

**DISPUTE SETTLEMENT BODY**

**Annual Report (2004)**

Addendum

***Overview of the State of Play of WTO Disputes***

The attached overview, which reflects the state of play of WTO disputes during the period from **1 January 1995** to **31 October 2004**, has been prepared by the Secretariat on its own responsibility. Section I summarizes the developments from the initial requests for consultations until the establishment of panels, including the cases where mutually agreed solutions were found. Section II deals with the stages covering the establishment of panels, circulation of panels and Appellate Body reports, appeals and finally the adoption of the reports. Section III covers the stage dealing with the monitoring of the implementation of the DSB's recommendations. Finally, Section IV covers recourse to Articles 21.5 and 22 of the DSU.

## SECTION IV

### (i) Recourse to Article 21.5 of the DSU (COMPLIANCE)

*(1 January 1995 – 31 October 2004)*

Dispute	Recourse to Article 21.5	Referral to Original Panel by the DSB	Panel and/or Appellate Body Reports Adopted
1. European Communities – Regime for the Importation, Sale and Distribution of Bananas	15.12.98 EC <b>WT/DS27/40</b> 18.12.98 Ecuador <b>WT/DS27/41</b>	12.01.99 <b>WT/DSB/M/53</b> EC, Ecuador	06.05.99 <b>WT/DSB/M/61</b> (WT/DS27/RW/ECU)
2. Australia – Measures Affecting Importation of Salmon	28.07.99 Canada <b>WT/DS18/14</b>	28.07.99 <b>WT/DSB/M/66</b>	20.03.00 <b>WT/DSB/M/77</b>
3. Australia – Subsidies Provided to Producers and Exporters of Automotive Leather	04.10.99 US <b>WT/DS126/8</b>	14.10.99 <b>WT/DSB/M/69</b>	11.02.00 <b>WT/DSB/M/75</b>
4. Brazil – Export Financing Programme for Aircraft	26.11.99 Canada <b>WT/DS46/13</b>	09.12.99 <b>WT/DSB/M/72</b>	04.08.00 <b>WT/DSB/M/87</b>
5. Canada – Measures Affecting the Export of Civilian Aircraft	23.11.99 Brazil <b>WT/DS70/9</b>	09.12.99 <b>WT/DSB/M/72</b>	04.08.00 <b>WT/DSB/M/87</b>
6. United States – Anti-Dumping Duty on Dynamic Random Access Memory Semiconductors (DRAMs) of one megabit or above from Korea	07.04.00 Korea <b>WT/DS99/8</b>	25.04.00 <b>WT/DSB/M/79</b>	N.A.
7. United States – Import Prohibition of Certain Shrimp and Shrimp Products	13.10.00 Malaysia <b>WT/DS58/17</b>	23.10.00 <b>WT/DSB/M/91</b>	21.11.01 <b>WT/DSB/M/113</b>
8. Mexico – Anti-dumping Investigation of High-Fructose Corn Syrup (HFCS) from the United States	13.10.00 US <b>WT/DS132/6</b>	23.10.00 <b>WT/DSB/M/91</b>	21.11.01 <b>WT/DSB/M/113</b>
9. United States – Tax Treatment for "Foreign Sales Corporations"	07.12.00 EC <b>WT/DS108/16</b>	20.12.00 <b>WT/DSB/M/95</b>	29.01.02 <b>WT/DSB/M/118</b>
10. Brazil – Export Financing Programme for Aircraft: Second Recourse by Canada to Article 21.5 of the DSU	19.01.01 Canada <b>WT/DS46/26</b>	16.02.01 <b>WT/DSB/M/99</b>	23.08.01 <b>WT/DSB/M/108</b>
11. Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products	16.02.01 US <b>WT/DS103/16</b> 16.02.01 New Zealand <b>WT/DS113/16</b>	01.03.01 <b>WT/DSB/M/100</b>	18.12.01 <b>WT/DSB/M/116</b>
12. Canada – Measures Affecting the	06.12.01	18.12.01	17.01.03

<b>Dispute</b>	<b>Recourse to Article 21.5</b>	<b>Referral to Original Panel by the DSB</b>	<b>Panel and/or Appellate Body Reports Adopted</b>
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	US <b>WT/DS103/23</b> 06.12.01 New Zealand <b>WT/DS113/23</b>	<b>WT/DSB/M/116</b>	<b>WT/DSB/M/141</b>
13. European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India	07.05.02 India <b>WT/DS141/13/Rev.1</b>	22.05.02 <b>WT/DSB/M/124 and Corr.1</b>	24.04.03 <b>WT/DSB/M/148</b>
14. United States – Countervailing Measures Concerning Certain Products from the European Communities	17.03.04 EC <b>WT/DS212/14</b>	27.09.04 <b>WT/DS212/15</b> <b>WT/DSB/M/176</b>	
15. Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products	19.05.04 Argentina <b>WT/DS207/17</b>		
16. Japan – Measures Affecting the Importation of Apples	19.07.04 US <b>WT/DS245/11</b>	30.07.04 <b>WT/DSB/M/174</b>	

**SECTION IV**

**(ii) Recourse to Article 22 of the DSU (SANCTIONS)**

*(1 January 1995 – 31 October 2004)*

<b>Dispute</b>	<b>Request for Arbitration under Article 22.6</b>	<b>Authorization by the DSB to Suspend Concessions</b>
1(a). European Communities – Regime for the Importation, Sale and Distribution of Bananas	29.01.99 EC <b>WT/DS27/46</b>	Pursuant to the US request <b>(WT/DS27/49)</b> authorization was granted at the DSB meeting on 19.04.99 <b>(WT/DSB/M/59)</b>
1(b). European Communities – Regime for the Importation, Sale and Distribution of Bananas	19.11.99 EC <b>WT/DS27/53</b>	Pursuant to Ecuador's request <b>(WT/DS27/54)</b> authorization was granted at the DSB meeting on 18.05.00 <b>(WT/DSB/M/80)</b>
2. European Communities – Measures Concerning Meat and Meat Products (Hormones)	02.06.99 EC <b>WT/DS26/20</b> <b>WT/DS48/18</b>	Pursuant to the US request <b>(WT/DS26/21)</b> and Canada's request <b>(WT/DS48/19)</b> authorization was granted at the DSB meeting on 26.07.99 <b>(WT/DSB/M/65)</b>
3. Australia – Measures Affecting Importation of Salmon	27.07.99 Australia <b>WT/DS18/13</b>	N.A.
4. Brazil – Export Financing Programme for Aircraft	22.05.00 Brazil <b>WT/DS46/18</b>	Pursuant to Canada's request <b>(WT/DS46/25)</b> authorization was granted at the DSB meeting on 12.12.00 <b>(WT/DSB/M/94)</b>
5. United States – Tax Treatment for "Foreign Sales Corporations"	28.11.00 US <b>WT/DS108/17</b>	Pursuant to the EC's request <b>(WT/DS108/26)</b> authorization was granted at the DSB meeting on 07.05.03 <b>(WT/DSB/M/149)</b>
6. Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products	28.02.01 Canada <b>WT/DS103/18</b> <b>WT/DS113/18</b>	
7. United States – Anti-Dumping Act of 1916	17.01.02 United States <b>WT/DS136/16</b>	

<b>Dispute</b>	<b>Request for Arbitration under Article 22.6</b>	<b>Authorization by the DSB to Suspend Concessions</b>
	<b>WT/DS162/19</b>	
8. United States – Section 110(5) of the US Copyright Act	17.01.02 United States <b>WT/DS160/20</b>	
9. Canada – Export Credits and Loan Guarantees for Regional Aircraft	21.06.02 Canada <b>WT/DS222/8</b>	Pursuant to Brazil's request ( <b>WT/DS222/10</b> ) authorization was granted at the DSB meeting on 18.03.03 ( <b>WT/DSB/M/145</b> )
10. United States – Continued Dumping and Subsidy Offset Act of 2000	23.01.04 US <b>WT/DS217/26</b> <b>WT/DS217/27</b> <b>WT/DS217/28</b> <b>WT/DS217/29</b> <b>WT/DS217/30</b> <b>WT/DS217/31</b> <b>WT/DS234/27</b> <b>WT/DS234/28</b>	
11. Japan – Measures Affecting the Importation of Apples	29.07.04 Japan <b>WT/DS245/13</b>	

Dispute	Recourse to Article 22.2	Recourse to Arbitration under Article 22.6	Report of the Arbitrator	Authorization by the DSB to Suspend Concessions
19 United States - Measures Relating to Zeroing and Sunset Reviews	10.01.08 Japan <b>WT/DS322/23</b> 10.01.08 Japan <b>WT/DS322/24</b> 07.08.12 <b>WT/DS322/46</b> (withdrawal of the request pursuant to Article 22.2 of the DSU by Japan)	18.01.08 US <b>WT/DS322/25</b>		
20 European Communities - Measures Affecting the Approval and Marketing of Biotech Products	17.01.08 US <b>WT/DS291/39</b>	06.02.08 EC <b>WT/DS291/40</b>		
21 United States - Laws, Regulations and Methodology for Calculating Dumping Margins ("Zeroing")	29.01.10 EU <b>WT/DS294/35</b> 22.06.12 <b>WT/DS294/45</b> (withdrawal of the request pursuant to Article 22.2 of the DSU by the EU)	12.02.10 US <b>WT/DS294/36</b>		
22 European Communities and certain member States - Measures Affecting Trade in Large Civil Aircraft	09.12.11 US <b>WT/DS316/18</b>	22.12.11 EU <b>WT/DSB/M/309</b>		
23 United States - Measures Affecting Trade in Large Civil Aircraft (Second Complaint)	27.09.12 EU <b>WT/DS353/17</b>	22.10.12 <b>WT/DS353/19</b>		
24 United States - Measures Affecting the Production and Sale of Clove Cigarettes	12.08.13 Indonesia <b>WT/DS406/12</b> 08.10.14 <b>WT/DS406/18</b> (withdrawal of the request pursuant to Article 22.2 of the DSU by Indonesia)	22.08.13 <b>WT/DS406/13</b> <b>WT/DSB/M/335</b> (see section I page 74)		

<b>Dispute</b>	<b>Recourse to Article 22.2</b>	<b>Recourse to Arbitration under Article 22.6</b>	<b>Report of the Arbitrator</b>	<b>Authorization by the DSB to Suspend Concessions</b>
11 Japan – Measures Affecting the Importation of Apples	19.07.04 US <b>WT/DS245/12</b>	29.07.04 Japan <b>WT/DS245/13</b>	Pursuant to a mutually agreed solution ( <b>WT/DS245/21</b> ) the arbitration was terminated on 30.08.05	
12 United States – Final Countervailing Duty Determination with Respect to Certain Softwood Lumber from Canada	04.01.05 Canada <b>WT/DS257/16</b>	13.01.05 US <b>WT/DS257/17</b>	Pursuant to a mutually agreed solution ( <b>WT/DS257/26</b> ) the arbitration was terminated on 12.10.06	
13 United States – Investigation of the International Trade Commission in Softwood Lumber from Canada	15.02.05 Canada <b>WT/DS277/9</b>	23.02.05 US <b>WT/DS277/10</b>	Pursuant to a mutually agreed solution ( <b>WT/DS277/20</b> ) the arbitration was terminated on 12.10.06	
14 United States – Final Dumping Determination on Softwood Lumber from Canada	19.05.05 Canada <b>WT/DS264/17</b>	31.05.05 US <b>WT/DS264/19</b>	Pursuant to a mutually agreed solution ( <b>WT/DS264/29</b> ) the arbitration was terminated on 12.10.06	
15 United States – Subsidies on Upland Cotton (I)	05.07.05 Brazil <b>WT/DS267/21</b>	14.07.05 US <b>WT/DS267/23</b>	31.08.09 <b>WT/DS267/ARB/1</b>	Pursuant to the request by Brazil ( <b>WT/DS267/41</b> ) authorization was granted at the DSB meeting on 19.11.09 ( <b>WT/DSB/M/276</b> )
16 United States – Subsidies on Upland Cotton (II)	06.10.05 Brazil <b>WT/DS267/26</b>	17.10.05 US <b>WT/DS267/27</b>	31.08.09 <b>WT/DS267/ARB/2 and Corr.1</b>	Pursuant to the request by Brazil ( <b>WT/DS267/42</b> ) authorization was granted at the DSB meeting on 19.11.09 ( <b>WT/DSB/M/276</b> )
17 United States – Sunset Reviews of Anti-Dumping Measures on Oil Country Tubular Goods from Argentina	21.05.07 Argentina <b>WT/DS268/24</b>	01.06.07 US <b>WT/DS268/25</b>		
18 United States – Measures Affecting the Cross Border Supply of Gambling and Betting Services	21.06.07 Antigua and Barbuda <b>WT/DS285/22</b>	23.07.07 US <b>WT/DS285/23</b>	21.12.07 <b>WT/DS285/ARB</b>	Pursuant to the request by Antigua and Barbuda ( <b>WT/DS285/25</b> ) authorization was granted at the DSB meeting on 28.01.13 ( <b>WT/DSB/M/328</b> )

Dispute	Recourse to Article 22.2	Recourse to Arbitration under Article 22.6	Report of the Arbitrator	Authorization by the DSB to Suspend Concessions
19 United States – Measures Relating to Zeroing and Sunset Reviews	10.01.08 Japan <b>WT/DS322/23</b> 10.01.08 Japan <b>WT/DS322/24</b> 07.08.12 <b>WT/DS322/46</b> (withdrawal of the request pursuant to Article 22.2 of the DSU by Japan)	18.01.08 US <b>WT/DS322/25</b>		
20 European Communities – Measures Affecting the Approval and Marketing of Biotech Products	17.01.08 US <b>WT/DS291/39</b>	06.02.08 EC <b>WT/DS291/40</b>		
21 United States – Laws, Regulations and Methodology for Calculating Dumping Margins ("Zeroing")	29.01.10 EU <b>WT/DS294/35</b> 22.06.12 <b>WT/DS294/45</b> (withdrawal of the request pursuant to Article 22.2 of the DSU by the EU)	12.02.10 US <b>WT/DS294/36</b>		
22 European Communities and certain member States – Measures Affecting Trade in Large Civil Aircraft	09.12.11 US <b>WT/DS316/18</b>	22.12.11 EU <b>WT/DSB/M/309</b>		
23 United States – Measures Affecting Trade in Large Civil Aircraft (Second Complaint)	27.09.12 EU <b>WT/DS353/17</b>	22.10.12 <b>WT/DS353/19</b>		
24 United States – Measures Affecting the Production and Sale of Clove Cigarettes	12.08.13 Indonesia <b>WT/DS406/12</b> 08.10.14 <b>WT/DS406/18</b> (withdrawal of the request pursuant to Article 22.2 of the DSU by Indonesia)	22.08.13 <b>WT/DS406/13</b> <b>WT/DSB/M/335</b> (see section I page 74)		