

DISPUTE SETTLEMENT BODY

Annual Report (2000)¹

The present report has been prepared in pursuance of the Procedures for an Annual Overview of WTO Activities and for Reporting under the WTO (WT/L/105), and sets out the actions taken by the Dispute Settlement Body (DSB) in the period since its previous annual report.²

In carrying out its task, the DSB has held 23 meetings since the period covered by the previous report. The minutes of these meetings, which remain the record of the DSB's work, are contained in documents WT/DSB/M/70 – WT/DSB/M/92.³

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¹ The Overview of the State of Play of WTO Disputes since 1 January 1995 to 31 October 2000 prepared by the Secretariat on its own responsibility is included, for practical purposes, in an Addendum to this report.

² WT/DSB/16, Corr.1 and Add.1.

³ The present report includes meetings of the DSB covering the period from 27 October 1999 to 17 November 2000.

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1. Election of Chairperson (WT/DSB/M/76)

At its meeting on 24 February 2000, the DSB elected Mr. Stuart Harbinson (Hong Kong, China) as Chairman by acclamation.

The representatives of the European Communities, United States, India, Thailand (on behalf of the ASEAN Members), Japan, Costa Rica (on behalf of Latin American and Caribbean Members), the outgoing Chairman and the incoming Chairman spoke.

The DSB took note of the statements.

2. Review of the DSU (WT/DSB/M/70, 72)

At the DSB meeting on 27 October 1999, Mr. Suzuki (Japan), who had chaired informal discussions on the DSU review reported, in his personal capacity, on the progress made thus far.

The representatives of Mexico, European Communities, Malaysia, Egypt, Venezuela, Colombia, Canada, Costa Rica, Turkey, Brazil, Switzerland, Norway, New Zealand, Korea, India, Ecuador, Guatemala, Argentina, Hungary, Indonesia, Thailand, Australia, United States, Philippines and Hong Kong, China and the Chairman spoke.

The DSB took note of the statements and agreed to revert to this matter at its resumed meeting on 3 November 1999.

Upon resumption of the DSB meeting on 3 November 1999, the Chairman presented his statement, prepared on the basis of the discussion held on 27 October 1999, to be read out, on his own responsibility, at the meeting of the General Council on 4 November 1999.

The representatives of the Philippines, United States, Malaysia, Mexico, Venezuela, Ecuador, Indonesia, Egypt and Hong Kong, China and the Chairman spoke.

The DSB took note of the statements.

At the DSB meeting on 9 December 1999, the representative of Uruguay recalled that no decision on the DSU review had been taken at the Third Session of the Ministerial Conference in Seattle. He therefore believed that it would be appropriate for the General Council to take a decision to continue with the current DSU, in accordance with the 1994 Ministerial Decision.

The representatives of Uruguay, United States, Philippines and the European Communities spoke.

The DSB took note of the statements.

3. Appointment of Appellate Body members (WT/DSB/M/70, 74, 75, 76, 77, 78, 82)

At its meeting on 27 October and 3 November 1999, the Chairman proposed that the DSB agree: (i) to renew the terms of Messrs. Bacchus and Beeby for a final term of four years; (ii) to commence a process to ensure the rapid replacement of two Appellate Body members who had expressed their desire to leave, following the process used in 1995 to select the original seven Appellate Body members, which would involve nominations by WTO Members by 17 December 1999, and the establishment of a Selection Committee composed of the Director-General together with the 1999 Chairs of the General Council, the DSB, and the Councils for Trade in Goods, Services and TRIPS, with a view to a recommendation being made to the DSB for a decision at its meeting in March 2000; and (iii) to extend the terms of Messrs. El-Naggar and Matsushita until the end of March 2000.

The representatives of Brazil, India, Australia, Mexico, Malaysia, Japan, Canada and the Chairman spoke.

The DSB took note of the statements and agreed to the proposal outlined by the Chairman.

At the DSB meeting on 27 January 2000, the Chairman proposed that the deadline of 17 December 1999 for submission of candidates for the Appellate Body members be extended until 17 February 2000.

The representatives of Japan, Canada, United States, Slovenia and the Chairman spoke.

The DSB took note of the statements and agreed to extend the deadline for submission of candidates for the Appellate Body members until 17 February 2000.

At the DSB meeting on 11 February 2000, the Chairman informed the DSB that the Selection Committee would start interviews of candidates in the week of 28 February 2000.

The DSB took note of the statement.

At the DSB meeting on 24 February 2000, the Chairman made a statement concerning the selection process for the Appellate Body members.

The representative of Thailand spoke.

The DSB took note of the statements.

At the DSB meeting on 20 March 2000, the Chairman reported on the work of the Selection Committee thus far. He noted that it was the intention of the Committee to take a decision on this matter before the next regular meeting of the DSB or at a special meeting to be convened for that purpose shortly thereafter.

The DSB took note of the statement.

At the DSB meeting on 7 April 2000, the Chairman read out a statement conveying the Selection Committee's recommendations to appoint Messrs. Abi Saab and Ganesan as members of the Appellate Body for four years from a date, to be fixed in the near future, on which their contracts would commence. He proposed that the DSB agree to the recommendations of the Selection Committee.

The DSB so agreed.

The Chairman also proposed that the DSB authorize the Selection Committee to continue its work in relation to the selection of an additional candidate to fill the vacancy left by the late Mr. Beeby and that the DSB agree to invite Members wishing to submit or resubmit candidates for this third vacancy to do so no later than 5 May 2000.

The DSB agreed to the Chairman's proposal.

The representatives of Egypt, Japan, Philippines (on behalf of the ASEAN Members), Israel, Poland (on behalf of CEFTA Members and Estonia and Latvia), European Communities, United States, India, Mexico, Australia, Canada and the Chairman spoke.

The DSB took note of the statements.

At the DSB meeting on 25 May 2000, the Chairman read out the statement conveying the Selection Committee's recommendation to appoint Mr. Taniguchi as a member of the Appellate Body for the remainder of the late Mr. Beeby's term, that was, up to and including 10 December 2003. He proposed that the DSB agree to the recommendation of the Selection Committee.

The DSB so agreed.

The representatives of Japan, Australia, United States, Bulgaria, European Communities and the Chairman spoke.

The DSB took note of the statements.

4. Term of appointment of Appellate Body members (WT/DSB/M/71)

At the DSB meeting on 19 November 1999, the representative of India introduced his country's proposal contained in document WT/DSB/W/117 with regard to the term of appointment of Appellate Body members.

The representatives of India, European Communities, Canada, Norway, Mexico, Japan, Switzerland, United States and Hong Kong, China and the Chairman spoke.

The DSB took note of the statements and agreed to revert to this matter at its future meeting.

5. Progress report on informal consultations on the question of harmonization of the terms of office of Appellate Body members and selection processes for future appointments to the Appellate Body (WT/DSB/M/82)

At the DSB on 25 May 2000, the Chairman reported on the consultations he had held on the question of harmonization of the terms of office of Appellate Body members and selection processes for future appointments to the Appellate Body.

The DSB took note of the statement.

6. Adoption of the 2000 draft Annual Report of the DSB (WT/DSB/M/92)

At the DSB meeting on 17 November 2000, the Chairman proposed that the DSB adopt its 2000 draft Annual Report contained in WT/DSB/W/147 and Add.1 and Add.1/Corr.1 and authorize the Secretariat to update the Report under its own responsibility in order to include the actions taken by the DSB at the present meeting. He said that the updated Annual Report would be submitted for consideration by the General Council at its meeting on 7 and 8 December 2000.

The representatives of Mexico and the Chairman spoke.

The DSB took note of the statements and adopted the draft Annual Report contained in WT/DSB/W/147 and Add.1 and Add.1/Corr.1.

7. Indicative list of governmental and non-governmental panelists (WT/DSB/M/70, 76, 77, 80, 89, 91)

At its meeting on 27 October and 3 November 1999, the DSB approved the names contained in document WT/DSB/W/114 proposed for inclusion on the indicative list in accordance with Article 8.4 of the DSU.

At its meeting on 24 February 2000, the DSB approved the names contained in documents WT/DSB/W/120 and WT/DSB/W/123 proposed for inclusion on the indicative list in accordance with Article 8.4 of the DSU.

At its meeting on 20 March 2000, the DSB approved the names contained in document WT/DSB/W/126 and Corr.1 proposed for inclusion on the indicative list in accordance with Article 8.4 of the DSU.

At its meeting on 18 May 2000, the DSB approved the names contained in document WT/DSB/W/130 proposed for inclusion on the indicative list in accordance with Article 8.4 of the DSU.

At its meeting on 26 September 2000, the DSB approved the names contained in document WT/DSB/W/142 proposed for inclusion on the indicative list in accordance with Article 8.4 of the DSU.

At its meeting on 23 October 2000, the DSB approved the name contained in document WT/DSB/W/145 proposed for inclusion on the indicative list in accordance with Article 8.4 of the DSU.

8. Chairmanship of a possible DSB meeting in the second half of August (WT/DSB/M/86)

At the DSB meeting on 27 July 2000, the DSB agreed to appoint the Chairman of the Council for Trade in Goods, Mr. Pérez de Castillo (Uruguay) to chair any DSB meeting that might be required, for reasons of urgency, during the second half of August.

The representative of Panama and the Chairman spoke.

The DSB took note of the statements.

9. Recourse to dispute settlement procedures

(a) Argentina

(i) *Definitive anti-dumping measures on carton-board imports from Germany and definitive anti-dumping measures on imports of ceramic floor tiles from Italy (WT/DSB/M/89)*

At its meeting on 26 September 2000, the DSB considered a request by the European Communities for the establishment of a panel to examine its complaint with regard to Argentina's definitive anti-dumping measures on carton-board imports from Germany and on imports of ceramic floor tiles from Italy (WT/DS189/2)

The representatives of the European Communities and Argentina spoke.

The DSB took note of the statements and agreed to revert to this matter.

(ii) *Definitive anti-dumping measures on imports of ceramic floor tiles from Italy (WT/DSB/M/92)*

At its meeting on 17 November 2000, the DSB considered a request by the European Communities for the establishment of a panel to examine its complaint with regard to Argentina's

anti-dumping measures on imports of ceramic floor tiles from Italy (WT/DS189/3). The Chairman drew attention to the fact that the EC's request had already been considered by the DSB on 26 September 2000 as part of the EC's broader complaint contained in WT/DS189/2.

The representatives of the European Communities and Argentina spoke.

The DSB took note of the statements and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference.

The representatives of Japan, Turkey and the United States reserved their third-party rights to participate in the Panel's proceedings.

(iii) *Safeguard measures on imports of footwear (WT/DSB/M/73, 75, 76, 77)*

In July 1998⁴, the DSB had established a panel to examine the complaint by the European Communities with regard to Argentina's safeguard measures on imports of footwear. In September 1999, Argentina had notified the DSB of its decision to appeal certain issues of law and legal interpretations developed by the Panel.

At its meeting on 12 January 2000, the DSB considered the Appellate Body Report contained in WT/DS121/AB/R and the Panel Report contained in WT/DS121/R pertaining to the complaint by the European Communities.

The representatives of the European Communities, Argentina, Indonesia, Brazil, United States and Uruguay spoke.

The DSB took note of the statements and adopted the Appellate Body Report in WT/DS121/AB/R and the Panel Report in WT/DS121/R as modified by the Appellate Body Report.

At the DSB meeting on 11 February 2000, the representative of Argentina informed the DSB of his country's intentions in respect of implementation of the DSB's recommendations on this matter, pursuant to Article 21.3 of the DSU.

The representatives of Argentina, United States, European Communities and Indonesia spoke.

The DSB took note of the statements and of the information provided by Argentina regarding its intentions in respect of implementation of the DSB's recommendations.

At the DSB meeting on 24 February 2000, the representative of the United States expressed concern about Argentina's intention regarding its safeguard measures on imports of footwear.

The representatives of the United States, Argentina, European Communities and Indonesia spoke.

The DSB took note of the statements.

At the DSB meeting on 20 March 2000, the representative of the European Communities expressed concern about Argentina's lack of implementation in this case.

The representatives of the European Communities, Indonesia and Argentina spoke.

⁴ WT/DSB/M/47.

The DSB took note of the statements.

- (iv) *Transitional safeguard measures on certain imports of woven fabrics of cotton and cotton mixtures originating in Brazil (WT/DSB/M/76, 77)*

At its meeting on 24 February 2000, the DSB considered a request by Brazil for the establishment of a panel to examine its complaint with regard to transitional safeguard measures imposed by Argentina on certain imports of woven fabrics of cotton and cotton mixtures originating in Brazil (WT/DS190/1).

The representatives of Brazil, Argentina and Pakistan spoke.

The DSB took note of the statements and agreed to revert to this matter.

At the DSB meeting on 20 March 2000, the DSB again considered this matter.

The representatives of Brazil and Argentina spoke.

The DSB took note of the statements and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference.

The representatives of Pakistan, Paraguay and the United States reserved their third-party rights to participate in the Panel's proceedings.

- (b) Australia

- (i) *Measures affecting importation of salmon – Recourse to Article 21.5 of the DSU by Canada (WT/DSB/M/77, 80)*

In July 1999⁵, the DSB had agreed, in accordance with Article 21.5 of the DSU, to refer to the original Panel a request by Canada for determination of consistency of the implementation measures in this case.

At its meeting on 20 March 2000, the DSB considered the Panel Report contained in WT/DS18/RW pertaining to this matter.

The representatives of Canada, Australia, United States, European Communities and Norway spoke.

The DSB took note of the statements and adopted the Panel Report contained in WT/DS18/RW.

At the DSB meeting on 18 May 2000, Canada and Australia announced that they had reached an agreement on this matter.

The representatives of Canada, Australia, United States and Norway spoke.

The DSB took note of the statements.

⁵ WT/DSB/M/66.

- (ii) *Subsidies provided to producers and exporters of automotive leather – Recourse to Article 21.5 of the DSU by the United States (WT/DSB/M/75)*

In October 1999⁶, the DSB had agreed, in accordance with Article 21.5 of the DSU, to refer to the original Panel the matter raised by the United States concerning the measures taken by Australia to comply with the DSB's recommendations in this case.

At its meeting on 11 February 2000, the DSB considered the Panel Report contained in WT/DS126/RW and Corr.1 pertaining to this matter.

The representatives of the United States, Australia, Canada, Brazil, Japan, European Communities, Malaysia and Hong Kong, China spoke.

The DSB took note of the statements and adopted the Panel Report contained in WT/DS126/RW and Corr.1.

- (c) Brazil

- (i) *Export financing programme for aircraft (WT/DSB/M/71, 72, 81)*

At the DSB meeting on 19 November 1999, the representative of Canada made a statement concerning the implementation by Brazil of the DSB's recommendations on this matter (WT/DS46).

The representatives of Canada and Brazil spoke.

The DSB took note of the statements.

At its meeting on 9 December 1999, the DSB considered a request by Canada under Article 21.5 of the DSU to examine Brazil's implementation of the DSB's recommendations on this matter (WT/DS46/13).

The representatives of Canada and Brazil spoke.

The DSB took note of the statements and agreed to refer to the original Panel, pursuant to Article 21.5 of the DSU, the matter raised by Canada in document WT/DS46/13. It was agreed that the Panel would have standard terms of reference.

The representatives of the European Communities and the United States reserved their third-party rights to participate in the Panel's proceedings.⁷

At its meeting on 22 May 2000, the DSB considered a request by Canada for authorization to take appropriate countermeasures pursuant to Article 4.10 of the SCM Agreement and Article 22.2 of the DSU (WT/DS46/16).

The representatives of Canada, Brazil, European Communities, Uruguay, United States, Malaysia, India, Argentina, Saint Lucia and Hong Kong, China and the Chairman spoke.

The DSB took note of the statements and agreed that, as requested by Brazil pursuant to Article 4.11 of the SCM Agreement and Article 22.6 of the DSU, the matter be referred to arbitration to determine whether the countermeasures requested by Canada in document WT/DS46/16 were

⁶ WT/DSB/M/69.

⁷ After the meeting Australia reserved its third-party rights to participate in the Panel's proceedings.

appropriate; it being understood that no countermeasures would be sought pending the Appellate Body Report and until after the Arbitration Report in the present case.

- (ii) *Export financing programme for aircraft – Recourse by Canada to Article 21.5 of the DSU (WT/DSB/M/87)*

At its meeting on 4 August 2000, the DSB considered the Appellate Body Report contained in WT/DS46/AB/RW and the Panel Report contained in WT/DS46/RW reconvened in accordance with Article 21.5 of the DSU to examine Brazil's implementation of the DSB's recommendations on this matter.

The representatives of Canada, Brazil and the European Communities spoke.

The DSB took note of the statements and adopted the Appellate Body Report contained in WT/DS46/AB/RW and the Panel Report contained in WT/DS46/RW as modified by the Appellate Body Report.

- (d) Canada

- (i) *Certain measures affecting the automotive industry (WT/DSB/M/84, 86)*

In February 1999⁸, the DSB had established a single panel to examine the complaints by Japan and the European Communities with regard to certain aspects of Canada's automotive trade regime. In March 2000, Canada had notified the DSB of its decision to appeal certain issues of law and legal interpretations developed by the Panel.

At its meeting on 19 June 2000, the DSB considered the Appellate Body Report contained in WT/DS139/AB/R – WT/DS142/AB/R and the Panel Report contained in WT/DS139/R – WT/DS142/R pertaining to the complaints by Japan and the European Communities.

The representatives of the European Communities, Japan, Canada, the Philippines and Hong Kong, China spoke.

The DSB took note of the statements and adopted the Appellate Body Report contained in WT/DS139/AB/R – WT/DS142/AB/R and the Panel Report contained in WT/DS139/R – WT/DS142/R as modified by the Appellate Body Report.

At the DSB meeting on 27 July 2000, the representative of Canada informed the DSB of his country's intentions in respect of implementation of the DSB's recommendations on this matter, pursuant to Article 21.3 of the DSU. He said that Canada was consulting with the EC and Japan on a reasonable period of time for implementation.

The representatives of Canada, European Communities and Japan spoke.

The DSB took note of the statements and of the information provided by Canada regarding its intentions in respect of implementation of the DSB's recommendations.

⁸ WT/DSB/M/54.

(ii) *Measures affecting the importation of milk and the exportation of dairy products (WT/DSB/M/70, 71, 74)*

In March 1998⁹, the DSB had established a panel to examine this matter at the request of the United States. On the same date, the DSB had established a panel to examine the same matter at the request of New Zealand. Furthermore, the DSB agreed that a single panel examine both complaints. In July 1999, Canada had notified the DSB of its decision to appeal certain issues of law and legal interpretations developed by the Panel.

At its meeting on 27 October and 3 November 1999, the DSB considered the Appellate Body Report contained in WT/DS103/AB/R – WT/DS113/AB/R and the Panel Report contained in WT/DS103/R – WT/DS113/R pertaining to the complaint by the United States and New Zealand.

The representatives of the United States, New Zealand, Canada and Australia spoke.

The DSB took note of the statements and adopted the Appellate Body Report contained in WT/DS103/AB/R – WT/DS113/AB/R and the Panel Report contained in WT/DS103/R – WT/DS113/R as modified by the Appellate Body Report.

At its meeting on 19 November 1999, the representative of Canada informed the DSB of his country's intentions in respect of implementation of the DSB's recommendations on this matter, pursuant to Article 21.3 of the DSU. He said that Canada would continue to consult with the United States and New Zealand on a reasonable period of time for implementation.

The representatives of Canada, United States and New Zealand spoke.

The DSB took note of the statements and of the information provided by Canada regarding its intentions in respect of implementation of the DSB's recommendations.

At the DSB meeting on 27 January 2000, the representative of Canada informed the DSB that his country had reached an agreement with New Zealand and the United States on a reasonable period of time for implementation of the DSB's recommendations.

The representatives of Canada, New Zealand and the United States spoke.

The DSB took note of the statements.

(iii) *Measures affecting the export of civilian aircraft (WT/DSB/M/71, 72)*

At the DSB meeting on 19 November 1999, the representative of Brazil made a statement concerning the implementation by Canada of the DSB's recommendations on this matter (WT/DS70).

The representatives of Brazil and Canada spoke.

The DSB took note of the statements.

At its meeting on 9 December 1999, the DSB considered a request by Brazil under Article 21.5 of the DSU to examine Canada's implementation of the DSB's recommendations on this matter (WT/DS70/9).

The representatives of Brazil, Canada and India spoke.

⁹ WT/DSB/M/44.

The DSB took note of the statements and agreed to refer to the original Panel, pursuant to Article 21.5 of the DSU, the matter raised by Brazil in document WT/DS70/9. It was agreed that the Panel would have standard terms of reference.

The representatives of the European Communities and the United States reserved their third-party rights to participate in the Panel's proceedings.¹⁰

(iv) *Measures affecting the export of civilian aircraft – Recourse by Brazil to Article 21.5 of the DSU (WT/DSB/M/87)*

At its meeting on 4 August 2000, the DSB considered the Appellate Body Report contained in WT/DS70/AB/RW and the Panel Report contained in WT/DS70/RW reconvened in accordance with Article 21.5 of the DSU to examine Canada's implementation with the DSB's recommendations on this matter.

The representatives of Canada, Brazil and the European Communities spoke.

The DSB took note of the statements and adopted the Appellate Body Report in WT/DS70/AB/RW and the Panel Report in WT/DS70/RW as modified by the Appellate Body Report.

(v) *Patent protection of pharmaceutical products (WT/DSB/M/78, 79, 91)*

In February 1999¹¹, the DSB had established a panel to examine the complaint by the European Communities and their member States with regard to certain aspects of Canada's patent laws and regulations.

At its meeting on 7 April 2000, the DSB considered the Panel Report contained in WT/DS114/R pertaining to the complaint by the European Communities and their member States.

The representatives of Canada, European Communities, Switzerland, India and Malaysia spoke.

The DSB took note of the statements and adopted the Panel Report contained in WT/DS114/R.

At its meeting on 25 April 2000, the representative of Canada informed the DSB of his country's intentions in respect of implementation of the DSB's recommendations, pursuant to Article 21.3 of the DSU. She said that Canada would require a reasonable period of time in order to comply with the DSB's recommendations.

The representatives of Canada and the European Communities spoke.

The DSB took note of the statements and of the information provided by Canada regarding its intentions in respect of implementation of the DSB's recommendations.

At the DSB meeting on 23 October 2000, the representative of Canada provided information regarding his country's implementation of the DSB's recommendations on this matter.

The DSB took note of the statement.

¹⁰ After the meeting Australia reserved its third-party rights to participate in the Panel's proceedings.

¹¹ WT/DSB/M/54.

(vi) *Term of patent protection (WT/DSB/M/90, 91)*

In September 1999¹², the DSB had established a panel to examine the complaint by the United States with regard to the grant of patent terms in Canada. In June 2000, Canada had notified the DSB of its decision to appeal certain issues of law and legal interpretations developed by the Panel.

At its meeting on 12 October 2000, the DSB considered the Appellate Body Report in WT/DS170/AB/R and the Panel Report in WT/DS170/R, pertaining to the complaint by the United States.

The representatives of Canada, United States and Argentina spoke.

The DSB took note of the statements and adopted the Appellate Body Report contained in WT/DS170/AB/R and the Panel Report contained in WT/DS170/R as upheld by the Appellate Body Report.

At the DSB meeting on 23 October 2000, the representative of Canada informed the DSB of his country's intentions in respect of implementation of the DSB's recommendations, pursuant to Article 21.3 of the DSU. He said that Canada would require a reasonable period of time for implementation.

The representatives of Canada and the United States spoke.

The DSB took note of the statements and of the information provided by Canada regarding its intentions in respect of implementation of the DSB's recommendations.

(e) Chile

(i) *Taxes on alcoholic beverages (WT/DSB/M/73,75)*

In March 1998¹³, the DSB had established a Panel to examine the complaint by the European Communities with regard to Chile's tax regime on alcoholic beverages. In September 1999, Chile had notified the DSB of its decision to appeal certain issues of law and legal interpretations developed by the Panel.

At its meeting on 12 January 2000, the DSB considered the Appellate Body Report contained in WT/DS87/AB/R – WT/DS110/AB/R and the Panel Report contained in WT/DS87/R – WT/DS110/R pertaining to the complaint by the European Communities.

The representatives of the European Communities, Chile and the United States spoke.

The DSB took note of the statements and adopted the Appellate Body Report contained in WT/DS87/AB/R – WT/DS110/AB/R and the Panel Report contained in WT/DS87/R – WT/DS110/R as modified by the Appellate Body Report.

At the DSB meeting on 11 February 2000, the representative of Chile informed the DSB of his country's intentions in respect of implementation of the DSB's recommendations on this matter, pursuant to Article 21.3 of the DSU. He said that Chile would need a reasonable period of time for implementation.

¹² WT/DSB/M/68.

¹³ WT/DSB/M/44.

The representatives of Chile, European Communities and the United States spoke.

The DSB took note of the statements and of the information provided by Chile regarding its intentions in respect of implementation of the DSB's recommendations.

(ii) *Measures affecting the transit and importation of swordfish (WT/DSB/M/92)*

At its meeting on 17 November 2000, the DSB considered a request by the European Communities for the establishment of a panel to examine its complaint with regard to Chile's measures affecting the transit and importation of swordfish (WT/DS193/2).

The representatives of the European Communities and Chile spoke.

The DSB took note of the statements and agreed to revert to this matter.

(f) Colombia

(i) *Safeguard measure on imports of plain polyester filaments from Thailand (WT/DSB/M/70)*

At the DSB meeting on 27 October and 3 November 1999, Thailand sought confirmation from Colombia as to whether its safeguard measure had expired. Following Colombia's confirmation that the measure had expired and that it would not be extended, Thailand requested a withdrawal of the panel request (WT/DS181/1).

The representatives of Thailand, Colombia and the Chairman spoke.

The DSB took note of the statements and agreed that Thailand's request for a panel be withdrawn from the agenda.

(g) European Communities

(i) *Anti-dumping duties on imports of cotton-type bed linen from India (WT/DSB/M/70)*

At its meeting on 27 October and 3 November 1999, the DSB considered a request by India for the establishment of a panel to examine its complaint with regard to the EC anti-dumping duties imposed on imports of cotton-type bed linen from India (WT/DS141/3).

The representatives of India and the European Communities spoke.

The DSB took note of the statements and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference.

The representatives of Egypt, Japan and the United States reserved their third-party rights to participate in the Panel's proceedings.

(ii) *Regime for the importation, sale and distribution of bananas (WT/DSB/M/71, 78, 80)*

At its meeting on 19 November 1999, the DSB considered a request by Ecuador under Article 22.2 of the DSU for authorization to suspend the application to the EC and its member States of tariff concessions or other related obligations under the GATT 1994, TRIPS Agreement and the GATS (WT/DS27/52).

The representatives of Ecuador, European Communities, Honduras, Guatemala, Saint Lucia, Panama, Jamaica, Côte d'Ivoire and Malaysia spoke.

The DSB took note of the statements and agreed that the matter be referred to arbitration in accordance with Article 22.6 of the DSU.

At the DSB meeting on 7 April 2000, the representative of Ecuador made a statement regarding his country's position on the result of the arbitration contained in WT/DS27/ARB/ECU, which had been requested by the EC in response to Ecuador's request for suspension of concessions in relation to the banana case.

The representatives of Ecuador, European Communities, Guatemala, Honduras, Saint Lucia, United States and Panama spoke.

The DSB took note of the statements.

At its meeting on 18 May 2000, the DSB considered Ecuador's request under Article 22.7 of the DSU (WT/DS27/54) for authorization from the DSB to suspend the application to the EC and its member States of tariff concessions or other related obligations under the TRIPS Agreement, GATS and the GATT 1994.

The representatives of Ecuador and the European Communities spoke.

The DSB took note of the statements and pursuant to Ecuador's request under Article 22.7 of the DSU, as revised in the light of the Arbitrators' decision, agreed to grant authorization to suspend the application to the EC and its member States of tariff concessions or other related obligations consistent with the Arbitrators' decision contained in document WT/DS27/ARB/ECU.

(h) Guatemala

(i) *Definitive anti-dumping measures on grey Portland cement from Mexico (WT/DSB/M/92)*

In September 1999¹⁴, the DSB had established a panel to examine the complaint by Mexico with regard to Guatemala's definitive anti-dumping measures on grey Portland cement from Mexico.

At its meeting on 17 November 2000, the DSB considered the Panel Report contained in WT/DS156/R pertaining to the complaint by Mexico.

The representatives of Mexico and Guatemala spoke.

The DSB took note of the statements and adopted the Panel Report contained in WT/DS156/R.

(i) India

(i) *Measures affecting trade and investment in the motor vehicle sector (WT/DSB/M/84, 86)*

At its meeting on 19 June 2000, the DSB considered a request by the United States for the establishment of a panel to examine India's measures affecting trade and investment in the motor vehicle sector (WT/DS175/4).

¹⁴ WT/DSB/M/68.

The representatives of the United States, India, Philippines and Cuba spoke.

The DSB took note of the statements and agreed to revert to this matter.

At its meeting on 27 July 2000, the DSB again considered this matter.

The representatives of the United States, India, Malaysia, Cuba and the Philippines spoke.

The DSB took note of the statements and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference.

The representatives of the European Communities and Korea reserved their third-party rights to participate in the Panel's proceedings.¹⁵

(ii) *Measures affecting export of certain commodities (WT/DSB/M/91)*

At its meeting on 23 October 2000, the DSB considered a request by the European Communities for the establishment of a panel to examine India's measures affecting export of certain commodities (WT/DS120/2).

The representatives of the European Communities and India spoke.

The DSB took note of the statements and agreed to revert to this matter.

(iii) *Measures affecting the automotive sector (WTDSB/M/91, 92)*

At its meeting on 23 October 2000, the DSB considered a request by the European Communities for the establishment of a panel to examine India's measures affecting the automotive sector (WT/DS146/4).

The representatives of the European Communities, India, Pakistan and the Philippines spoke.

The DSB took note of the statements and agreed to revert to this matter.

At its meeting on 17 November 2000, the DSB again considered this matter.

The representatives of the European Communities, India and the United States spoke.

The DSB took note of the statements and, in accordance with Article 9.1 of the DSU, agreed that the Panel established on 27 July 2000 to examine the complaint by the United States in document WT/DS175/4 should also examine the complaint by the European Communities in document WT/DS146/4, provided that the rights which the parties to the dispute would have enjoyed had separate panels examined the complaints are in no way impaired. It was agreed that the Panel would have standard terms of reference referring to both of the relevant documents. As the composition of the Panel in the parallel case between India and the United States was presently in the hands of the Director-General, pursuant to Article 8.7 of the DSU, it was also agreed that the EC would be included in the consultations on this matter. The Chairman recalled that Japan and Korea had reserved their third-party rights to participate in the Panel established to examine the complaint by the United States. Japan indicated that it wished to reserve its third-party rights to participate in the Panel established at the present meeting.

¹⁵ After the meeting Japan reserved its third-party rights to participate in the Panel's proceedings.

(j) Korea

(i) *Definitive safeguard measure on imports of certain dairy products (WT/DSB/M/73, 75)*

In July 1998¹⁶, the DSB had agreed to establish a Panel to examine the complaint by the European Communities with regard to a definitive safeguard measure imposed by Korea on imports of certain dairy products. In September 1999, Korea had notified the DSB of its decision to appeal certain issues of law and legal interpretations developed by the Panel.

At its meeting on 12 January 2000, the DSB considered the Appellate Body Report contained in WT/DS98/AB/R and the Panel Report contained in WT/DS98/R and Corr.1 pertaining to the complaint by the European Communities.

The representatives of the European Communities and Korea spoke.

The DSB took note of the statements and adopted the Appellate Body Report in WT/DS98/AB/R and the Panel Report in WT/DS98/R and Corr.1 as modified by the Appellate Body Report.

At the DSB meeting on 11 February 2000, the representative of Korea informed the DSB of his country's intentions in respect of implementation of the DSB's recommendations on this matter, pursuant to Article 21.3 of the DSU.

The representatives of Korea, European Communities and Ecuador spoke.

The DSB took note of the statements and of the information provided by Korea regarding its intentions in respect of implementation of the DSB's recommendations.

(ii) *Measures affecting government procurement (WT/DSB/M/84)*

In June 1999¹⁷, the DSB had agreed to establish a panel to examine the complaint by the United States with regard to Korea's measures affecting government procurement.

At its meeting on 19 June 2000, the DSB considered the Panel Report contained in WT/DS163/R pertaining to the complaint by the United States.

The representatives of Korea, United States, Philippines, India and Hong Kong, China and the Chairman spoke.

The DSB took note of the statements and adopted the Panel Report contained in WT/DS163/R; it being noted that the adoption was being agreed only by the parties to the Plurilateral Trade Agreement at issue in this case.

¹⁶ WT/DSB/M/47.

¹⁷ WT/DSB/M/64.

(k) Mexico

(i) *Anti-dumping investigation of high-fructose corn syrup (HFCS) from the United States (WT/DSB/M/76, 77, 89, 91)*

In November 1998¹⁸, the DSB had established a panel to examine the complaint by the United States with regard to Mexico's anti-dumping investigation of high-fructose corn syrup from the United States.

At its meeting on 24 February 2000, the DSB considered the Panel Report contained in WT/DS132/R and Corr.1 pertaining to the complaint by the United States.

The representatives of the United States, Mexico and Turkey spoke.

The DSB took note of the statements and adopted the Panel Report contained in WT/DS132/R and Corr.1.

At the DSB meeting on 20 March 2000, the representative of Mexico informed the DSB of his country's intentions in respect of implementation of the DSB's recommendations on this matter, pursuant to Article 21.3 of the DSU. He said that his country would require a reasonable period of time in order to comply with the DSB's recommendations.

The representatives of Mexico and the United States spoke.

The DSB took note of the statements and of the information provided by Mexico regarding its intentions in respect of implementation of the DSB's recommendations.

At the DSB meeting on 26 September 2000, the representative of the United States sought information from Mexico on the status of its implementation in this case.

The representatives of the United States and Mexico spoke.

The DSB took note of the statements.

At its meeting on 23 October 2000, the DSB considered a request by the United States under Article 21.5 of the DSU to examine Mexico's implementation of the DSB's recommendations on this matter (WT/DS132/6).

The representatives of the United States and Mexico spoke.

The DSB took note of the statements and agreed, pursuant to Article 21.5 of the DSU, to refer to the original Panel the matter raised by the United States in document WT/DS132/6. It was agreed that the Panel would have standard terms of reference.

The representatives of the European Communities and Mauritius reserved their third-party rights to participate in the Panel's proceedings.¹⁹

¹⁸ WT/DSB/M/51.

¹⁹ After the meeting Jamaica reserved its third-party rights to participate in the Panel's proceedings.

(l) Nicaragua

(i) *Measures affecting imports from Honduras and Colombia (WT/DSB/M/78, 80)*

At its meeting on 7 April 2000, the DSB considered a request from Colombia for the establishment of a panel to examine its complaint with regard to Nicaragua's measures affecting imports from Honduras and Colombia (WT/DS188/2 and Corr.1).

The representatives of Colombia, Nicaragua and Honduras spoke.

The DSB took note of the statements and agreed to revert to his matter.

At its meeting on 18 May 2000, the DSB again considered this matter.

The representatives of Colombia, Nicaragua, United States, Japan, Canada, Honduras, European Communities and the Chairman spoke.

The DSB took note of the statements and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU. With regard to the terms of reference, the DSB authorized the Chairman to draw up the terms of reference of the panel in consultation with the parties to the dispute subject to the provisions of Article 7.1 of the DSU.

The representatives of Canada, Costa Rica, European Communities and Honduras reserved their third-party rights to participate in the Panel's proceedings.

(m) Philippines

(i) *Measures affecting trade and investment in the motor vehicle sector (WT/DSB/M/91, 92)*

At its meeting on 23 October 2000, the DSB considered a request by the United States for the establishment of a panel to examine the Philippines' measures affecting trade and investment in the motor vehicle sector (WT/DS195/3).

The representatives of the United States, Philippines, Japan, Malaysia, Argentina, Pakistan, Mexico, Indonesia and Mauritius spoke.

The DSB took note of the statements and agreed to revert to this matter.

At its meeting on 17 November 2000, the DSB again considered this matter.

The representatives of the United States, Philippines, Thailand, India, Pakistan, Argentina, Saint Lucia, Brazil, Malaysia, Japan, Colombia, Venezuela, Chile, Singapore, Indonesia, Jamaica, Ecuador, European Communities, Hungary and Hong Kong, China and the Chairman spoke.

The DSB took note of the statements and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference.

The representatives of India and Japan reserved their third-party rights to participate in the Panel's proceedings.

(n) Thailand

(i) *Anti-dumping duties on angles, shapes and sections of iron or non-alloy steel and H-beams from Poland (WT/DSB/M/70, 71)*

At its meeting on 27 October and 3 November 1999, the DSB considered a request by Poland for the establishment of a panel to examine its complaint with regard to an anti-dumping investigation initiated by Thailand concerning imports of angles, shapes and sections of iron or non-alloy steel and H-beams from Poland (WT/DS122/2).

The representatives of Poland and Thailand spoke.

The DSB took note of the statements and agreed to revert to this matter.

At its meeting on 19 November 1999, the DSB again considered this matter.

The representatives of Poland and Thailand spoke.

The DSB took note of the statements and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference.

The representatives of the European Communities, Japan and the United States reserved their third-party rights to participate in the Panel's proceedings.

(o) Turkey

(i) *Restrictions on imports of textile and clothing products (WT/DSB/M/71)*

In March 1998²⁰, the DSB had established a panel to examine the complaint by India with regard to Turkey's restrictions on imports of a broad range of textile and clothing products. In July 1999, Turkey had notified the DSB of its decision to appeal certain issues of law and legal interpretations developed by the Panel.

At its meeting on 19 November 1999, the DSB considered the Appellate Body Report contained in WT/DS34/AB/R and the Panel Report contained in WT/DS34/R pertaining to the complaint by India.

The representatives of India, Turkey, Australia and Hong Kong, China spoke.

The DSB took note of the statements and adopted the Appellate Body Report contained in WT/DS34/AB/R and the Panel Report contained in WT/DS34/R as modified by the Appellate Body Report.

(p) United States

(i) *Anti-Dumping Act of 1916 (WT/DSB/M/89, 91)*

In February 1999²¹, the DSB had established a panel to examine the complaint by the EC with respect to the US Anti-Dumping Act of 1916. In July 1999²², the DSB had established a panel to

²⁰ WT/DSB/M/43 and Corr.1.

²¹ WT/DSB/M/54.

²² WT/DSB/M/65.

examine the complaint by Japan on the same matter. In May 2000, the United States had notified the DSB of its decision to appeal certain issues of law and legal interpretations developed by the Panels.

At its meeting on 26 September 2000, the DSB considered the Appellate Body Report contained in WT/DS136/AB/R – WT/DS162/AB/R and the Panel Reports contained in WT/DS136/R and WT/DS162/R pertaining to the complaints by the EC and Japan. The Chairman drew attention to the communication from Mexico in WT/DS162/8 containing its concerns about the way in which the Panel Report pertaining to the complaint by Japan (WT/DS162/R) had been handled.

The representatives of the European Communities, Japan, United States, Mexico, India, Australia and Hong Kong, China and the Chairman spoke.

The DSB took note of the statements and adopted the Appellate Body Report contained in WT/DS136/AB/R – WT/DS162/AB/R and the Panel Reports contained in WT/DS136/R and WT/DS162/R as upheld by the Appellate Body Report.

At the DSB meeting on 23 October 2000, the representative of the United States informed the DSB of her country's intentions in respect of implementation of the DSB's recommendations on this matter, pursuant to Article 21.3 of the DSU. She said that the United States would require a reasonable period of time for implementation.

The representatives of the United States, Japan and the European Communities spoke.

The DSB took note of the statements and of the information provided by the United States regarding its intentions in respect of implementation of the DSB's recommendations.

(ii) *Anti-dumping duty on dynamic random access memory semiconductors (DRAMs) of one megabit or above from Korea (WT/DSB/M/76, 79)*

At its meeting on 24 February 2000, the representative of Korea made a statement concerning the implementation by the United States of the DSB's recommendations on this matter (WT/DS99).

The representatives of Korea and the United States spoke.

The DSB took note of the statements.

At its meeting on 25 April 2000, the DSB considered a request from Korea under Article 21.5 of the DSU to reconvene the original Panel to examine the US implementation of the DSB's recommendations on this matter (WT/DS99/8).

The representatives of Korea and the United States spoke.

The DSB took note of the statements and agreed to refer to the original Panel, pursuant to Article 21.5 of the DSU, the matter raised by Korea in document WT/DS99/8.

The European Communities reserved its third-party rights to participate in the Panel's proceedings.

(iii) *Anti-dumping measures on certain hot-rolled steel products from Japan (WT/DSB/M/76, 77)*

At its meeting on 24 February 2000, the DSB considered a request by Japan for the establishment of a panel to examine its complaint with regard to the US anti-dumping measures on certain hot-rolled steel products from Japan (WT/DS184/2).

The representatives of Japan and the United States spoke.

The DSB took note of the statements and agreed to revert to this matter.

At its meeting on 20 March 2000, the DSB again considered this matter.

The representatives of Japan, United States and Brazil spoke.

The DSB took note of the statements and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference.

The representatives of Canada, Chile, European Communities and Korea reserved their third-party rights to participate in the Panel's proceedings.²³

(iv) *Anti-dumping measures on stainless steel plate in coils and stainless steel sheet and strip from Korea (WT/DSB/M/70, 71, 79)*

At its meeting on 27 October and 3 November 1999, the DSB considered a request by Korea for the establishment of a panel to examine its complaint with regard to US definitive anti-dumping duties on stainless steel plate in coils and stainless steel sheet and strip from Korea (WT/DS179/2).

The representatives of Korea and the United States spoke.

The DSB took note of the statements and agreed to revert to this matter.

At its meeting on 19 November 1999, the DSB again considered this matter.

The representatives of Korea and the United States spoke.

The DSB took note of the statements and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference.

The representatives of the European Communities and Japan reserved their third-party rights to participate in the Panel's proceedings.

(v) *Definitive safeguard measures on imports of circular welded carbon quality line pipe from Korea (WT/DSB/M/89, 91)*

At its meeting on 26 September 2000, the DSB considered a request by Korea for the establishment of a panel to examine US definitive safeguard measures on imports of circular welded carbon quality line pipe from Korea (WT/DS202/4).

The representatives of Korea and the United States spoke.

The DSB took note of the statements and agreed to revert to this matter.

At its meeting on 23 October 2000, the DSB again considered this matter.

The representatives of Korea, United States and the European Communities spoke.

²³ After the meeting Brazil reserved its third-party rights to participate in the Panel's proceedings.

The DSB took note of the statements and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference.

The representatives of the European Communities, Canada, Japan and Mexico reserved their third-party rights to participate in the Panel's proceedings.²⁴

(vi) *Import prohibition of certain shrimp and shrimp products (WT/DSB/M/91)*

At its meeting on 23 October 2000, the DSB considered a request by Malaysia under Article 21.5 of the DSU to examine the US implementation of the DSB's recommendations on this matter (WT/DS58/17).

The representatives of Malaysia, United States, Thailand, India and Australia spoke.

The DSB took note of the statements and agreed, pursuant to Article 21.5 of the DSU, to refer to the original Panel the matter raised by Malaysia in document WT/DS58/17. It was agreed that the Panel would have standard terms of reference.

The representatives of Canada, Ecuador, India, Japan, Mexico, Thailand and Hong Kong, China reserved their third-party rights to participate in the Panel's proceedings.²⁵

(vii) *Imposition of countervailing duties on certain hot-rolled lead and bismuth carbon steel products originating in the United Kingdom (WT/DSB/M/83, 85 and Corr.1)*

In February 1999²⁶, the DSB had established a panel to examine the complaint by the EC with regard to the US countervailing duties on certain hot-rolled lead and bismuth carbon steel products originating in the United Kingdom. In January 2000, the EC had notified the DSB of its decision to appeal certain issues of law and legal interpretations developed by the Panel.

At its meeting on 7 June 2000, the DSB considered the Appellate Body Report contained in WT/DS138/AB/R and the Panel Report contained in WT/DS138/R pertaining to the complaint by the European Communities.

The representatives of the European Communities, United States, Mexico, Canada, Japan, Argentina, Hungary, India, Philippines, Brazil, Malaysia, Pakistan, Ecuador, Australia, Thailand and Hong Kong, China and the Chairman spoke.

The DSB took note of the statements and adopted the Appellate Body Report contained in WT/DS138/AB/R and the Panel Report contained in WT/DS138/R as upheld by the Appellate Body Report.

At the DSB meeting on 5 July 2000, the representative of the United States informed the DSB of her country's implementation of the DSB's recommendations in this case.

The representatives of the United States, European Communities and Brazil spoke.

The DSB took note of the statements and of the information provided by the United States with respect of implementation of the DSB's recommendations.

²⁴ After the meeting Australia reserved its third-party rights to participate in the Panel's proceedings.

²⁵ After the meeting Australia, European Communities and Pakistan reserved their third-party rights to participate in the Panel's proceedings.

²⁶ WT/DSB/M/55 and Corr.1.

(viii) *Measures treating export restraints as subsidies (WT/DSB/M/87, 88)*

At its meeting on 4 August 2000, the DSB considered a request by Canada for the establishment of a panel to examine its complaint with regard to the United States' measures treating an export restraint of a product as a subsidy to producers of other products made, using or incorporating the restricted product if the domestic price of that product was affected by the restraint (WT/DS194/2).

The representatives of Canada and the United States spoke.

The DSB took note of the statements and agreed to revert to this matter.

At its meeting on 11 September 2000, the DSB again considered this matter.

The representatives of Canada and the United States spoke.

The DSB took note of the statements and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference.

The representatives of Australia, European Communities and India reserved their third-party rights to participate in the Panel's proceedings.

(ix) *Safeguard measure on imports of lamb meat from New Zealand and Australia (WT/DSB/M/70, 71)*

At its meeting on 27 October and 3 November 1999, the DSB considered a request by New Zealand (WT/DS177/4) and Australia (WT/DS178/5) to examine their complaints with regard to safeguard measures imposed by the United States on imports of lamb meat.

The representatives of New Zealand, Australia, United States and the Chairman spoke.

The DSB took note of the statements and agreed to revert to this matter.

At its meeting on 19 November 1999, the DSB again considered this matter.

The representatives of New Zealand, Australia and the United States spoke.

The DSB took note of the statements and agreed to establish a single panel pursuant to Article 9 of the DSU, with standard terms of reference.

The representatives of Canada, European Communities, Iceland, and Japan reserved their third-party rights to participate in the Panel's proceedings. Australia reserved its third-party rights in respect of New Zealand's complaint. New Zealand reserved its third-party rights in respect of Australia's complaint.

(x) *Section 110(5) of the US Copyright Act (WT/DSB/M/86, 88)*

In May 1999²⁷, the DSB had established a panel to examine the complaint by the EC with regard to Section 110(5) of the US Copyright Act.

²⁷ WT/DSB/M/62.

At its meeting on 27 July 2000, the DSB considered the Panel Report contained in WT/DS160/R pertaining to the complaint by the European Communities.

The representatives of the European Communities, United States, Philippines, Australia, Switzerland, India, Mexico, Malaysia and Hong Kong, China and the Chairman spoke.

The DSB took note of the statements and adopted the Panel Report contained in WT/DS160/R.

At the DSB meeting on 11 September 2000, the representative of the United States informed the DSB of her country's intentions with regard to implementation of the DSB's recommendations on this matter. She said that the United States would need a reasonable period of time for implementation.

The representatives of the United States, European Communities and Australia spoke.

The DSB took note of the statements and of the information provided by the United States regarding its intentions in respect of implementation of the DSB's recommendations. The DSB also noted that the question of a reasonable period of time would be a matter for further consideration by the parties under Article 21.3(b) of the DSU.

(xi) *Section 211 Omnibus Appropriations Act of 1998 (WT/DSB/M/86, 89)*

At its meeting on 27 July 2000, the DSB considered a request by the European Communities and their member States for the establishment of a panel to examine their complaint in relation to US Section 211 Omnibus Appropriations Act of 1998 (WT/DS176/2).

The representatives of the European Communities, United States and Cuba spoke.

The DSB took note of the statements and agreed to revert to this matter.

At its meeting on 26 September 2000, the DSB again considered this matter.

The representatives of the European Communities, United States and Cuba spoke.

The DSB took note of the statements and agreed to establish a panel in accordance with Article 6 of the DSU, with standard terms of reference.

The representatives of Japan and Nicaragua reserved their third-party rights to participate in the Panel's proceedings.²⁸

(xii) *Sections 301-310 of the Trade Act of 1974 (WT/DSB/M/74)*

In March 1999²⁹, the DSB had established a panel to examine the complaint by the European Communities with regard to Section 301-310 of the US Trade Act of 1974.

At its meeting on 27 January 2000, the DSB considered the Panel Report contained in WT/DS152/R pertaining to the complaint by the European Communities.

²⁸ After the meeting Canada reserved its third-party rights to participate in the Panel's proceedings.

²⁹ WT/DSB/M/56.

The representatives of the United States, European Communities, Japan, Brazil, Korea, Costa Rica, Cuba, Thailand, Saint Lucia, Norway, Canada, Poland (on behalf of CEFTA Members and Estonia and Latvia), Dominican Republic, Jamaica, India, Australia, Argentina, Egypt, Guatemala and Hong Kong, China spoke.

The DSB took note of the statements and adopted the Panel Report contained in WT/DS152/R.

(xiii) *Tax treatment for "Foreign Sales Corporations" (WT/DSB/M/77, 78, 90, 92)*

In September 1998³⁰, the DSB had established a panel to examine the complaint by the European Communities with regard to US tax treatment for "Foreign Sales Corporations". In November 1999, the United States had notified the DSB of its decision to appeal certain issues of law and legal interpretations developed by the Panel.

At its meeting on 20 March 2000, the DSB considered the Appellate Body Report contained in WT/DS108/AB/R and the Panel Report contained in WT/DS108/R pertaining to the complaint by the European Communities.

The representatives of the European Communities, United States, Canada and Australia spoke.

The DSB took note of the statements and adopted the Appellate Body Report in WT/DS108/AB/R and the Panel Report in WT/DS108/R as modified by the Appellate Body Report.

At the DSB meeting on 7 April 2000, the representative of the United States informed the DSB of her country's intentions in respect of implementation of the DSB's recommendations on this matter.

The representatives of the United States and the European Communities spoke.

The DSB took note of the statements and of the information provided by the United States regarding its intentions in respect of implementation of the DSB's recommendations.

At the DSB meeting on 12 October 2000, the representative of the United States requested the DSB to modify the time-period for compliance (1 October 2000) in the FSC dispute so as to expire on 1 November 2000.

The representatives of the United States, European Communities, Japan and the Chairman spoke.

The DSB took note of the statements and, given that there was no opposition to the US request, acceded to the request of the United States, as formulated in its letter of 29 September 2000 and circulated in document WT/DS108/11.

At the DSB meeting on 17 November 2000, the United States announced that on 15 November 2000, the US President had signed into law H.R. 4986, the FSC Repeal and Extraterritorial Income Exclusion Act of 2000. The United States considered that with the enactment of this legislation, it had implemented the DSB's recommendations in the FSC case. The EC stated that the new legislation did not bring the United States into compliance with the DSB's recommendations and that it would enter into Article 21.5 consultations with the United States on this

³⁰ WT/DSB/M/48.

matter. In order to protect its rights, the EC requested a special meeting of the DSB on 28 November 2000 to seek authorization to take appropriate countermeasures and to suspend concessions in accordance with Article 4.10 of the SCM Agreement and Article 22.2 of the DSU.

The representatives of the United States and the European Communities spoke.

The DSB took note of the statements.

(xiv) *Transitional safeguard measure on combed cotton yarn from Pakistan (WT/DSB/M/80, 84)*

At its meeting on 18 May 2000, the DSB considered a request by Pakistan for the establishment of a panel to examine the US transitional safeguard measure on combed cotton yarn from Pakistan (WT/DS192/1).

The representatives of Pakistan and the United States spoke.

The DSB took note of the statements and agreed to revert to this matter.

At its meeting on 19 June 2000, the DSB again considered this matter.

The representatives of Pakistan and the United States spoke.

The DSB took note of the statements and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference.

The representatives of the European Communities and India reserved their third-party rights to participate in the Panel's proceedings.

10. Surveillance of implementation of recommendations adopted by the DSB

Matters considered by the DSB under this item are included on the agenda pursuant to Article 21.6 of the DSU which provides that: "Unless the DSB decides otherwise, the issue of implementation of the recommendations or rulings shall be placed on the agenda of the DSB meeting after six months following the date of establishment of the reasonable time-period pursuant to paragraph 3 and shall remain on the DSB's agenda until the issue is resolved. At least 10 days prior to each such DSB meeting, the Member concerned shall provide the DSB with a status report in writing of its progress in the implementation of the recommendations or rulings."

(a) Canada

(i) *Measures affecting the importation of milk and the exportation of dairy products (WT/DSBM/84, 86, 89, 91, 92)*

At its meeting on 19 June 2000, the DSB considered the status report by Canada on its progress in the implementation of the DSB's recommendations on this matter (WT/DS103/12 – WT/DS113/12).

The representatives of Canada, United States and New Zealand spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 27 July 2000, the DSB considered the status report by Canada on its progress in the implementation of the DSB's recommendations on this matter (WT/DS103/12/Add.1 – WT/DS113/12/Add.1).

The representatives of Canada, New Zealand and the United States spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 26 September 2000, the DSB considered the status report by Canada on its progress in the implementation of the DSB's recommendations on this matter (WT/DS103/12/Add.2 – WT/DS113/12/Add.2).

The representatives of Canada, New Zealand and the United States spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 23 October 2000, the DSB considered the status report by Canada on its progress in the implementation of the DSB's recommendations on this matter (WT/DS103/12/Add.3 – WT/DS113/12/Add.3).

The representatives of Canada, New Zealand and the United States spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 17 November 2000, the DSB considered the status report by Canada on its progress in the implementation of the DSB's recommendations on this matter (WT/DS103/12/Add.4 – WT/DS113/12/Add.4).

The representatives of Canada, New Zealand and the United States spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

(b) European Communities

(i) *Regime for the importation, sale and distribution of bananas (WT/DSB/M/70, 71, 74, 76, 77, 78, 80, 84, 86, 89, 91, 92)*

At its meeting on 27 October and 3 November 1999, the DSB considered the status report by the EC contained in WT/DS27/51/Add.2.

The representatives of the European Communities, Ecuador, United States, Mexico, Honduras, Guatemala, Colombia and Panama spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 19 November 1999, the DSB considered the status report by the EC on its progress in the implementation of the DSB's recommendations on this matter (WT/DS27/51/Add.3).

The representatives of the European Communities, United States, Guatemala, Honduras, Colombia, Panama, Ecuador, Costa Rica, Mexico, Jamaica, Saint Lucia and Colombia spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 27 January 2000, the DSB considered the status report by the EC on its progress in the implementation of the DSB's recommendations on this matter (WT/DS27/51/Add.4).

The representatives of the European Communities, Costa Rica, Guatemala, Ecuador, Panama, Honduras, Mexico and the United States spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 24 February 2000, the DSB considered the status report by the EC on its progress in the implementation of the DSB's recommendations on this matter (WT/DS27/51/Add.5).

The representatives of the European Communities, Colombia, Guatemala, Honduras, Ecuador, Panama, Costa Rica, United States and Mexico spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 20 March 2000, the DSB considered the status report by the EC on its progress in the implementation of the DSB's recommendations on this matter (WT/DS27/51/Add.6).

The representatives of the European Communities, Panama, Guatemala, Honduras, Saint Lucia (on behalf of Dominica and Saint Vincent and the Grenadines), United States and Ecuador spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 7 April 2000, the DSB considered the status report by the EC on its progress in the implementation of the DSB's recommendations on this matter (WT/DS27/51/Add.7).

The representatives of the European Communities, Ecuador, Panama, Guatemala, Honduras, United States, Mexico and Saint Lucia spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 18 May 2000, the DSB considered the status report by the EC on its progress in the implementation of the DSB's recommendations on this matter (WT/DS27/15/Add.8).

The representatives of the European Communities, Ecuador, Panama, Honduras, United States, Colombia, Guatemala, Mexico and Saint Lucia spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 19 June 2000, the DSB considered the status report by the EC on its progress in the implementation of the DSB's recommendations on this matter (WT/DS27/51/Add.9).

The representatives of the European Communities, Ecuador, Panama, Honduras, Guatemala, United States, Saint Lucia and Mexico spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 27 July 2000, the DSB considered the status report by the EC on its progress in the implementation of the DSB's recommendations on this matter (WT/DS27/51/Add.10).

The representatives of the European Communities, Ecuador, Honduras, Guatemala, Jamaica, Mexico, Panama, Saint Lucia, United States and Colombia spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 26 September 2000, the DSB considered the status report by the EC on its progress in the implementation of the DSB's recommendations on this matter (WT/DS27/51/Add.11).

The representatives of the European Communities, Ecuador, Honduras, Guatemala, Panama, United States, Mexico and Saint Lucia spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on the 23 October 2000, the DSB considered the status report by the EC on its progress in the implementation of the DSB's recommendations on this matter (WT/DS27/51/Add.12).

The representatives of the European Communities, Honduras, Panama, Ecuador, Jamaica, Costa Rica, United States, Guatemala, Mexico, Dominica, Colombia, Saint Lucia, Mauritius and Suriname spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 17 November 2000, the DSB considered the status report by the EC on its progress in the implementation of the DSB's recommendations on this matter (WT/DS27/51/Add.13).

The representatives of the European Communities, Ecuador, Colombia, Honduras, Guatemala, Panama, Mexico, United States, Nicaragua and Saint Lucia spoke.

The DSB took note of the statement and agreed to revert to this matter at its next regular meeting.

(c) India

(i) *Quantitative restrictions on imports of agricultural, textile and industrial products (WT/DSB/M/86, 89, 91, 92)*

At its meeting on 27 July 2000, the DSB considered the status report by India on its progress in the implementation of the DSB's recommendations on this matter (WT/DS90/16).

The representatives of India and the United States spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 26 September 2000, the DSB considered the status report by India on its progress in the implementation of the DSB's recommendations on this matter (WT/DS90/16/Add.1).

The representatives of India and the United States spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 23 October 2000, the DSB considered the status report by India on its progress in the implementation of the DSB's recommendations on this matter (WT/DS90/16/Add.2).

The representatives of India and the United States spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 17 November 2000, the DSB considered the status report by India on its progress in the implementation of the DSB's recommendations on this matter (WT/DS90/16/Add.3).

The representatives of India and the United States spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

(d) Japan

(i) *Measures affecting agricultural products (WT/DSB/M/74, 76, 77, 78, 80, 84, 86, 89, 91, 92)*

At its DSB meeting on 27 January 2000, the DSB considered the status report by Japan on its progress in the implementation of the DSB's recommendations on this matter (WT/DS76/11).

The representatives of Japan, United States, Hungary, Australia and Brazil spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 24 February 2000, the DSB considered the status report by Japan on its progress in the implementation of the DSB's recommendations on this matter (WT/DS76/11/Add.1).

The representatives of Japan, United States and Australia spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 20 March 2000, the DSB considered the status report by Japan on its progress in the implementation of the DSB's recommendations on this matter (WT/DS76/11/Add.2).

The representatives of Japan, United States and Australia spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 7 April 2000, the DSB considered the status report by Japan on its progress in the implementation of the DSB's recommendations on this matter (WT/DS76/11/Add.3).

The representatives of Japan, United States and Brazil spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 18 May 2000, the DSB considered the status report by Japan on its progress in the implementation of the DSB's recommendations on this matter (WT/DS76/11/Add.4).

The representatives of Japan and the United States spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 19 June 2000, the DSB considered the status report by Japan on its progress in the implementation of the DSB's recommendations on this matter (WT/DS76/11/Add.5).

The representatives of Japan and the United States spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 27 July 2000, the DSB considered the status report by Japan on its progress in the implementation of the DSB's recommendations on this matter (WT/DS76/11/Add.6).

The representatives of Japan and the United States spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 26 September 2000, the DSB considered the status report by Japan on its progress in the implementation of the DSB's recommendations on this matter (WT/DS76/11/Add.7).

The representatives of Japan, United States, European Communities and Australia spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 23 October 2000, the DSB considered the status report by Japan on its progress in the implementation of the DSB's recommendations on this matter (WT/DS76/11/Add.8).

The representatives of Japan, United States, European Communities and Australia spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 17 November 2000, the DSB considered the status report by Japan on its progress in the implementation of the DSB's recommendations on this matter (WT/DS76/11/Add.9).

The representatives of Japan, United States, European Communities and Hungary spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

(e) Korea

(i) *Definitive safeguard measure on imports of certain dairy products (WT/DSBM/89)*

At its meeting on 26 September 2000, the DSB considered the status report by Korea on its progress in the implementation of the DSB's recommendations on this matter (WT/DS98/12).

The representatives of Korea and the European Communities spoke.

The DSB took note of the statements.

(ii) *Taxes on alcoholic beverages (WT/DSB/M/74)*

At its meeting on 27 January 2000, the DSB considered the status report by Korea on its progress in the implementation of the DSB's recommendations on this matter (WT/DS75/18 – WT/DS84/16).

The representatives of Korea, European Communities and Mexico spoke

The DSB took note of the statements.

(f) Turkey

(i) *Restrictions on imports of textile and clothing products (WT/DSB/M/86, 89, 91, 92)*

At its meeting on 27 July 2000, the DSB considered the status report by Turkey on its progress in the implementation of the DSB's recommendations on this matter (WT/DS34/12).

The representatives of Turkey, India and Australia spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 26 September 2000, the DSB considered the status report by Turkey on its progress in the implementation of the DSB's recommendations on this matter (WT/DS34/12/Add.1).

The representatives of Turkey and India spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 23 October 2000, the DSB considered the status report by Turkey on its progress in the implementation of the DSB's recommendations on this matter (WT/DS34/12/Add.2).

The representatives of Turkey and India spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 17 November 2000, the DSB considered the status report by Turkey on its progress in the implementation of the DSB's recommendations on this matter (WT/DS34/12/Add.3).

The representatives of Turkey and India spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

(g) United States

(i) *Anti-dumping duty on dynamic random access memory semiconductors (DRAMs) of one megabit or above from Korea (WT/DSB/M/74)*

At its meeting on 27 January 2000, the DSB considered the status report by the United States on its progress in the implementation of the DSB's recommendations on this matter (WT/DS99/6).

The representatives of the United States and Korea spoke.

The DSB took note of the statements.

(ii) *Import prohibition of certain shrimp and shrimp products (WT/DSB/M/70, 71, 74)*

At its meeting on 27 October and 3 November 1999, the DSB considered the status report by the United States on its progress in the implementation of the DSB's recommendations on this matter (WT/DS58/15/Add.2).

The representatives of the United States, Malaysia, Thailand, India and Australia spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 19 November 1999, the DSB considered the status report by the United States on its progress in the implementation of the DSB's recommendations on this matter (WT/DS58/15/Add.3).

The representatives of the United States, Malaysia, Australia, India, European Communities and Ecuador spoke.

The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

At its meeting on 27 January 2000, the DSB considered the status report by the United States on its progress in the implementation of the DSB's recommendations on this matter (WT/DS58/15/Add.4).

The representatives of the United States, Malaysia, India, European Communities and Australia spoke.

The DSB took note of the statements.

11. Other matters

- (a) United States – Measures affecting textiles and apparel products (WT/DSB/M/70)

At the DSB meeting on 27 October and 3 November 1999, the representative of India expressed concern about the lack of notification with regard to a settlement reached by the US and the EC in relation to the dispute on US measures affecting textiles and apparel products (WT/DS151).

The representatives of India, United States, European Communities, Dominican Republic, Honduras and Hong Kong, China spoke.

The DSB took note of the statements.

- (b) Indonesia – Certain measures affecting the automobile industry (WT/DSB/M/71, 77)

At the DSB meeting on 19 November 1999, the representative of the EC made a statement concerning Indonesia's implementation of the DSB's recommendations in this case (WT/DS54).

The DSB took note of the statement.

At the DSB meeting on 20 March 2000, the representative of the EC made a statement concerning Indonesia's implementation of the DSB's recommendations in this case.

The representatives of the European Communities and Indonesia spoke.

The DSB took note of the statements.

- (c) Withdrawal of an appeal under Rule 30 of the Working Procedures for Appellate Review (WT/DSB/M/72)

At the DSB meeting on 9 December 1999, the representative of India expressed concern about the US withdrawal of its appeal pursuant to Rule 30 of the Working Procedures for Appellate Review in the case on United States – Tax treatment for "Foreign Sales Corporations" (WT/DS108).

The representatives of India and the United States spoke.

The DSB took note of the statements.

- (d) Questions addressed by delegations to the Chairman of the DSB upon the adoption of the Reports of the Appellate Body and the Panel on "United States – Imposition of Countervailing Duties on Certain Hot-Rolled Lead and Bismuth Carbon Steel Products Originating in the United Kingdom" at the DSB meeting on 7 June 2000 (WT/DSB/M/84)

At the DSB meeting on 19 June 2000, the Chairman made a statement regarding this matter. The statement was subsequently circulated in document WT/DSB/W/137.

The DSB took note of the statement.

- (e) Third-party participation in GATT Article XXII consultations in relation to the case on "United States – Section 306 of the Trade Act of 1974 and Amendments Thereto" (WT/DSB/M/86)

At the DSB meeting on 27 July 2000, the representative of Japan raised some systemic concerns regarding the US refusal of his country's request, under Article 4.11 of the DSU, to be joined in GATT Article XXII consultations requested by the EC on US Section 306 of the Trade Act of 1974 and amendments thereto (WT/DS200/1).

The representatives of Japan, Saint Lucia, Australia, Jamaica, European Communities, Ecuador, United States, Philippines and Hong Kong, China and the Chairman spoke.

The DSB took note of the statements.

- (f) Information provided by the EC with regard to the agreed procedures in the follow-up to the Foreign Sales Corporations (FSC) dispute (WT/DSB/M/90)

At the DSB meeting on 12 October 2000, the representative of the EC provided information regarding the understanding reached by the EC and the United States on the procedures in the follow-up to the FSC dispute (WT/DS108/12).

The representatives of the European Communities, India and Japan spoke.

The DSB took note of the statements.

- (g) Special meeting of the General Council on 22 November 2000 to discuss the communication from the Appellate Body to the Chairman of the DSB on "European Communities – Measures Affecting Asbestos and Asbestos – Containing Products" (WT/DSB/M/92)

At the DSB meeting on 17 November 2000, the Chairman put forward a few personal reflections to enable delegations to prepare for the special meeting of the General Council convened in order to discuss the communication from the Appellate Body contained in WT/DS135/9.

The representatives of Canada, Brazil, Zimbabwe, India, Saint Lucia, Australia, United States, European Communities, the Chairman of the General Council and the DSB Chairman spoke.

The DSB took note of the statements.

- (h) Consultations requested by Brazil with the European Communities on its measures affecting soluble coffee (WT/DSB/M/92)

At the DSB meeting on 17 November 2000, Colombia, speaking on behalf of the Andean Community and the Central American countries, expressed concern that Brazil had requested consultations with the EC on its measures affecting soluble coffee (WT/DS209/1) pursuant to Article XXIII of GATT 1994, thereby preventing other countries having an interest in this matter to be joined in those consultations.

The representatives of Colombia, Brazil and Saint Lucia spoke.

The DSB took note of the statements.
