the DSU by the European Communities</i> , WT/DS108/RW2, adopted 14 March 2006, as upheld by Appellate Body Report WT/DS108/AB/RW2, DSR 2006:XI, 4761
<i>US – FSC (Article 22.6 – US)</i>	Decision by the Arbitrator, <i>United States – Tax Treatment for "Foreign Sales Corporations" – Recourse to Arbitration by the United States under Article 22.6 of the DSU and Article 4.11 of the SCM Agreement</i> , WT/DS108/ARB, 30 August 2002, DSR 2002:VI, 2517

Short Title	Full Case Title and Citation
<i>US – Gambling</i>	Appellate Body Report, <i>United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services</i> , WT/DS285/AB/R, adopted 20 April 2005, DSR 2005:XII, 5663 (Corr.1, DSR 2006:XII, 5475)
<i>US – Gambling</i>	Panel Report, <i>United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services</i> , WT/DS285/R, adopted 20 April 2005, as modified by Appellate Body Report WT/DS285/AB/R, DSR 2005:XII, 5797
<i>US – Gambling</i> (Article 21.3(c))	Award of the Arbitrator, <i>United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS285/13, 19 August 2005, DSR 2005:XXIII, 11639
<i>US – Gambling</i> (Article 21.5 – Antigua and Barbuda)	Panel Report, <i>United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services – Recourse to Article 21.5 of the DSU by Antigua and Barbuda</i> , WT/DS285/RW, adopted 22 May 2007, DSR 2007:VIII, 3105
<i>US – Gambling</i> (Article 22.6 – US)	Decision by the Arbitrator, <i>United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS285/ARB, 21 December 2007, DSR 2007:X, 4163
<i>US – Gasoline</i>	Appellate Body Report, <i>United States – Standards for Reformulated and Conventional Gasoline</i> , WT/DS2/AB/R, adopted 20 May 1996, DSR 1996:I, 3
<i>US – Gasoline</i>	Panel Report, <i>United States – Standards for Reformulated and Conventional Gasoline</i> , WT/DS2/R, adopted 20 May 1996, as modified by Appellate Body Report WT/DS2/AB/R, DSR 1996:I, 29
<i>US – Hot-Rolled Steel</i>	Appellate Body Report, <i>United States – Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan</i> , WT/DS184/AB/R, adopted 23 August 2001, DSR 2001:X, 4697
<i>US – Hot-Rolled Steel</i>	Panel Report, <i>United States – Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan</i> , WT/DS184/R, adopted 23 August 2001 modified by Appellate Body Report WT/DS184/AB/R, DSR 2001:X, 4769
<i>US – Hot-Rolled Steel</i> (Article 21.3(c))	Award of the Arbitrator, <i>United States – Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS184/13, 19 February 2002, DSR 2002:IV, 1389
<i>US – Lamb</i>	Appellate Body Report, <i>United States – Safeguard Measures on Imports of Fresh, Chilled or Frozen Lamb Meat from New Zealand and Australia</i> , WT/DS177/AB/R, WT/DS178/AB/R, adopted 16 May 2001, DSR 2001:IX, 4051
<i>US – Lamb</i>	Panel Report, <i>United States – Safeguard Measures on Imports of Fresh, Chilled or Frozen Lamb Meat from New Zealand and Australia</i> , WT/DS177/R, WT/DS178/R, adopted 16 May 2001, as modified by Appellate Body Report WT/DS177/AB/R, WT/DS178/AB/R, DSR 2001:IX, 4107
<i>US – Large Civil Aircraft</i> (2 <sup>nd</sup> complaint)	Panel Report, <i>United States – Measures Affecting Trade in Large Civil Aircraft (Second Complaint)</i> , WT/DS353/R, circulated to WTO Members 31 March 2011 [appeal in progress]
<i>US – Lead and Bismuth II</i>	Appellate Body Report, <i>United States – Imposition of Countervailing Duties on Certain Hot-Rolled Lead and Bismuth Carbon Steel Products Originating in the United Kingdom</i> , WT/DS138/AB/R, adopted 7 June 2000, DSR 2000:V, 2595

Short Title	Full Case Title and Citation
<i>US – Lead and Bismuth II</i>	Panel Report, <i>United States – Imposition of Countervailing Duties on Certain Hot-Rolled Lead and Bismuth Carbon Steel Products Originating in the United Kingdom</i> , WT/DS138/R and Corr.2, adopted 7 June 2000, as upheld by Appellate Body Report WT/DS138/AB/R, DSR 2000:VI, 2623
<i>US – Line Pipe</i>	Appellate Body Report, <i>United States – Definitive Safeguard Measures on Imports of Circular Welded Carbon Quality Line Pipe from Korea</i> , WT/DS202/AB/R, adopted 8 March 2002, DSR 2002:IV, 1403
<i>US – Line Pipe</i>	Panel Report, <i>United States – Definitive Safeguard Measures on Imports of Circular Welded Carbon Quality Line Pipe from Korea</i> , WT/DS202/R, adopted 8 March 2002, as modified by Appellate Body Report WT/DS202/AB/, DSR 2002:IV, 1473
<i>US – Line Pipe</i> (Article 21.3(c))	Report of the Arbitrator, <i>United States – Definitive Safeguard Measures on Imports of Circular Welded Carbon Quality Line Pipe from Korea – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS202/17, 26 July 2002, DSR 2002:V, 2061
<i>US – Offset Act</i> (Byrd Amendment)	Appellate Body Report, <i>United States – Continued Dumping and Subsidy Offset Act of 2000</i> , WT/DS217/AB/R, WT/DS234/AB/R, adopted 27 January 2003, DSR 2003:I, 375
<i>US – Offset Act</i> (Byrd Amendment)	Panel Report, <i>United States – Continued Dumping and Subsidy Offset Act of 2000</i> , WT/DS217/R, WT/DS234/R, adopted 27 January 2003, as modified by Appellate Body Report WT/DS217/AB/R, WT/DS234/AB/R, DSR 2003:II, 489
<i>US – Offset Act</i> (Byrd Amendment) (Article 21.3(c))	Award of the Arbitrator, <i>United States – Continued Dumping and Subsidy Offset Act of 2000 – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS217/14, WT/DS234/22, 13 June 2003, DSR 2003:III, 1163
<i>US – Offset Act</i> (Byrd Amendment) (Brazil) (Article 22.6 – US)	Decision by the Arbitrator, <i>United States – Continued Dumping and Subsidy Offset Act of 2000, Original Complaint by Brazil – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS217/ARB/BRA, 31 August 2004, DSR 2004:IX, 4341
<i>US – Offset Act</i> (Byrd Amendment) (Canada) (Article 22.6 – US)	Decision by the Arbitrator, <i>United States – Continued Dumping and Subsidy Offset Act of 2000, Original Complaint by Canada – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS234/ARB/CAN, 31 August 2004, DSR 2004:IX, 4425
<i>US – Offset Act</i> (Byrd Amendment) (Chile) (Article 22.6 – US)	Decision by the Arbitrator, <i>United States – Continued Dumping and Subsidy Offset Act of 2000, Original Complaint by Chile – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS217/ARB/CHL, 31 August 2004, DSR 2004:IX, 4511
<i>US – Offset Act</i> (Byrd Amendment) (EC) (Article 22.6 – US)	Decision by the Arbitrator, <i>United States – Continued Dumping and Subsidy Offset Act of 2000, Original Complaint by the European Communities – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS217/ARB/EEC, 31 August 2004, DSR 2004:IX, 4591
<i>US – Offset Act</i> (Byrd Amendment) (India) (Article 22.6 – US)	Decision by the Arbitrator, <i>United States – Continued Dumping and Subsidy Offset Act of 2000, Original Complaint by India – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS217/ARB/IND, 31 August 2004, DSR 2004:X, 4691
<i>US – Offset Act</i> (Byrd Amendment) (Japan) (Article 22.6 – US)	Decision by the Arbitrator, <i>United States – Continued Dumping and Subsidy Offset Act of 2000, Original Complaint by Japan – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS217/ARB/JPN, 31 August 2004, DSR 2004:X, 4771

Short Title	Full Case Title and Citation
<i>US – Offset Act (Byrd Amendment) (Korea) (Article 22.6 – US)</i>	Decision by the Arbitrator, <i>United States – Continued Dumping and Subsidy Offset Act of 2000, Original Complaint by Korea – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS217/ARB/KOR, 31 August 2004, DSR 2004:X, 4851
<i>US – Offset Act (Byrd Amendment) (Mexico) (Article 22.6 – US)</i>	Decision by the Arbitrator, <i>United States – Continued Dumping and Subsidy Offset Act of 2000, Original Complaint by Mexico – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS234/ARB/MEX, 31 August 2004, DSR 2004:X, 4931
<i>US – Oil Country Tubular Goods Sunset Reviews</i>	Appellate Body Report, <i>United States – Sunset Reviews of Anti-Dumping Measures on Oil Country Tubular Goods from Argentina</i> , WT/DS268/AB/R, adopted 17 December 2004, DSR 2004:VII, 3257
<i>US – Oil Country Tubular Goods Sunset Reviews</i>	Panel Report, <i>United States – Sunset Reviews of Anti-Dumping Measures on Oil Country Tubular Goods from Argentina</i> , WT/DS268/R and Corr.1, adopted 17 December 2004, as modified by Appellate Body Report WT/DS268/AB/R, DSR 2004:VIII, 3421
<i>US – Oil Country Tubular Goods Sunset Reviews (Article 21.3(c))</i>	Award of the Arbitrator, <i>United States – Sunset Reviews of Anti-Dumping Measures on Oil Country Tubular Goods from Argentina – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS268/12, 7 June 2005, DSR 2005:XXIII, 11619
<i>US – Oil Country Tubular Goods Sunset Reviews (Article 21.5 – Argentina)</i>	Appellate Body Report, <i>United States – Sunset Reviews of Anti-Dumping Measures on Oil Country Tubular Goods from Argentina – Recourse to Article 21.5 of the DSU by Argentina</i> , WT/DS268/AB/RW, adopted 11 May 2007, DSR 2007:IX, 3523
<i>US – Oil Country Tubular Goods Sunset Reviews (Article 21.5 – Argentina)</i>	Panel Report, <i>United States – Sunset Reviews of Anti-Dumping Measures on Oil Country Tubular Goods from Argentina – Recourse to Article 21.5 of the DSU by Argentina</i> , WT/DS268/RW, adopted 11 May 2007, as modified by Appellate Body Report WT/DS268/AB/RW, DSR 2007:IX-X, 3609
<i>US – Orange Juice (Brazil)</i>	Panel Report, <i>United States – Anti-Dumping Administrative Reviews and Other Measures Related to Imports of Certain Orange Juice from Brazil</i> , WT/DS382/R, adopted 17 June 2011
<i>US – Poultry (China)</i>	Panel Report, <i>United States – Certain Measures Affecting Imports of Poultry from China</i> , WT/DS392/R, adopted 25 October 2010
<i>US – Section 110(5) Copyright Act</i>	Panel Report, <i>United States – Section 110(5) of the US Copyright Act</i> , WT/DS160/R, adopted 27 July 2000, DSR 2000:VIII, 3769
<i>US – Section 110(5) Copyright Act (Article 21.3(c))</i>	Award of the Arbitrator, <i>United States – Section 110(5) of the US Copyright Act – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS160/12, 15 January 2001, DSR 2001:II, 657
<i>US – Section 110(5) Copyright Act (Article 25)</i>	Award of the Arbitrators, <i>United States – Section 110(5) of the US Copyright Act – Recourse to Arbitration under Article 25 of the DSU</i> , WT/DS160/ARB25/1, 9 November 2001, DSR 2001:II, 667
<i>US – Section 129(c)(1) URAA</i>	Panel Report, <i>United States – Section 129(c)(1) of the Uruguay Round Agreements Act</i> , WT/DS221/R, adopted 30 August 2002, DSR 2002:VII, 2581
<i>US – Section 211 Appropriations Act</i>	Appellate Body Report, <i>United States – Section 211 Omnibus Appropriations Act of 1998</i> , WT/DS176/AB/R, adopted 1 February 2002, DSR 2002:II, 589
<i>US – Section 211 Appropriations Act</i>	Panel Report, <i>United States – Section 211 Omnibus Appropriations Act of 1998</i> , WT/DS176/R, adopted 1 February 2002, as modified by Appellate Body Report WT/DS176/AB/R, DSR 2002:II, 683

Short Title	Full Case Title and Citation
<i>US – Section 301 Trade Act</i>	Panel Report, <i>United States – Sections 301-310 of the Trade Act of 1974</i> , WT/DS152/R, adopted 27 January 2000, DSR 2000:II, 815
<i>US – Shrimp</i>	Appellate Body Report, <i>United States – Import Prohibition of Certain Shrimp and Shrimp Products</i> , WT/DS58/AB/R, adopted 6 November 1998, DSR 1998:VII, 2755
<i>US – Shrimp</i>	Panel Report, <i>United States – Import Prohibition of Certain Shrimp and Shrimp Products</i> , WT/DS58/R and Corr.1, adopted 6 November 1998, as modified by Appellate Body Report WT/DS58/AB/R, DSR 1998:VII, 2821
<i>US – Shrimp</i> (Article 21.5 – Malaysia)	Appellate Body Report, <i>United States – Import Prohibition of Certain Shrimp and Shrimp Products – Recourse to Article 21.5 of the DSU by Malaysia</i> , WT/DS58/AB/RW, adopted 21 November 2001, DSR 2001:XIII, 6481
<i>US – Shrimp</i> (Article 21.5 – Malaysia)	Panel Report, <i>United States – Import Prohibition of Certain Shrimp and Shrimp Products – Recourse to Article 21.5 of the DSU by Malaysia</i> , WT/DS58/RW, adopted 21 November 2001, as upheld by Appellate Body Report WT/DS58/AB/RW, DSR 2001:XIII, 6529
<i>US – Shrimp (Ecuador)</i>	Panel Report, <i>United States – Anti-Dumping Measure on Shrimp from Ecuador</i> , WT/DS335/R, adopted on 20 February 2007, DSR 2007:II, 425
<i>US – Shrimp (Thailand) /</i> <i>US – Customs Bond Directive</i>	Appellate Body Report, <i>United States – Measures Relating to Shrimp from Thailand / United States – Customs Bond Directive for Merchandise Subject to Anti-Dumping/Countervailing Duties</i> , WT/DS343/AB/R / WT/DS345/AB/R, adopted 1 August 2008, DSR 2008:VII, 2385 / DSR 2008:VIII, 2773
<i>US – Shrimp (Thailand)</i>	Panel Report, <i>United States – Measures Relating to Shrimp from Thailand</i> , WT/DS343/R, adopted 1 August 2008, as modified by Appellate Body Report WT/DS343/AB/R / WT/DS345/AB/R, DSR 2008:VII, 2539
<i>US – Softwood Lumber III</i>	Panel Report, <i>United States – Preliminary Determinations with Respect to Certain Softwood Lumber from Canada</i> , WT/DS236/R, adopted 1 November 2002, DSR 2002:IX, 3597
<i>US – Softwood Lumber IV</i>	Appellate Body Report, <i>United States – Final Countervailing Duty Determination with Respect to Certain Softwood Lumber from Canada</i> , WT/DS257/AB/R, adopted 17 February 2004, DSR 2004:II, 571
<i>US – Softwood Lumber IV</i>	Panel Report, <i>United States – Final Countervailing Duty Determination with Respect to Certain Softwood Lumber from Canada</i> , WT/DS257/R and Corr.1, adopted 17 February 2004, as modified by Appellate Body Report WT/DS257/AB/R, DSR 2004:II, 641
<i>US – Softwood Lumber IV</i> (Article 21.5 – Canada)	Appellate Body Report, <i>United States – Final Countervailing Duty Determination with Respect to Certain Softwood Lumber from Canada – Recourse by Canada to Article 21.5 of the DSU</i> , WT/DS257/AB/RW, adopted 20 December 2005, DSR 2005:XXIII, 11357
<i>US – Softwood Lumber IV</i> (Article 21.5 – Canada)	Panel Report, <i>United States – Final Countervailing Duty Determination with Respect to Certain Softwood Lumber from Canada – Recourse by Canada to Article 21.5 [of the DSU]</i> , WT/DS257/RW, adopted 20 December 2005, as upheld by Appellate Body Report WT/DS257/AB/RW, DSR 2005:XXIII, 11401
<i>US – Softwood Lumber V</i>	Appellate Body Report, <i>United States – Final Dumping Determination on Softwood Lumber from Canada</i> , WT/DS264/AB/R, adopted 31 August 2004, DSR 2004:V, 1875

Short Title	Full Case Title and Citation
<i>US – Softwood Lumber V</i>	Panel Report, <i>United States – Final Dumping Determination on Softwood Lumber from Canada</i> , WT/DS264/R, adopted 31 August 2004, as modified by Appellate Body Report WT/DS264/AB/R, DSR 2004:V, 1937
<i>US – Softwood Lumber V (Article 21.3(c))</i>	Report of the Arbitrator, <i>United States – Final Dumping Determination on Softwood Lumber from Canada – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS264/13, 13 December 2004, DSR 2004:X, 5011
<i>US – Softwood Lumber V (Article 21.5 – Canada)</i>	Appellate Body Report, <i>United States – Final Dumping Determination on Softwood Lumber from Canada – Recourse to Article 21.5 of the DSU by Canada</i> , WT/DS264/AB/RW, adopted 1 September 2006, DSR 2006:XII, 5087
<i>US – Softwood Lumber V (Article 21.5 – Canada)</i>	Panel Report, <i>United States – Final Dumping Determination on Softwood Lumber from Canada – Recourse to Article 21.5 of the DSU by Canada</i> , WT/DS264/RW, adopted 1 September 2006, as reversed by Appellate Body Report WT/DS264/AB/RW, DSR 2006:XII, 5147
<i>US – Softwood Lumber VI</i>	Panel Report, <i>United States – Investigation of the International Trade Commission in Softwood Lumber from Canada</i> , WT/DS277/R, adopted 26 April 2004, DSR 2004:VI, 2485
<i>US – Softwood Lumber VI (Article 21.5 – Canada)</i>	Appellate Body Report, <i>United States – Investigation of the International Trade Commission in Softwood Lumber from Canada – Recourse to Article 21.5 of the DSU by Canada</i> , WT/DS277/AB/RW, adopted 9 May 2006, and Corr.1, DSR 2006:XI, 4865
<i>US – Softwood Lumber VI (Article 21.5 – Canada)</i>	Panel Report, <i>United States – Investigation of the International Trade Commission in Softwood Lumber from Canada – Recourse to Article 21.5 of the DSU by Canada</i> , WT/DS277/RW, adopted 9 May 2006, as modified by Appellate Body Report WT/DS277/AB/RW, DSR 2006:XI, 4935
<i>US – Stainless Steel (Korea)</i>	Panel Report, <i>United States – Anti-Dumping Measures on Stainless Steel Plate in Coils and Stainless Steel Sheet and Strip from Korea</i> , WT/DS179/R, adopted 1 February 2001, DSR 2001:IV, 1295
<i>US – Stainless Steel (Mexico)</i>	Appellate Body Report, <i>United States – Final Anti-Dumping Measures on Stainless Steel from Mexico</i> , WT/DS344/AB/R, adopted 20 May 2008, DSR 2008:II, 513
<i>US – Stainless Steel (Mexico)</i>	Panel Report, <i>United States – Final Anti-Dumping Measures on Stainless Steel from Mexico</i> , WT/DS344/R, adopted 20 May 2008, as modified by Appellate Body Report WT/DS344/AB/R, DSR 2008:II, 599
<i>US – Stainless Steel (Mexico) (Article 21.3(c))</i>	Award of the Arbitrator, <i>United States – Final Anti-Dumping Measures on Stainless Steel from Mexico – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS344/15, 31 October 2008
<i>US – Steel Plate</i>	Panel Report, <i>United States – Anti-Dumping and Countervailing Measures on Steel Plate from India</i> , WT/DS206/R and Corr.1, adopted 29 July 2002, DSR 2002:VI, 2073
<i>US – Steel Safeguards</i>	Appellate Body Report, <i>United States – Definitive Safeguard Measures on Imports of Certain Steel Products</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, adopted 10 December 2003, DSR 2003:VII, 3117

Short Title	Full Case Title and Citation
<i>US – Steel Safeguards</i>	Panel Reports, <i>United States – Definitive Safeguard Measures on Imports of Certain Steel Products</i> , WT/DS248/R / WT/DS249/R / WT/DS251/R / WT/DS252/R / WT/DS253/R / WT/DS254/R / WT/DS258/R / WT/DS259/R, and Corr.1, adopted 10 December 2003, as modified by Appellate Body Report 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, DSR 2003:VIII, 3273
<i>US – Textiles Rules of Origin</i>	Panel Report, <i>United States – Rules of Origin for Textiles and Apparel Products</i> , WT/DS243/R and Corr.1, adopted 23 July 2003, DSR 2003:VI, 2309
<i>US – Tyres (China)</i>	Panel Report, <i>United States – Measures Affecting Imports of Certain Passenger Vehicle and Light Truck Tyres from China</i> , WT/DS399/R, circulated to WTO Members 13 December 2010 [appeal in progress]
<i>US – Underwear</i>	Appellate Body Report, <i>United States – Restrictions on Imports of Cotton and Man-made Fibre Underwear</i> , WT/DS24/AB/R, adopted 25 February 1997, DSR 1997:I, 11
<i>US – Underwear</i>	Panel Report, <i>United States – Restrictions on Imports of Cotton and Man-made Fibre Underwear</i> , WT/DS24/R, adopted 25 February 1997, as modified by Appellate Body Report WT/DS24/AB/R, DSR 1997:I, 31
<i>US – Upland Cotton</i>	Appellate Body Report, <i>United States – Subsidies on Upland Cotton</i> , WT/DS267/AB/R, adopted 21 March 2005, DSR 2005:I, 3
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<i>US – Upland Cotton (Article 21.5 – Brazil)</i>	Appellate Body Report, <i>United States – Subsidies on Upland Cotton – Recourse to Article 21.5 of the DSU by Brazil</i> , WT/DS267/AB/RW, adopted 20 June 2008, DSR 2008:III, 809
<i>US – Upland Cotton (Article 21.5 – Brazil)</i>	Panel Report, <i>United States – Subsidies on Upland Cotton – Recourse to Article 21.5 of the DSU by Brazil</i> , WT/DS267/RW and Corr.1, adopted 20 June 2008, as modified by Appellate Body Report WT/DS267/AB/RW, DSR 2008:III, 997 to DSR 2008:VI, 2013
<i>US – Upland Cotton (Article 22.6 – US I)</i>	Decision by the Arbitrator, <i>United States – Subsidies on Upland Cotton – Recourse to Arbitration by the United States under Article 22.6 of the DSU and Article 4.11 of the SCM Agreement</i> , WT/DS267/ARB/1, 31 August 2009
<i>US – Upland Cotton (Article 22.6 – US II)</i>	Decision by the Arbitrator, <i>United States – Subsidies on Upland Cotton – Recourse to Arbitration by the United States under Article 22.6 of the DSU and Article 7.10 of the SCM Agreement</i> , WT/DS267/ARB/2 and Corr.1, 31 August 2009
<i>US – Wheat Gluten</i>	Appellate Body Report, <i>United States – Definitive Safeguard Measures on Imports of Wheat Gluten from the European Communities</i> , WT/DS166/AB/R, adopted 19 January 2001, DSR 2001:II, 717
<i>US – Wheat Gluten</i>	Panel Report, <i>United States – Definitive Safeguard Measures on Imports of Wheat Gluten from the European Communities</i> , WT/DS166/R, adopted 19 January 2001, as modified by Appellate Body Report WT/DS166/AB/R, DSR 2001:III, 779
<i>US – Wool Shirts and Blouses</i>	Appellate Body Report, <i>United States – Measure Affecting Imports of Woven Wool Shirts and Blouses from India</i> , WT/DS33/AB/R, adopted 23 May 1997, and Corr.1, DSR 1997:I, 323

Short Title	Full Case Title and Citation
<i>US – Wool Shirts and Blouses</i>	Panel Report, <i>United States – Measure Affecting Imports of Woven Wool Shirts and Blouses from India</i> , WT/DS33/R, adopted 23 May 1997, as upheld by Appellate Body Report WT/DS33/AB/R, DSR 1997:I, 343
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<i>US – Zeroing (EC)</i>	Panel Report, <i>United States – Laws, Regulations and Methodology for Calculating Dumping Margins ("Zeroing")</i> , WT/DS294/R, adopted 9 May 2006, as modified by Appellate Body Report WT/DS294/AB/R, DSR 2006:II, 521
<i>US – Zeroing (EC)</i> (Article 21.5 – EC)	Appellate Body Report, <i>United States – Laws, Regulations and Methodology for Calculating Dumping Margins ("Zeroing") – Recourse to Article 21.5 of the DSU by the European Communities</i> , WT/DS294/AB/RW and Corr.1, adopted 11 June 2009
<i>US – Zeroing (EC)</i> (Article 21.5 – EC)	Panel Report, <i>United States – Laws, Regulations and Methodology for Calculating Dumping Margins ("Zeroing") – Recourse to Article 21.5 of the DSU by the European Communities</i> , WT/DS294/RW, adopted 11 June 2009, as modified by Appellate Body Report WT/DS294/AB/RW
<i>US – Zeroing (Japan)</i>	Appellate Body Report, <i>United States – Measures Relating to Zeroing and Sunset Reviews</i> , WT/DS322/AB/R, adopted 23 January 2007, DSR 2007:I, 3
<i>US – Zeroing (Japan)</i>	Panel Report, <i>United States – Measures Relating to Zeroing and Sunset Reviews</i> , WT/DS322/R, adopted 23 January 2007, as modified by Appellate Body Report WT/DS322/AB/R, DSR 2007:I, 97
<i>US – Zeroing (Japan)</i> (Article 21.3(c))	Report of the Arbitrator, <i>United States – Measures Relating to Zeroing and Sunset Reviews – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS322/21, 11 May 2007, DSR 2007:X, 4160
<i>US – Zeroing (Japan)</i> (Article 21.5 – Japan)	Appellate Body Report, <i>United States – Measures Relating to Zeroing and Sunset Reviews – Recourse to Article 21.5 of the DSU by Japan</i> , WT/DS322/AB/RW, adopted 31 August 2009
<i>US – Zeroing (Japan)</i> (Article 21.5 – Japan)	Panel Report, <i>United States – Measures Relating to Zeroing and Sunset Reviews – Recourse to Article 21.5 of the DSU by Japan</i> , WT/DS322/RW, adopted 31 August 2009, as upheld by Appellate Body Report WT/DS322/AB/RW
<i>US – Zeroing (Korea)</i>	Panel Report, <i>United States – Use of Zeroing in Anti-Dumping Measures Involving Products from Korea</i> , WT/DS402/R, adopted 24 February 2011